

Office of the Onondaga County Legislature

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COUNTY FACILITIES COMMITTEE MINUTES
ROBERT S. DeMORE, CHAIRMAN
December 7, 2009

MEMBERS PRESENT: Mr. Lesniak, Mr. Stanczyk, Mr. Jordan
MEMBERS ABSENT: Mrs. Rapp, Mr. Masterpole, Mrs. Winslow
ALSO PRESENT: and see attached list (*Attachment 1*)

Chairman DeMore called the meeting to order at 9:03 a.m. *A motion was made by Mr. Lesniak, seconded by Mr. Jordan to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

1. PARKS: Mr. William Lansley, Commissioner

a. Accepting a Gift of Property from Lawrence Caruso Located in the Town of Spafford, to be used as Park Land

Mr. Lansley said there are two separate parcels that are contiguous to property already owned by the County. Mr. Caruso will grant the County a 40 foot right-of-way (an existing road) so that the County can access the property. Mr. Lesniak asked when the existing County owned property was last logged. Mr. Lansley said 1999.

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

2. TRANSPORTATION: Mr. Brian Donnelly, Commissioner

a. Amending the 2009 County Budget to Appropriate Revenue Received from the Auction of Island Road Millings for the 2010 Paving Program (\$28,100)

Asking to dedicate revenue received in 2009 to the 2010 Paving Program. Mr. Donnelly explained that County DOT did a major mill and fill project on Island Road in Cicero and ended up with 6,500 tons of millings. They had more than they could possibly stockpile and auctioned it off through Purchasing Department's auction website for \$28,000 (about \$4.32 a ton). In answer to Mr. Jordan, Mr. Donnelly explained that the County uses millings for shoulder backup and driveway aprons.

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

b. Amending Resolution No. 113-2006 by Increasing the Authorization to Pay in the First Instance 100% of the Federal Aid Eligible Costs by \$80,000 for the Design (Scoping I-VI) and Right-of-Way Incidentals of Factory Avenue at LeMoyne Avenue Intersection Safety Improvement, PIN 375388 (\$80,000)

To authorized payment in the first instance of an additional \$100,000 in design. They will be constructing dedicated left hand turn lanes on both Factory Ave and Lemoyne Avenue, installing a traffic signal, doing some work on a bridge going over Ley Creek and improving drainage. Costs are 80% Federal, 20% Local. They have received State and Federal authorization to go back to Rt. 11. Mr. Donnelly noted that they had to do a Phase 2 environmental assessment because Phase 1 showed low levels of PCP and

petroleum products. The material will have to be removed and taken to an authorized landfill. They \$20,000 in County funds is already in the Workplan, because they had originally anticipated a higher design cost.

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

3. FACILITIES MANAGEMENT: Mr. Brian Lynch, Commissioner

a. Authorizing an Agreement with the City for the Use of the City Fuel Facility

Mr. Lynch advised that the City fuel facility on Midler Avenue would be used for County vehicles connected to County departments located downtown, it would be more efficient than going to one of the outlying County facilities. There is an administrative fee of 6 cents per gallon (price they have paid for the past 7 years), contract is for three years. The total amount that they pay in administrative fee on average per year is \$5,100, they purchase on average 92,000 – 95,000 gallons per year.

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

b. INFORMATIONAL – Energy Efficiency and Conservation Block Grant Study – Mr. Lee Klosowski

Mr. Lynch noted that Onondaga County was one of the first ten counties in the country to receive an Energy Efficiency and Conservation Block Grant (EECBG), large part of that was due to Mr. Klosowski having the diligence, knowledge and wherewithal to speed up the application process. They have also realized substantial natural gas and electricity savings due to bid procedures that were changed by Mr. Klosowski, and they are currently seeking NYSERDA grants. Mr. Klosowski reviewed the Onondaga County Energy Efficiency and Conservation Block Grant Strategy Summary handout (*Attachment 2*) and a handout showing the breakdown of how the \$2,459,000 block grant would be spent (*Attachment 3*).

Referring to how the block grant would be spent, Mr. Klosowski said the last piece under the countywide benefit is a revolving loan fund. The block grant allows them to use up to 20% for financial assistance. Mr. Klosowski informed the committee that late last week they were approached by Central New York Regional Planning Board (CNYRPB). The CNYRPB is putting together a much larger proposal for another block grant through the Department of Environment (DOE) that is available on a competitive basis. One criterion is a match of DOE funds (5 to 1). The Board is looking to capture DOE funds, NYSERDA funds, National Grid funds and has approached the County to kick in \$450,000 – program would cover 3,500 residential and over 1,000 businesses. Ms Smiley advised that the program would essentially leverage \$54 million. Mr. Lynch said for every \$100 of County money that would be given to CNYRPB, the commercial side would receive \$4,900 additional dollars.

Mr. Stanczyk asked about the timelines for the grants. Mr. Lynch said the County grant was submitted in November, should hear after the first of the year. Ms. Smiley said they would hear in April concerning the CNYRPB grant.

Mr. DeMore asked who would be in charge of the loans that would be part of the County EECBG grant. Ms. Smiley said they have explored a couple of possibilities – a small business group, possibly Community Development, want a mechanism that is already in place.

Mr. Lesniak asked about NYSERDA grants ending after the first of the year. Mr. Klosowski said NYSERDA has individual grants that have expiration dates, but there are different programs that are ongoing. Mr. Lynch said they have project opportunity notices that come out from NYSERDA to individual projects and some have expiration dates.

Mr. Stanczyk asked about chilled water meters and information regarding what the County pays for energy and maintenance at the Erie Canal Museum. Mr. Lynch said state-of-the-art chilled water meters have been installed in the downtown complex and they will have data starting with the next chilled water season that starts April 1, 2010. **Ms. Smiley said an update regarding how much the County subsidizes to the Erie Canal Museum was sent to Mr. DeMore, she will supply it to Mr. Stanczyk.**

Respectfully submitted,

Johanna H. Robb
Deputy Clerk

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
CASEY E. JORDAN, CHAIRMAN
December 7, 2009

MEMBERS PRESENT: Mr. Rhinehart, Mr. DeMore, Mr. Lesniak, Mr. Stott, Mr. Laguzza, Ms. Williams
ALSO PRESENT: Mr. Meyer and see attached list (*Attachment 1*)

Chairman Jordan called the meeting to order at 10:37 a.m. ***A motion was made by Mr. Lesniak, seconded by Mr. DeMore to waive the reading of the minutes and approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.***

1. ONCENTER:

a. Confirming Appointments/Reappointments to the OnCenter Board of Directors

To confirm appointments: Jack W. Cushman and Wendy K. Bodnar and Reappointments: Stefano Cambareri and Douglas R. Snavey. Mr. Rhinehart asked how many are on the board. Ms. Stanczyk will supply the information.

A motion was made by Mr. Rhinehart, seconded by Mr. DeMore to approve this item. A vote was taken; Ayes: 6, Abstentions: 1 (Laguzza); MOTION CARRIED.

2. ECONOMIC DEVELOPMENT: Mr. Kim Hall, Management Analyst

a. A Local Law Designating a Regionally Significant Project within the Onondaga County Empire Zone (Tessy Plastics Corporation)

Mr. Hall noted that Tessy Plastics has expanded five times in the last six years; they are putting the entire campus in the Empire Zone at this time. The expansion will be 90,000 sq. ft.; the company will be manufacturing a toiletry package for a well known brand that is currently being manufactured in North Carolina. The company projects 50 new jobs, capital investment will be \$11 million.

In answer to Mr. Rhinehart, Mr. Hall said the Town of Elbridge is very supportive of this company; jobs have great benefits and pay well. Mr. Rhinehart asked if they are on public water. Ms. Costa said "yes".

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

b. A Resolution in Support of Upstate Regional Blueprint Funding for Empire Tissue Company, LLC, in Onondaga County

Mr. Hall noted that there is a competitive grant process through the State, one way of getting support is through letters from the community, additional points are given for having a resolution passed supporting the project. Mr. Lesniak asked if the Town of Geddes would be giving a letter of support. Mr. Hall said they haven't asked the town at this point, the town is in support of this project. In answer to Mr. Rhinehart, Mr. Hall said the company would be purchasing the site from Honeywell, there will be some Brownfield remediation, company will be eligible for Brownfield money.

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

3. Amending Resolution No. 242 - 2009 Regarding the Approval of an Alternative Allocation of Payments in Lieu of Taxes for the Van Buren Hotel and Water Park Project Pursuant to General Municipal Law §858(15)

Mr. Jordan recalled that the Legislature approved an Alternative Allocation of Payments in Lieu of Taxes for the Water Park Project in November 2008; pursuant to that resolution, the financing was to be in place by December 31, 2009. Albany hasn't acted upon their application yet, which is a precondition to getting the financing in place. This Resolution is to change the deadline to obtain financing to December 31, 2010.

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

In answer to Mr. Rhinehart, Mr. Wright said his goal is May 1st to get the financing in place.

Mr. Laguzza noted that the economy was better when the presentation was made last year. Mr. Wright said he is personally putting more money up front – about \$2 million; banks used to give loans at 80%/20%, it is now 60%/40%.

Mr. Stott supports this project; it will bring more jobs and money to the area.

Mr. Jordan said this company has already constructed hotels in the towns of DeWitt and Cicero, and they have invested thousands of dollars into getting the project to the stage it is at, project is attractive, we need additional jobs in the area, and delays have been beyond the control of the developer.

Mr. Laguzza asked about the delay in Albany. Mr. Wright said the two applications take between three and six months each to process, their first application was approved.

A vote was taken on this item; Ayes: 5 DeMore, Lesniak, Stott, Rhinehart, Jordan, Abstentions: 2 (Laguzza, Williams); MOTION CARRIED.

4. Requesting the Onondaga County Commissioner of Aging and Youth, the County Director of Planning and the County Director of Community Development to Work with Local Municipalities in Onondaga County to make Affordable Senior Citizen Housing a Priority and a Reality in Onondaga County (Sponsored by Mr. Stott)

Mr. Stott noted that when he was a town councilman, they passed a PILOT agreement for a company to build senior housing, the board reversed that agreement. Mr. Stott said whether it is subsidize or non-subsidized housing, there is as need for this. There is a need to have affordable places to live when assessments and school taxes are out of control. Mr. Stott noted from 2000 to 2015 the County projects a 19% increase in those 60 to 84 years of age and over 66% increase for those 85 and over.

Mr. Jordan said there is a growing need and demand for senior housing; it will get worse as our population continues to age, but by requesting the Commissioner of Aging and Youth, Director of Planning and Director of Community Development to work with local planning officials in making it priority to encourage senior housing development, he doesn't want to imply that it is not already happening.

Mr. Rhinehart said he could not support the resolution with the language in the final whereas clause requesting the county departments to work with local planning officials to help bypass issues of local concern – there might be zoning, planning, water or sewage issues.

Mr. Jordan suggested saying "work with local planning officials to help address issues of local concern". Mr. Stott asked Ms. Tarolli to change the language.

A motion was made by Mr. Stott, seconded by Mr. Laguzza to approve this item as amended; Ayes: 6, Abstention: 1 (Lesniak); MOTION CARRIED.

The meeting was adjourned at 11:07 a.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – DECEMBER 9, 2009

JAMES A. CORBETT, CHAIRMAN

MEMBERS PRESENT: Mr. Jordan, Mr. Masterpole, Mrs. Winslow, Mr. Rhinehart

MEMBERS ABSENT: Ms. Williams, Mr. Rupprecht

ALSO PRESENT: see attached list

A motion was made by Mr. Rhinehart, seconded by Mr. Masterpole, to waive the reading and approve the minutes of proceedings of the previous committee. MOTION CARRIED.

1. LAKE IMPROVEMENT: Patty Pastella, Commissioner

a. ACJ Update

Chairman Corbett said the printing of the book is due tomorrow. Ms. Pastella said that the reports will be sent in the mail.

- Completed CSO 051 – South Ave/Colvin St.; considered a success; done in one construction season

- Issued notice to proceed for Harbor Brook Interceptor Sewer Replacement project--J.J. Lane; scheduled to be completed in 2 years, but have stated that they plan to complete in one year

Mr. Rhinehart asked if the County will realize any savings from it being done in one year; Ms. Pastella said that no other savings, other than the bid of \$12.2 million (the estimate was \$20 million) will be realized. Chairman Corbett said that the lower bid likely has something to do with the completion in one season. In answer to Mr. Rhinehart, Ms. Pastella confirmed that J.J. Lane was the contractor for 051.

- ACJ stipulation filed and signed 11/16/09; preparing RFPs, finalizing designs for projects that need to be constructed in accordance with ACJ
- Rain barrel project – issued RFP for purchasing them
- Green Initiative Education and Outreach - increased efforts -- i.e. billboards
- Public/Private Partnership - proceeding

Chairman Corbett said that he was contacted by a company that wanted to be included in the RFP for rain barrels, and forwarded the information to WEP. He asked if they could be included, as they are located out of state. Ms. Pastella said that in-state is not a requirement. Mr. Masterpole asked if there are any local companies that are involved in rain barrels. Ms. Pastella did not know of any company locally that manufactures them, but there may be some that sell them.

Chairman Corbett asked when the monies from Army Corp of Engineer for CSO 051 and 047 will be received. Mr. Corburn explained that since the money was accepted, the contract with the Corp will have to be amended. Ms. Pastella said that the money is a continuation of previous Army Corp money that has been received. It is not paying for all of 051; it is paying for a portion.

Ms. Winslow referred to the \$12 million bid for the project, instead of a budgeted \$20 million; and asked what happens to the money that was budgeted up front. Ms. Pastella explained that \$20 million was estimated; there is a \$10 million grant and a \$10 million low interest loan from EFC and stimulus. At this time, since the construction hasn't started, they have been advised by EFC to not do anything with it. They could add to the project and do more work and take full advantage of the grant. EFC has advised the County to wait; to make sure it does not fall short—that there aren't any unforeseen expenses that could lead to a big change order. Mrs. Winslow asked what happens if all goes according to plan and there is money left. Ms. Pastella said it would be just under \$8 million - \$4 million of grant; \$4 million of low interest loan. Ms. Smiley said that they could go back to them and say that the County wants to use the money for additional green infrastructure, and used less county dollars.

2. WEP:

a. Amending the 2010 County Budget to Provide for Ongoing County Participation in Honeywell and Onondaga Lake Remediation Issues (\$430,000)

Mr. Coburn said that this is roll over contingency funds into the 2010 budget.

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

Originally this account had \$500,000 in it; last August \$70,000 was released; and want to roll over \$470,000. There are some important issues on the table – EPA cost recovery issue – about \$12 million with 14 or 15 other responsible parties; EPA has asked a handful of potentially responsible parties to perform a remedial investigation on lower Ley Creek from LeMoyné Ave. down to Onondaga Lake. It could cost several thousand - \$1 million. There is a balance of \$35,000 encumbered funds in the existing contract. After the 1st of the year he will ask that additional funds be released to do additional work.

Passed unanimously; MOTION CARRIED.

b. Amending Resolution No. 155 – 2009 to Increase the 2008 Industrial Wastewater Surcharge

(see attachment #1)

Ms. Pastella said that overall this is an upward adjustment of \$26,891.

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

Mr. Rhinehart asked how this happened. Ms. Pastella explained that this was an error on how the surcharge was calculated. Software programs calculate the surcharge; and by human error, they chose 2007's flow data from the industries. A company called and stated that their flow was exactly the same as the year before, which is basically impossible, and then the department looked into. Chairman Corbett said that this will be time spent recalculating and informing all of the users. Ms. Pastella said that they have called the users, informed them of the problem, and told them not to pay until they get their revised bill. Mr. Rhinehart asked if it will be fixed so that it won't happen again. Ms. Pastella said that the fix is to have another person double check; the program is fine. It will be broken down with different people responsible for different industries. Overall the surcharge was calculated by one person. Going forward each person will check their industries, which will provide another layer of checking.

Mr. Masterpole said that the person that put the memo together explaining this issue was eliminated. Ms. Pastella agreed, but noted that it was not that person's responsibility to do the calculations.

Mr. Jordan asked for further explanation on under billed amounts and refunds listed. Ms. Pastella said that the spread sheet is based on the incorrect surcharge; the refund for the incorrect surcharge can be disregarded.

A vote was taken on the motion; passed unanimously. MOTION CARRIED.

The meeting was adjourned at 10:23 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

SOCIAL SERVICES COMMITTEE MINUTES – December 8, 2009
CHAIRMAN SAM LAGUZZA

MEMBERS PRESENT: Mr. Holmquist, Mr. Lesniak, Mr. Kilmartin, Mr. Buckel, Mr. Stott

MEMBERS ABSENT: Mr. Rupprecht

ALSO PRESENT: Mr. Morgan, Ms. Rooney, Mr. Sutkowy, Mr. Barbas, Ms. Creatore, Ms. Lesniak, Mrs. Tarolli, Mr. Lynch

Chairman Laguzza called the meeting to order at 10:40 a.m.

A motion was made by Mr. Lesniak, seconded by Mr. Laguzza, to waive the reading and approve minutes of proceedings from the previous committee meeting. MOTION CARRIED.

1. **SOCIAL SERVICES:** David Sutkowy, Commissioner

a. **Amend '09 Budget to Accept and Make Available Additional Funds for the Dept. of Social Services for the Purpose of Modernizing and Refurbishing the 5th Floor of the County Office Building, and Authorize the County Executive to Enter into Contracts to Implement this Resolution (\$1,100,000).**

Mr. Sutkowy explained that under the Medicaid Program there is a variety of services offered. Administratively, in this county, Home Care - Community Services are currently operated under Long Term Care Department. These programs are currently operating out of S-1 Bldg. at Van Duyn. Two changes are planned:

1. Administrative change – transfer function of Home Care, Community Services Division, out of LTC and into Social Services. It will require a change in Administrative Code, which will be brought to the Legislature early in 2010.
2. Change in physical location of Community Services. Would like to move 25 staff from S-1 to the Civic Center, COB complex. Proposing to renovate 5th floor of COB; move Community Services there along with the Medicaid Eligibly Unit (currently on 8th floor-CC), which works closely with Community Services.

All costs related to renovations are 100% reimbursable through Medicaid.

Chairman Laguzza asked if the cost would be 100% reimbursable if S-1 was renovated. Mr. Morgan said the portion that is used for Medicaid purposes would be, but the building is much larger than just to housing Medicaid. Mr. Barbas said that it is roughly 30k sq. ft. Chairman Laguzza said that he had asked for comparables if Van Duyn were renovated and made more attractive down the road; a cost variance between renovating Van Duyn and/or the cost of renovating and bringing the staff down to the 5th floor COB. Mr. Barbas said that he can work on it, but the S-1 Building is in very poor shape; the roof was replaced 25 years ago and needs to be replaced again. The cost would be reimbursed on a pro-rated basis, not for the whole building. **Chairman Laguzza asked to be provided with an analysis on the cost to renovate Van Duyn and the prorated reimbursement.** Mr. Barbas said that the steam comes from the central plant and if the intent is to sell it, he feels air conditioning should be installed. Different decisions would be made to make it marketable down the road. **Chairman Laguzza asked to be provided with numbers to make it marketable as an asset and numbers to maintain it.** Mrs. Sprague questioned what it would be made marketable as. Chairman Laguzza said that he wants proof that it is not an asset. Mrs. Sprague said that the Berger Commission report recommends that the S-1 Bldg. be completely demolished and removed from the site. (attachment #1).

Mr. Lesniak asked if the transfer of function changes reimbursement. Mr. Sutkowy said "no."

Mr. Buckel said that in versions of the Health Insurance Reform bill there have been discussions about changing Home Health Care reimbursements and programs. He asked if this project would be enhancing a service that we are not sure will be part of the bill going forward. Mr. Sutkowy said that he did not have that detail. Mr. Buckel said that perhaps it should be held off a month until the bill is passed. Mrs. Sprague said that the policy at the upper levels is that they are encouraging home care vs. institutional placement. She doesn't believe that there will not be a need to have staff housed to continue those programs. The information she has seen relates more to the Medicare funding side of home care for the certified home health agencies, not specifically the Medicaid side of that. The programs are mandated and the County needs to do its best to keep people in the community. Regarding the building, about 20

years ago it was supposed to be a temporary house for Community Services—never meant to be a permanent site. She invited all committee members to come and look at the building, the exterior and interior is in very bad condition. A few years ago an interior pipe broke on the weekend, people were not aware of it and the water went through the floor that the staff is housed in, through the second floor, and caused a huge mold problem that had to be remediated. The building has not been maintained. As the walls crumble, the Van Duyn staff has put material up so that people can continue to use the bathrooms; there is no air conditioning; have to use bottle water, as sludge comes out of the faucets after a short period of time. She feels that it is a disservice to keep the staff in that building in the condition it is in.

Chairman Laguzza asked how many of the 25 staff there have parking rights. Mrs. Sprague said about 18 people do home visits; 7 staff the building. Mr. Laguzza asked if there has been discussion about parking accommodations for the staff when they come downtown. Mr. Morgan said that it hasn't been discussed; the contract in place is specific about parking. **Chairman Laguzza asked that the union be made aware that 7 people will be affected.**

Mr. Kilmartin said that the goal of the transition is to save capital dollars, move staff on campus, create savings on operational side for office space used by personnel, and 50% reimbursed by State, 50% reimburse by federal government for capital costs. Mr. Kilmartin asked if it will be a net \$0 to the County. Mr. Morgan said "yes". Mr. Kilmartin referred to the cost projection and the 2003 renovation of the 3rd floor COB. Mr. Barbas explained that they are real numbers from actual contracts and escalated to today's value; a fairly close estimate. The 3rd floor was identical to how the 5th floor is now. It was noted that the Day Care Unit is currently on the 5th floor and will be relocated. The floor will house 50 people. Some of the workers from the 8th floor will move there also.

Ms. Rooney explained that this whole project didn't come out of the blue because there was a roof issue. It started last spring when they took a look at all adult services. It was rapidly moved forward when Ms. Sprague receive the roof estimates.

Mr. Sutkowy said that they spend about \$9 million on purchase of services; virtually nothing is spent on services for adults and yet the 85+ population is the fastest growing age cohort in Onondaga County. Many of those individuals are aging in home in the suburbs or rural parts of the county. The population they typically work with is in the inner city; they are not in a position right now to respond as effectively as is needed both programmatically and financially for this growing population. More creative programming opportunities and endeavors are needed in order to respond to this population. They are working much more closely with the Dept. of Aging & Youth, Protective Services for Adults Program, and neighborhood advisors. The next step is bringing Home Care Adult Protective Services, Medicaid Chronic Care, into more of a coordinated comprehensive unit or service package. Onondaga County can do a lot better job reaching out and providing good service to all of its citizens when people are brought together.

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

Mr. Buckel asked if a budget is submitted to Medicaid in advance for these projects; he doesn't want to get stung if locked into a submitted budget. Mr. Morgan indicated that a budget is not submitted; it is a cost based reimbursement, if the cost is higher than the estimate, it is OK.

Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 11:06 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

WAYS AND MEANS COMMITTEE MINUTES – DECEMBER 11, 2009 CHAIRMAN JAMES M. RHINEHART

MEMBERS PRESENT: Mr. Holmquist, Mr. Kilmartin, Mr. DeMore, Mrs. Rapp, Mr. Corbett, Mr. Kinne,
Mr. Stanczyk

ALSO PRESENT: *see attached list*

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

1. SOCIAL SERVICES: David Sutkowy, Commissioner

a. **Amend the '09 Budget to Accept and Make Available Additional Funds for the DSS for the Purpose of Modernizing and Refurbishing the 5th Floor of the County Office Building and**

Authorize the County Executive to Enter into Contracts (\$1,100,000)

Home Care is a service provided under Medicaid Program. In Onondaga County, the administration of it is in the Department of Long Term Care. The Community Services Division provides administrative oversight for Medicaid Home Care programs. Home Care services are run out of the S-1 Building at the Van Duyn campus; about 25 staff members. Two changes are being planned: 1. Administrative change – the Community Service Division to be moved from Long Term Care to Social Services. It will require a change to the Administrative Code, which will come to the legislature in January of February; 2. Physical location change – move from S-1 Bldg. at Van Duyn (in bad shape--needs a roof (\$600k); the plan is to move the staff to the 5th floor COB. The space would be renovated and moved there along with another Medicaid program, which is currently in the Civic Center. The cost of the renovation is reimbursable through Medicaid; the local cost is \$0.

Mr. Warner asked what affect the new health care plan will have on this; Mr. Sutkowy said that he didn't think that it would have any.

In answer to Mrs. Rapp, Mr. Barbas said that eventually S-1 would be demolished. Recently Van Duyn had a master plan done; SSCA evaluated S-1 and felt it was beyond repair and recommended demolition. It is not needed in the Van Duyn master plan. It would be taken down and the parking extended.

A motion was made by Mr. Warner, seconded by Mrs. Rapp to approve this item.

Mr. Kinne asked where the people coming downtown will park and who is paying for it. Mr. Sutkowy said that pursuant to the contract between CSEA and Onondaga County, parking for field staff will be reimbursed. Of the 25 employees, 18 are field workers. The County pays \$50/month.

Mr. Kinne pointed out that the County continues to pay for parking without a master plan; it has been discussed for two years. He wants the Executive side to look at it, come up with a master plan; show why it isn't more cost effective to pay for this in a different way. There should be some way to help employees, taxpayers, and the downtown area with a parking solution. Chairman Rhinehart noted that the County spends \$200,000-\$300,000 on employee parking and now more will be added to it. A comprehensive solution needs to be found.

Mr. Stanczyk asked how the costs are being paid for at S-1 now, i.e. maintenance, rent, utilities, etc., and what will be the cost when they move to the COB. Mr. Morgan said that there is Medicaid reimbursement for the contract cost; when they moved downtown, the cost associated with the operation would still be claimed the same way. The MLR for the space will be calculated and charged to Social Services, and that function will be claimed appropriately. Right now utilities and maintenance is \$145,000 yearly at S-1; does not know what it will cost on the 5th floor COB once renovated. In answer to Mr. Stanczyk, Mr. Morgan said that it will be an accepted, allowable cost for doing the program. Mr. Stanczyk asked about the cost of the demolition of the S-1 building; Mr. Morgan said that it wouldn't be covered. Mr. Barbas said that it will cost about \$800,000.

Mr. Stanczyk asked if there is a cost benefit analysis of taking the function from Van Duyn and moving it to Social Services programmatically. Mr. Sutkowy said that the Exec Office, DSS, Aging & Youth, LTC, have been talking for months together. The demographics of Onondaga County is changing; population is getting older; the fastest growing age cohort is the elderly; especially those over 85. A lot of the growth is in the suburbs and rural areas. The County is not in the position to address the needs of the population outside of the central city. Mr. Stanczyk said that this is taking people that work in the suburbs and putting them in the city. Mr. Sutkowy said that in looking at purchase of services, 99% of what is purchased is in relation to child welfare--a small amount of money is spent for adult protective services or services to the older population. The answer is not to spend more money for services; but to do things differently--try to become as efficient as possible, use existing resources more efficiently to expand the reach. Adult Protective Services, DSS, is located the 5th floor Civic Center. It works closely with Home Care, a Medicaid Chronic Care Unit that determines eligibility for individuals applying for Medicaid requiring home care services (8th floor Civic Center). The plan would be to move them to the 5th floor of the Civic Center because Chronic Care and LTC work really closely together. In the long term, various economies of scale will allow him to use staff more creatively and more fluently between the programs; then he can serve more adult elderly population with the existing staff. He will not come to the Legislature, and the State will not be in support of massive increases in financial assistance to support a growing infrastructure in these different populations. He will have to figure out different ways to do it administratively. Mr. Stanczyk said

that in terms of delivery of services; it might be more beneficial to have the employees out of downtown and into the different areas. He is a proponent of branch libraries; there should be more of a relationship with the branch libraries where they become community outpost areas – put contact people in different areas. He doesn't know if it is the most efficient thing to move to downtown. Mr. Sutkowy said that the population they are working with is not a walk-in population; it is a service area where people are calling in, or calls are received on their behalf from others. There might be some economies of scale with having a central dispatch. If they did want to keep staff in the community; the S-1 Bldg. doesn't sound like the place they want.

Mrs. Rapp referred to DSS losing people starting January 1st and asked if there is an opportunity to bring some of them back in to help mitigate that loss; do some job sharing. Mr. Sutkowy said that he doesn't have it worked out yet; there are some things being done with Adult Protective, Dept. of Aging and Youth, and the Neighborhood Advisory Program. There is a lot more sharing of information of cases to meet mandates and expand the reach.

Mr. Kilmartin asked for an historical on the parking and payment of parking for employees. Mrs. Walters said that there is negotiated language in the CSEA contract that provides parking reimbursement for certain employees – primarily in the field basis; they have to work more than 50% of the time in field. It is audited on a regular basis. Mr. Morgan said that those that were eligible for parking were moved to the Hotel Syracuse garage, the contract saves roughly \$10 per spot.

Mr. Kinne said that in 2007 \$345k was spent on parking, a new contract was obtained and the cost lowered, now this cost is \$250k for parking. If the County looks around and checks with other governments to see how money can be saved. Mr. Kilmartin said that it was once suggested that other properties that the County owns be looked at; have a central hub for people go in and park and see if it is a cost efficient--run a bus to downtown to drop employees off; possibly have quadrants in the county. Chairman Rhinehart said that the main issue with these employees is that they are in and out all day; they need to have close parking where they can get in and out of the office – they are working on the road and out of their cars.

Mr. Corbett referred to the projected cost for renovating the entire the floor, and asked if it will be done internally or put out to bid. Mr. Barbas said it would be bid; the County doesn't do asbestos abatement, and there is quite a bid of work involved.

In answer to Mrs. Rapp, Mr. Morgan said that Medicaid reimburses the parking.

A vote was taken on the motion. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Stanczyk). MOTION CARRIED.

2. HEALTH: Linda Karmen, Deputy Commissioner

a. **Amend 2009 Budget to Accept American Recovery and Reinvestment Act of 2009 Funding for the Immunization Program and Authorizing the County Executive to Execute Agreements (\$72,935)**

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

3. MENTAL HEALTH: Robert Long, Commissioner

a. **2009 Transfer of Funds from Acct. 101 Reg. Employee Salaries in the Amount of \$244,374 and Acct. 300 Supplies & Matls. in the amount of \$20,328 to Acct. 534 Hospitalization to Cover Costs Associated with Court-Ordered Hospitalization (\$264,702)**

This is to offset cost of hospitalization; it was budgeted at \$650k this year and the projection is \$1.1 million. The main difference in the cost is the number of people hospitalized and the length of stay, which is up substantially. \$412/day/person is paid for hospitalization. Last year's average length of stay was 45 days; this year's average is 72 days. It is driven by how ill the person is, responsiveness to treatment, and how aggressive the State hospital is in treating and returning them to the jail or correctional facility.

Chairman Rhinehart questioned why there is \$244k in 101 account. Mr. Long said that it is due to austerity measures—a number of positions were frozen and not filled. One position remains frozen for next year; the others will be filled. Salary savings is increased for next year, so additional steps will have to be taken to try to save money.

In answer to Mr. Warner, Mr. Long explained that this is for people while incarcerated in the Justice Center or correctional facility, and their mental illness requires hospitalization—essentially the criteria is a danger to themselves or others. Contracted psychiatrists make the decisions to provide services in the jail. They provide treatment in the jail and try to keep them from being hospitalized. He explained that the County pays 50% of the cost of hospitalization; the total cost of \$824/person/day is higher than what would be paid at a civil hospital, but it is also State operated and a secure facility.

Mr. Stanczyk said that with the transfer, there is still a shortfall of \$1.3 million. Mr. Long said that there are 3 ways that they intend to address that: 1. Estimate may not be accurate; 2. Some savings in other lines that could be applied at year end clean up; 3. If unable to cover it; then there will be an overage of expense that will have to be addressed. He noted that \$700k was budgeted for hospitalization; it is very difficult to project – depends on census in jail, number of mentally ill people in the jail and the severity, and how long the State hospital keeps each person. They are typically sent to CNY Psychiatric Center if mentally ill. If they are mentally retarded, they go to Sunmount Developmental Center. There are alternatives, all State operated, and the State decides where they go; the cost is the same no matter where they are sent.

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

4. FACILITIES MANAGEMENT: Manny Barbas, Deputy Commissioner

a. **Authorizing an Agreement with the City of Syracuse for the use of the City Fuel Facility**

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

5. TRANSPORTATION: Brian Donnelly, Commissioner

a. **Amending 2009 Budget to Appropriate Revenue Received From the Auction of Island Rd Millings for the 2010 Paving Program (\$28,100)**

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

b. **Amend Res. No. 113-2006 by increasing the authorization to pay in the first instance 100% of the federal aid eligible costs by \$80,000 for the design (Scoping I-VI) and right-of-way incidentals of Factory Avenue at LeMoyne Avenue Intersection Safety Improvement, PIN 375388 (\$80,000)**

A motion was made by Mr. Stanczyk, seconded by Mr. DeMoreto approve this item. Passed unanimously; CARRIED.

6. PARKS: Bill Lansley, Commissioner

a. **Accepting a Gift of Property from Lawrence Caruso Located in the Town of Spafford to be used as Park Land**

This is accepting approximately 56 acres of property to piece together some of the County property for existing Spafford Forest Park land. One section of property is currently landlocked. The Caruso property will connect to it; Mr. Caruso has agreed to give the County a 40' ROW to access all of the property from Bromley Road.

Chairman Rhinehart asked about parking; Mr. Lansley said there is a small, 2 car pull off. He hasn't discussed if the ROW will allow expansion of parking, there is one small creek that runs through there. If they needed to get in there, with the 40' ROW for logging, it might be developed by the loggers themselves.

Mr. Warner asked when the County is offered property, who looks at the property to make sure that the County isn't getting into something that it shouldn't. Mr. Lansley said that he has walked the property; has solicited the Law Dept, Fire, Health, DEC, the owner, and Parks staff to research the records to see if there is anything outstanding, and they have all come back clean.

Mr. Kinne questioned why the County wants this; why isn't it being donated to a large group that is dedicated to conserving public. Mr. Lansley said that in the grand plan that precedes him, these would be parceled together to have a Highland type forest. It has a much different terrain than Highland

Forest. There are some really steep hills that go down to a flat area. Where it has been logged, it is a 600' elevation over several hundred feet. All the land is recreational. Mr. Kinne questioned if it fits into the scheme of what the County Parks system is all about; he doesn't see the value of this. It could be given to the CNY Land Trust or Save Onondaga County. Mr. Kinne asked if the purpose is to log it later. Mr. Lansley said that logging could be looked at, and part of the budget is to have logging done at Highland Forest. This land is completely different than anything that is in County Parks right now. Right now the land is just being acquired for future use.

Mr. Warner said that all County properties are in a forest management plan, which sometimes brings in several hundred thousand dollars a year, he thinks some of the timber coming on is very valuable at this property and thinks the County should take it; Mr. DeMore agreed.

Mr. Stanczyk asked how the donation works. Mr. Lansley said that they just go through a closing; the taxes are all up to date, approximately \$2000/year for both parcels combined. Mr. Stanczyk was concerned if someone was hurt on the property, the County would be sued. There is concern about liability.

Mr. Corbett said that there are areas around here where there is gas drilling and hydraulic fracturing; there will be a law in NYS that will hopefully stop the horizontal drilling. He asked if there was intent to have any of this property drilled; Mr. Lansley said that is not the intent. Mr. Warner asked if it already has a contract on it.

Mr. Kilmartin referred to a similar discussion that took place when there was a proposal to acquire property near Beaver Lake. He stated that there is always the potential for liability. If someone is donating tens and tens of acres for free, that is immediately adjacent or very close to other property that the County has, in the real estate business you seize an opportunity when you can--especially if it is valuable and free. While there may not be an immediate use for it right now, it is nothing but an opportunity to use in the future -- whether for logging for revenue, parks for the future, ability to sell in the future. Mr. DeMore said that if nothing else, it will provide public access to property already owned by the County.

Mr. Kinne said that Mr. Kilmartin's analysis is off base -- at Beaver Lake the land was immediately next to the park and there is a plan for Beaver Lake. Today's proposal is for two parcels, separated by many parcels; there is no plan for it. There are organizations that could keep it natural and then maybe down the road look at having them give it back to us. Mr. Kilmartin said that by taking the land now, it provides the opportunity to transfer to another entity. If the County doesn't take the land now, they can't transfer to another entity.

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

Mr. Corbett said that in the last 9 months, a 5-story lodge was built with an indoor water park in an area down by Virgil, which resembles the Spafford area. There is nothing to say what would happen in 15 years down the road -- whatever the County can take now for free only enhances its ability to do whatever they need to do with it later vs. someone developing it later.

A vote was taken on the motion. AYES: 7; NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

7. SHERIFF: Captain Roy Graiten

a. **2009 Transfer Funds From Sheriff Custody Acct. 101 Reg. Employee Sal. to Sheriff Custody Acct. 102 Overtime Wages in the Amount of \$550,000 to Cover Shortfall Due to Staffing Shortage**
Chairman Rhinehart questioned why there is \$500,000 in the 101 account; Mr. Graiten said "vacancies". In answer to Chairman Rhinehart, Mr. Graiten said that the positions were not eliminated next year. There is a salary savings next year; this year there wasn't. Right now they are fully staffed. The year's projection for overtime is \$2,550,000.

Mr. Kilmartin asked if all of the overtime is mandatory work for the Custody Division. Mr. Graiten said that out of the 50,000 hours year to date, 28,000 are to backfill posts that are mandated to be filled through vacancies and authorized leave. There were 22,000 hours alone just to cover authorized leave. There isn't enough staffing to cover when someone takes a vacation day. Mr. Kilmartin asked for a number of additional employees that would be necessary to cover the \$2,550,000 in overtime. Mr. Graiten said that he can provide it. In answer to Mr. Kilmartin, Mr. Graiten said that the overtime pay is time and a half; there are instances where training time is straight time pay. Over \$400,000 of it is holiday pay.

Chairman Rhinehart said that there are a finite number of employees and it would be known in advance what the amount of vacation time will be before budgeting for it. It would be known in advance for staffing purposes; it should already be in the budget. Mr. Graiten said it wouldn't matter; there is no one to fill it. If someone takes a day off, they don't have another person to fill it. They asked of 12 additional deputies as part of the 2009 budget and it was cut. It would have made a significant impact on the overtime. As far as knowing, there is no way to plan for it. There aren't extra people.

Mr. Stanczyk said that it would be known if someone would be sick or on vacation. Supposedly the Sheriff is current with staff. If in a normal shift there will be overtime, then a person should be put in there. If the person is extraneous 5% or 10% of the time, on normal time filling in the holes, then the overtime won't be run at 150%. He does not understand why this isn't more efficient. Mr. Graiten said that they asked for 12 positions last year and didn't get them; didn't ask this year. There will be overtime next year by about the same number; they are fully staffed, but people come and go. An academy is being run right now. A month from now they might not be fully staffed. Some of the people in the academy might not make it; there are also retirements. A vacancy can't be filled until another academy is scheduled--typically 2 scheduled per year. Mr. Stanczyk said that during the last budget process, no one wanted to touch the Sheriff's budget. If we cannot get control of it, there will be continuing problems going forward. Every year the money is taken from 101 and put into overtime; every year the overtime line is insufficient and they say they need to be fully staffed. They are fully staffed now, and it is still happening.

Chairman Rhinehart asked what would happen if this item wasn't approved. Mr. Seitz said it would end up in the red; payroll accounts have to be paid. He explained that there is a certain level of overtime that is needed where it is cost effective to pay overtime rather than hire new staff and pay health and dental. DMB works closely with the Sheriff's Dept.—allows them to double fill so that they can staff up for the academies and account for the turnover. However, they have significant turnover; can't staff up enough for the turnover that they have.

Mr. Kilmartin asked if it is always the case that it is more cost effect to use overtime vs. hiring more personnel. Mr. Seitz said that it is almost always the case. Mr. Graiten said that additional staff is needed; it might not be 12; it might be 8; there is overtime that can't be planned for. Constant watch – have to assign one deputy for two inmates that have threatened suicide or depressed; 13 inmates a day are on constant watch. **Mr. Kilmartin asked if the 12 positions for Custody had been authorized, what effect would there have been on the overtime budget—i.e. would it be reduced by half, etc. Mr. Graiten said that he would look into it. Chairman Rhinehart asked that the information be sent to the committee. Mr. Stanczyk said he would like to have the Budget Dept. also do an independent analysis of it.** Mr. Graiten said that the Comptroller's office looked at overtime and the relationship with staffing levels. Mr. Antonacci said that Sheriff's overtime was reviewed recently as a result of a media inquiry. Clearly, overtime is down; the Sheriff has more information on what the reasons are.

Mr. Kinne asked if there has ever been a study done as to why there is such high turnover; are questions asked when someone leaves about their experience. Mr. Graiten said that an exit interview is done for every employee. Turnover can be because of retirement; not an easy environment to work in – people get in there and realize it is not what they thought it would be and don't want to do it. There are also injuries, which is now at a very reasonable number. Chairman Rhinehart said that compensation is also not at top scale. Mr. Kinne said there is built in overtime (holidays, etc.), there is going to be overtime, but something isn't being done right when the amount exceeds \$1.5 million. **Mr. Stanczyk asked for a report of the number of people in the Custody Division in the last 10 years and the number which left service in the last 10 years.** Then the average could be determined--determine the recruitment and replacement. Mr. Graiten said that they are doing what is suggested; they did 11 double fills for the Custody academy class, and already this week there are 3 double fills left. **Mr. Stanczyk also requested the number of sworn officers that come out of the academy.**

A motion was made by Mr. Warner, seconded by Mr. Kilmartin to approve this item. AYES: 7; NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

b. Amend '09 Budget to Authorize the Sheriff's Office to Receive Additional Grant Funds From the Bureau of Justice Assistance in Support of Local Law Enforcement, and Authorize the Co. Exec. to Enter into Contracts (\$403,064)

This will fund 2 projects: \$355,000 to buy vehicles; \$47,000 for renovations to the central patrol area and upgrade technology.

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

Chairman Rhinehart said that the grant will pay for the vehicles and then the County will maintain them. Mr. Graiten agreed.

Mr. Kilmartin asked if there are specific mandates that the funds have to be used for. Mr. Graiten said that there are broad specifics. In this instance, the Sheriff' Dept. took a 50% reduction in 2009 in its vehicle account (\$265,000); and again had the vehicle account cut in half for 2010 (\$319,000). They went to the DMB with the next resolution on the agenda; they could accept another \$80,000 because they had vehicles coming in. In the last 2 years, they have had \$665,000 in reductions below what was estimated as their needs. When they get a grant of this kind available; they use it to meet the needs and save the County dollars.

In answer to Mr. Warner, Mr. Graiten said that there are four fulltime Fugitive Task Force deputies—those in the warrant section.

Mr. Seitz said that the Sheriff voluntarily held back a significant amount of money to help with austerity; a big piece was the vehicle account. This isn't expanding the fleet; it is getting rid of older cars and replacing them with new. Mr. Kilmartin asked if the Department of Finance works with departments on grants that come in on what the funds can and can't be used for. Mr. Seitz said that they try to help them. Mr. Kilmartin asked if the grant could be submitted directly to the county generally fund, as opposed to be used for vehicles, or for a general purpose within the Sheriff's Dept. Mr. Seitz "no"; Mr. Graiten said that it can't supplant.

Mrs. Rapp seconded the motion. Passed unanimously; MOTION CARRIED.

c. Amend 2009 County Budget to authorize the Onondaga County Sheriff's Office to Accept Vehicles from the US Marshalls Service and Authorize the County Executive to enter into Contracts (\$44,000)

Mr. Graiten said this accepts four vehicles from the U.S. Marshalls Service to be used by the regional Task Force. The Warrant unit works with the Marshalls. In addition to the vehicles, they are given \$5,000 per vehicle to equip the vehicles and \$6,000 per vehicle for maintenance and fuel. In answer to Mr. Warner, Mr. Graiten said that they are new vehicles.

A motion by Mr. Corbett, seconded by Mr. DeMore to approve this item. OUT OF ROOM: 2 (Kinne, Kilmartin). Passed unanimously; CARRIED.

8. EMERGENCY COMMUNICATIONS: John Balloni, Commissioner

a. Authorize Co. Exec. to Enter into Agreements Related to the Onondaga County Interoperable Communications System (OCICS) and Accept Money Received as Reimbursement for Rebinding Costs Associated with the Federal Communications Commission Report and Order Modifying the 800 MHZ Band to Minimize Harmful Interference to Public Safety Radio Communications System (\$900,000)

This is a new user agreement and a reimbursement that the County will hopefully be getting from Sprint/Nextel. The User Agreement is to protect the integrity of the new radio system, which is up and being tested. It protects the integrity through a number of things: agreed to a change process, agrees to not put unauthorized equipment on the system. There is an agreement to provide additional equipment to certain fire and EMS agencies that have their own 800 MHz voice radio equipment. As part of the rebanding process, the County has to turn that equipment into Sprint/Nextel. The County would give agencies new radio equipment in proportion to the value of the old equipment. This process started in 2004 and culminated this year.

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

In answer to Mr. Stanczyk, Mr. Balloni said that Sprint/Nextel wants to move everyone out of a certain bandwidth so that they can have it. They have agreed with the FCC to pay to do that; including his time spent on it. E-911 is moving out of it anyway on the voice system; moving to a different band width with the radio system. Instead of paying the County what it would cost to move out of the bandwidth; Sprint/Nextel will give the County money towards the next system. Because they want to make sure that no one is using radios in the bandwidth, they want the County to turn in all the radios that are working on the

bandwidth. Those radios were purchased by fire and EMS agencies directly; they are not the County's. The County will turn them in and Sprint/Nextel will drill a hole through them to make sure they aren't used. The County will give the agencies certain credits toward the new system for their old purchased equipment. The older radios don't have much street value and can't be rebranded. Mr. Stanczyk said that they are getting new equipment anyway, as well as a credit for additional equipment. Mr. Balloni agreed and added that most fire and EMS agencies did not get all of the equipment that they desired for the new radio system – the County limited the amount it gave out. Most of them have plans to buy additional radios. This will allow them to get some of that equipment through credit. There will be \$60,000 - \$70,000 worth of cost to the County to pay agencies for their old radios, which is the credit. By contract, the \$900,000 from Sprint/Nextel has to be used to pay for the new radio system, i.e. bonding. In answer to Mr. Stanczyk, Mr. Balloni said that the County actually has more bandwidth today than in the past. Because of trunking and making much better use of bandwidth in the new system, they will have much more effective bandwidth. **Mr. Stanczyk asked for a written explanation on the bandwidth.**

Mr. Kinne questioned why the County would give the credits, as they are already getting the equipment from the County. Mr. Balloni explained that fire department bought the equipment because the County system didn't work. Now the County is getting \$900,000, and the County wants the fire departments to give them their equipment. The County could at least provide the street value of the equipment. Mr. Kinne said that they are getting new equipment for a better system, and now they have to be bribed. Mr. Balloni said that if he went to the fire departments initially and said that the County would take all of the equipment, they would have said that was reasonable. Now there is money involved, and it is much later in the process. Also, he had told them that the County didn't want the equipment--that they can sell it or do whatever they want with it. Most of the equipment is junk; the County would have a warehouse full and would have had to pay to get rid of it. The only reason they have any real value is because Sprint/Nextel wants the frequencies. Mr. Kinne said that is something that Mr. Balloni or the County had no control of; it just happened to turn out that way. He asked how the value of the radios was determined. Mr. Balloni said that they looked on EBay and know what they are selling for; a presentation was made to the agencies and they felt it was fair. It is basically \$100/radio; \$150/mobiles. Mr. Kinne said that the whole system is backwards and a front to the taxpayers of this community.

Mr. Kinne said that it was stated at Public Safety Committee that once the County buys the equipment, it will be theirs (agencies). Mr. Balloni said the Mr. Buckel asked the question at the committee meeting from a bonding standpoint. The Law Dept. looked into it, and the County needs to retain ownership of it during the bonding period. That part of the agreement would be amended. In answer to Mr. Kinne, Mrs. Tarolli said that the 2007 bond for equipment is 10 years, but feels it can be broken out to have a shorter useful life, or the language will be changed in the agreement. Mr. Kinne questioned what happens in the future if the federal government dictates that something in the system has to change. Then the County has to go back to all of the agencies and buy them all they need; why would the County give up control of the equipment. Mr. Balloni said that when the mobile radio district was built, a precursor on the police side, grants were obtained and they bought all of the radios for every agency. The County told them that maintenance and replacement was the agencies' responsibility. It was done to get the system up and running. It is reasonable, to get the system up and running, to not wait for each independent agency to be able to afford this—will give out the initial pile of equipment. This was modeled on the successful system of the mobile radio district in the '70s. Mr. Kinne said that there is no control of what will be initiated. He questioned why there isn't something in the contract that says that if there is a new mandate placed upon the County, and it involves equipment, that the County wants control over it.

A vote was taken on motion. AYES: 6 (Rhinehart, Rapp, Corbett, Holmquist, Kilmartin, Warner); NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk); OUT OF ROOM: 1 (DeMore). MOTION CARRIED.

9. ECONOMIC DEVELOPMENT:

a. Amend Res. No. 242-08 Regarding the Approval of an Alternative Allocation of Payments In Lieu of Taxes for the Van Buren Hotel and Water Park Project Pursuant to General Municipal Law §858(15)

Chairman Rhinehart explained that this would allow the owners of a proposed development to extend their commitment by one year to allow them to achieve financing. The proposed developer is going to put up an additional \$2 million of his own money to secure financing. The anticipated day would be May 1st, but he is asking for the additional time in case there are any problems.

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

Mr. Stanczyk said that the benefits given to the developer were outrageously generous of the County. To get the vote to go forward, the agreement gave the developer the timeframe that he said he needed to put financing in place. Chairman Rhinehart noted for the record that this developer has completed several projects around central New York recently.

Mrs. Rapp said that the holdup is that the financing is contingent on the Empire Zone. It has gone through everything except the final approval of the Empire Zone. The developer has a pending financing date of May 1st, but until he hears from the State, making it a regionally significant area, he can't get it done. There was no sunset by the town or school districts.

Mr. Warner said that it is key that the developer is going to put in a lot more of his own money to make it happen.

Mr. Kilmartin said that last year was likely the worst year in the past 25 years to secure financing for any type of commercial real estate project, only preceded by the year prior, and likely this coming year. If the developer is close to getting financing in concert with Empire Zone benefits, it's worth giving him the benefit of the doubt.

AYES: 6; NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk); OUT OF ROOM: 1 (DeMore). CARRIED.

10. WEP: David Coburn, Director, Office of Environment

a. **Amending the 2010 County Budget to Provide for Ongoing County Participation in Honeywell and Onondaga Lake Remediation Issues (\$430,000)**

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

b. **Amending Resolution No. 155-2009 to Increase the 2008 Industrial Wastewater Surcharge Error in Calculation**

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

11. WAYS AND MEANS MISCELLANEOUS:

a. **Providing Continuous Individual and Family Dental and Health Insurance Benefits through December 31, 2010 at County Expense for those County Officers and Employees during Their Active Military Duty and Amending Resolution No. 304-2008**

Chairman Meyer explained that this extends the health and dental benefits to County employees who are put on active duty. It was used by 12 families over the last year.

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

b. **Authorize Onon. Co. to Pay the Difference in Pay Between Military Pay and Base County Salary to Co. Officers and Employees While Performing Ordered Military Duty and Amend Res. No. 303-2008**

Chairman Meyer said that this resolution takes care of any pay adjustments for county employees while on military duty; utilized by 3 individuals last year.

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

- c. **Warners Water District Tax, Town of Van Buren Apportionment**
- d. **Warners Water District Tax, Town of Camillus Apportionment**
- e. **Warners Water District Tax, General Apportionment**
- f. **Southwood-Jamesville Water District Tax – Town of Onondaga Apportionment**
- g. **Southwood-Jamesville Water District Tax – Town of DeWitt Apportionment**
- h. **Southwood-Jamesville Water District Tax – General Apportionment**
- i. **2010 Town Tax Rates, Fixed, Ratified and Confirmed**

A motion was made by Chairman Rhinehart, seconded by Mr. Corbett to approve items 11 c – 11i. Passed unanimously; CARRIED.

j. Authorizing the County Comptroller, upon approval of the Division of Management and Budget and the County Executive's Office, to Transfer 2009 Unencumbered Appropriation Account Balances in Excess of \$7,500 into Between, and Among all Interdepartmental Chargeback Appropriation Accounts and Adjust the Corresponding Interdepartmental Revenue Accounts
A motion by Mr. Corbett, seconded by Chairman Rhinehart to approve this item. Passed unanimously; CARRIED.

k. Authorize the Comptroller to Transfer '09 Unencumbered Appropriations After Expiration of the '09 Fiscal Year Upon Approval of the Co. Exec. and the Chairman of the Ways & Means Committee
A motion by Mr. Corbett, seconded by Chairman Rhinehart to approve this item. Passed unanimously; CARRIED.

In answer to Mr. Kinne, Mr. Seitz said that reports are given every year to Comptroller, Ways & Means Chairman, and Ways & Means Committee.

i. Confirming appointment to the CNY Works Board of Directors (Mr. Donohue)
Mr. Stanczyk questioned if Mr. Donahue lives on South Salina Street. No one was present from the County Executive's office to answer questions. Chairman Rhinehart stated that as it was considered today, it will move to the floor without a vote at committee.

m. Amend '09 Budget to Provide the Syracuse-Onondaga Co. Planning Agency with Additional Funds Beyond the Estimated Dollars Appropriated in the '09 Budget and Authorize the Co. Exec. to Amend the Contract with the Syr. Metropolitan Transportation Council to Implement this Res. (\$30,612)

Mr. Jordan, Director, SOCPA, stated that the resolution will allow payment of the December invoice of SMTC. The County acts as the host for the SMTC; pays their expenses and is reimbursed fully by the State.

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

n. Resolution Declaring the Commitment of Onondaga County to Maintain the General Fund Accumulated Bond Balance at Ten Percent of General Fund Revenues (Sponsored by Mr. Holmquist)

Mr. Holmquist said that it is important to clarify, particularly in the minds of the bond rating agencies, to clear up confusion that this legislature has a commitment to affect a 10% fund balance level. This resolution would declare that the County get back to the level within a 3-year period. Chairman Rhinehart asked if it limits any spending that the legislature can authorize. Mrs. Tarolli said "no"; it is a general policy resolution.

Mr. Holmquist noted that the bond rating agency has made regular comment about this; it is critical that the County let them know that the legislature still has 10% fund balance policy and to clarify to all members of the County family that this is a priority; that we have strong financial discipline. The current and former county executives support it; and this legislature has supported it since the policy was instituted.

Mr. Stanczyk said that this is setting up a goal that could/would be used against us. Once this is set in place, it is clear that we aren't maintaining the stated goal. A range should be set. Onondaga County stands ahead of most everyone in NYS because of the prudence in which we have taken care of budgetary concerns over the last 40 years. Rating services have 100's of things that they look at. If we say we will maintain a fund balance of 5%–10%, Onondaga County will be checked marked positive; doing what we are saying we will do. The proper approach is to give the flexibility that will be needed in the next couple of years to make sure we satisfy what we need to keep ourselves in good stead and satisfy what we tell the rating agency what we are going to do. He questioned why we would set a goal that may not be obtainable in the next couple of years.

In answer to Mr. Kilmartin, Mrs. Tarolli explained that the 2007 resolution was different than the 1997 resolution, as it excluded sales tax. There was a change in the reporting regulations. Mr. Kilmartin asked if the 1999 resolution said "10% or approximately 10%" and asked Mr. Holmquist if his goal was to mirror the language from the 1999 resolution or do something different. Mr. Holmquist said "to make it the same". It is a declared policy and wants to get back there within 3 years--hoping to get there sooner.

Mr. Kinne asked what the relationship is with the number and the bond rating agency. Mr. Rowley said that the County has consistently said that its policy is 10%; if it is weakened to 6% it will be interpreted by the bond rating agencies as a deduction. Mr. Kinne asked what was done before 1999. He thinks the goal should be around 10%; but if it worked so good for so many years, why would it be put in concrete now. He feels it will impact us negatively. Mr. Corbett added that it is already there; this is just reiterating it.

Mr. Stanczyk said that the County went from a 2% fund balance up to about 12% or 13% fund balance. For years we argued every budget as to why we needed to have such a huge amount of savings – taxpayers' money without returning it to them. A policy was set that once it got to be about 10%, it would be redistributed to the taxpayers by lowering taxes or paying off debt. The funding agencies are more concerned with willingness to tax and pay off debt and obligations.

Mrs. Rapp said that there was a lot that went into coming up with the 10%--it was based on budget and what would be needed if we hit a rough spot. It is a prudent number which became a statewide goal for other municipalities. Moody's says it should be somewhere between 5% and no more than 15%.

Mr. Kilmartin suggested a change on the last line....*will be maintained at approximately ten percent of general fund revenues*. Mr. Holmquist accepted the change.

A motion was made by Mr. Holmquist to approve this item as amended, adding the word "approximately" to the last line of the resolution; seconded by Mr. DeMore. AYES: 7 (Rhinehart, Rapp, Corbett, Holmquist, Kilmartin, DeMore, Warner); NOES: 2 (Kinne, Stanczyk). MOTION CARRIED.

o. Confirming Reappointment of Ferdinand L. Picardi as Chairman and Presiding Officer of the Onondaga County Metropolitan Water Board

In answer to Mr. Stanczyk, Chairman Meyer explained that that the term expired in Dec. 2008; there was a great deal of discussion on working towards consolidation with other governments.

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

p. Confirming Reappointment and Appointments to the Onondaga County Water Authority (Mr. Tomeny, Dr. Gilligan, Ms. Miller)

Chairman Meyer reviewed the candidates' credentials and experience.

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

Mr. Stanczyk asked when the appointments expired and who they are replacing. Chairman Meyer stated that Mr. Tomeny is a reappointment, term expired July 1, 2009; the others expired July 1, 2008. The appointments replace Claude Incaudo and Holly Rosenthal. There has been an effort to work on consolidation, get into an educational component, and there are new regulations coming out. The new appointments have strong, scientific real world experience and he feels they would be a good asset. In answer to Mr. Stanczyk, Chairman Meyer stated that Mr. Incaudo did not resign. Ms. Rosenthal had been a member over 12 years. Mr. Stanczyk said that he did not understand the replacements. Chairman Meyer reiterated the great amount of new regulations and it being a growing issue that has to be dealt with. These individuals have strong credentials in those areas.

Chairman Rhinehart noted that it wouldn't have made sense to change the board in the middle of ongoing projects associated with the covered storage tanks. Chairman Meyer said that the news on the water quality issue, on construction, on savings to the taxpayers, is very positive.

In answer to Mrs. Rapp; Chairman Meyer said there are no other positions whose term has expired; there will be in 2010.

Mr. DeMore said that he has known Dr Gilligan for many years and can't think of a better person to be on the board.

Mr. Kinne said that he knows that one person does not want to be taken off the board; she has done a good job. All of the people that are being appointed are good people and qualified, but questioned why two geologists are needed. Mrs. Rapp said that the trend now is to have term limits-- fresh bodies with fresh ideas.

A motion was made by Mr. DeMore, seconded by Mr. Warner to approve this item. AYES: 7 (Rhinehart, Rapp, Corbett, Holmquist, Kilmartin, DeMore, Warner). NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

Chairman Rhinehart added the following item to the agenda.

q. LANDMARK THEATRE – Denise DiRienzo

Transfer \$100,000 from 650 Contingent Acc to 845 Syracuse Area Landmark

Ms. DiRienzo stated that she came to the legislature a couple of years ago when they were beginning to pursue the Landmark Theater stagehouse expansion projection. Extra money was received from the contingency account in 2007 for a 10-year period, \$100,000 for debt pay back for acquisition of property needed for the expansion. The Landmark closed on the properties in January 2008 (Clinton, Salina, Jefferson); mortgage for \$1.3 million. Construction is scheduled to begin on May 3, 2010. Moving forward with expansion; the funding is in place, have different funding sources from Federal and State. Retained a group from Baltimore for historic tax credit and NYS tax credits (in effect Jan. 1st); anticipated \$3.5 million in tax credits. They have \$5.6 million permanent financing, \$7.2 construction loan financing from Key Bank.

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

Ms. DiRienzo stated that she needs the commitment of the \$100,000 in her passion for the other funds. They are not asking for the money; are asking to authorize it to be released in 2010. Mr. Seitz said that the money is in contingency, but it can't be proved that the money is for the Landmark in that account. Once it is set in the account, their contract can be amended which will prove that the money is there.

Mr. Holmquist stated that he will abstain.

In answer to Mr. Stanczyk, Ms. DiRienzo said that the money will be used to pay down the mortgage. When construction starts, the money will roll into the bigger loan.

In answer to Mr. Kilmartin, Ms. DiRienzo said that they own the theatre building proper, entrance on Clinton and Salina. They have acquired everything surrounding the Landmark on Clinton, including the 2nd floor of the Loews Building. The intent is to rehab the majority of the property; keep retail on upper corner of Jefferson and Salina; the 2nd floor Loews Building was required for expansion and dressing rooms.

They will bring in Touring Broadway for a week; it is currently at the Civic Center. The seating will remain the same; the whole back stage is going, 30' more in back and stage, 50' feet divided on the sides; going up 96'. They have looked at the biggest shows out there, i.e. Lion King, Mary Poppins, Wicked. They are talking with Carmel Corner and Clark's Ale House to move them and find them space. Their leases have expired, but want to keep them.

Mr. Stanczyk seconded the motion. AYES: 9; NOES: 0; ABSTENTIONS: 1 (Holmquist). CARRIED.

12. LAW DEPARTMENT:

a. Settlement of Claim

Mr. Corbett made a motion to exit regular session and enter into executive session to discuss the matter in pending litigation entitled "AUDRA A. HARMON V. COUNTY OF ONONDAGA, ONONDAGA COUNTY SHERIFF'S DEPT., KEVIN WALSH, ONONDAGA COUNTY SHERIFF, IN HIS OFFICIAL CAPACITY, DEPUTY SEAN ANDREWS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY." Chairman Rhinehart seconded the motion. Passed unanimously; MOTION CARRIED.

A motion was made by Mr. Corbett, seconded by Mrs. Rapp to exit executive session and enter regular session. Passed unanimously; MOTION CARRIED.

Authorizing the Settlement of the Federal Court Action of Audra A. Harmon V. County of Onondaga, Onondaga County Sheriff's Department., Kevin Walsh, Onondaga County Sheriff, In his Official Capacity, Deputy Sean Andrews, Individually and in His Official Capacity.
A motion was made by Chairman Rhinehart, seconded by Mr. Warner to approve this item. Passed unanimously. MOTION CARRIED.

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature