

*Office of the Onondaga County Legislature*

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FISCAL WAYS AND MEANS COMMITTEE MINUTES - FEBRUARY 9, 2009  
CHAIRMAN JAMES RHINEHART

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

**ALSO PRESENT:** Chairman Meyer, Mr. DeMore, Mr. Jordan, *see also attached list*

Chairman Rhinehart called the meeting to order at 9:30 a.m.

***A motion was made by Mr. Warner, seconded by Mr. Corbett, to waive the reading of the minutes of the proceedings of the previous committee. MOTION CARRIED. A motion was made by Mr. Corbett, seconded by Mr. Kilmartin to approve the minutes of proceedings of the previous committee meeting. MOTION CARRIED.***

**1. Real Property Tax Services:** Karen Carney, Dir. Real Prop Tax Svcs.

a. **County-wide Collaborative Assessment Study Presentation:** Joe Romano, SJRomano Consulting

Mrs. Carney reported that the Finance Dept. received grant funds from NYS Office of Real Property Svcs. to prepare a study that would examine the current assessment program in Onondaga County and then explore other models or programs that could foster equities by obtaining certain performance standards. A work group was put together made up to town assessors, City Assessment Office, town supervisors, regional Office of NYS Office of Real Property Services, and consultant. Present were: Teresa Frank, Regional Director of NYS Real Property Services; Janet LaSalle, Pat Duffy, Manlius; Ken Bush, Elbridge; John Gamage, City; Larry Fitts, Fabius, Pompey, Elbridge & Marcellus; Brad Brennan, Salina.

Mr. Joe Romano, consultant, gave a PowerPoint presentation.

Chairman Rhinehart referred to the current cost of an annual reassessment system, \$3.4 million, \$2.99 million after State reimbursement-questioned if \$500,000 of State aid will be lost down the road. Mr. Romano said it is not known. The 8 towns in the annual reassessment program are currently getting state aid to stay in the program. Ms. Frank said that the annual state aid was reduced by 2%; the legislation always states "up to \$5 per parcel for maintaining assessments at 100% annually". They don't see this going away right now; this is a disclaimer in case fiscal crisis makes it go in another direction. Chairman Rhinehart asked if the study group is looking for this committee to make a recommendation as to how to proceed. Mrs. Carney said that they are open to any recommendations.

In answer to Mr. Warner, Mr. Romano said that Nassau and Tompkins County presently have this. Tompkins County has had it since 1968; unsure when Nassau County started it. Tompkins County received it well because it has been in existence for so long. Mr. Warner asked how many counties have turned it down. Mr. Romano said that the last one he read about was Fulton County in 2005. Ms. Frank said that it was voted down in Madison County years ago. She noted that it is not the only way to go; many counties have countywide assessments, but it doesn't mean it is a fit for everyone. It works beautifully in Tompkins County with 35,000 parcels; there are 180,000 parcels in Onondaga County. In answer to Mr. Warner, she did not know how many other counties turned it down.

Mr. Holmquist asked if the goal of the CAP program is that smaller municipalities get together and meet annual State standards to receive state aid and replicate what the 8 towns have with the annual assessment. Mr. Romano said that it is; currently 2 of the towns, Lysander and Van Buren, are in the reassessment program with the most recent cap created last year. The CAPS created in the models are strictly hypothetical. The goal is to get them into a CAP and maintain the 100%. Mr. Holmquist asked if there are any restrictions to get into a pilot program. Mr. Romano said the pilot program is really a shared services program. Re-

evaluation projects have been discussed. In the past the Town of Dewitt and City of Syracuse joined together and hired one group to do the re-evaluation. By combining resources, it can be determined if better efficiencies are provided--see if it works and hopefully bring in more towns or make it countywide.

Mr. Kilmartin said that referendums would have to be passed at the town, village and city levels in order to transition to a countywide consolidated/shared assessment effort and asked if there is anything short of that for individual towns to get there. He referred to the Town of Clay where there was basically a return on investment - dollars could be saved by integrating the Clay police department into the Sheriff's Department, which tantalized voters to pass a referendum. Mr. Romano said that a shared services agreement can be done; a number of counties are doing it now because they have limited resources. The smaller counties don't have enough assessors in the towns to provide the services. The County acts as a backstop for the services. Under a shared service agreement, individual towns contract with the County and the County runs the assessment system. As there is no assessment resource at the County level currently, an assessment office would have to be created. Mr. Kilmartin asked if it is a viable avenue to pursue short of 19 or 20 different referendums. Mrs. Carney said that there would be no referendums--they would be contracts with the County for assessment services. As part of the second stage of the study, expenses could be mapped out for one town or multiple towns. Mr. Kilmartin said that he is interested in a return on investment model for shared services in terms of the cost to the county, costs saved at town and local levels; any additional revenue generated as it would net out to savings for taxpayers, and the number of employees that would have to be hired by the County to take over the services. He would like to know of all of the monies needed for time, effort, personnel, short and long term benefits, medical, dental, etc., in hiring all new employees compared to what is presently spent for employees in towns, city and villages.

Mr. Rowley said that on a parochial basis Clay compares very favorably to the numbers. He said that Clay has been on partial assessment forever; and has done quite well by it. Outside of the City of Syracuse, Clay provides the biggest tax base. Clay has done well without full value. When a municipality goes to full value, the State makes them do a re-val process. Clay has inquired a number of times about taking the partially assessed value and correcting it by the equalization rate, and use that for full value assessment as a starting position. The State won't let the town do it; the town has to go through a process which is very pretentious, onerous, and expensive. He contends that the Town of Clay is assessed very well because they have grown.

Mr. Kilmartin asked that if a second stage of the study continues, he would like the soft cost analyzed: legal costs, assessment board costs, administrative and overhead costs. Mrs. Carney noted that the appendix includes a break down of all towns for the 2008 budgets.

Mr. Kraft said that approximately 20 years ago, there was an attempt to upgrade some of the assessments. The town hall was filled and it was backed off on. There is a real threat to peace and tranquility with these kinds of issues. He asked why the 11 towns, regardless of the incentives from the State, have decided not to do it. Mrs. Carney said that the 11 towns are not in the annual reassessment program but do update their assessment rolls. There are only 3 towns that have never done a full reassessment, but of the 11 towns, they may have equalization rates of 91 or 82 because they are doing it every 3 or 4 years. Ideally everyone should be at 100%. Mr. Kraft said that these towns could have received state aid to go to full value; he asked how big of an incentive will it take to get to 100%. Mr. Romano said that one of the findings is that there needs to be a state mandate and additional support if it is mandated. Mr. Kraft said that he would like to see it without mandates, but with incentives to motivate people.

Mr. Stanczyk said that assessments are a politically charged atmosphere. There is probably no problem with a partial assessment as long as reassessments are done and the partial assessments really reflect the value. There has to be a cross check to make sure that a house assessed for \$100,000 in Clay is the same value as the house assessed for \$100,000 in Manlius. There has to be equity and transparency. He asked if when the State puts their number on it, does the County get involved in checking it. A lot of assessment practices favor the long-term residents because they don't normally get reassessed and the people that sell to new residents get reassessments. In the City there is conformity in assessments and asked if that exists in the towns that haven't been reassessed in 50 years. Mrs. Carney said that Real Property Services works with municipalities in determining their level of assessment. There is certainty from sales and market trends. Mr. Stanczyk said he is concerned that there are towns that haven't reassessed in 50 years. There could be a property that hasn't been transacted in 50 years with a neighboring property transacted last year and asked if the assessments are the same. Mrs. Carney said that they could be different.

Mrs. Rapp said that the Town of Salina is having conversation between the City of Syracuse, Town of Salina, and Town of Cicero to join services. She asked if there is incentive for them to do it. Ms. Frank said that a town gets up to \$7 per parcel to perform a CAP. In Cicero, samples of parcels were taken, and in the same neighborhoods, people were paying different amounts. Cicero has stepped up and voted unanimously to do a reassessment project. They are looking at sharing services with the Town of Salina. They will receive up to \$5/per parcel for doing the reassessment. Because Salina is in an annual reassessment program, they are getting up to \$5/parcel every year, and will get up to \$7/per parcel for performing a CAP with Cicero (one time only). The Town of Lysander just formed a CAP with the Town of Van Buren and are getting the benefit. Supervisor Bullis said that they did shared services the previous year and it worked seamlessly.

Mr. Corbett clarified that in order to go to a county run assessment office, there has to be a countywide referendum. Mr. Romano said that there would have to be three separate referendums--city, town and village.

Mr. Corbett noted the approximate cost of \$2 million to starting a county run model, and asked if that reflects a deduction of the money from the State. Mr. Romano said that it does--to offset upfront costs, the State will put out a lot of money for office development--buildouts and obtaining property--all things that are needed to create an office. Mr. Corbett asked if the State has it in fund, set aside, in case the County is ready to go forward. Mr. Romano said that is part of a countywide state aid program, specifically for that and based on parcels and the size of the towns.

Mr. Warner asked how is the final sale price reflected on the assessment with towns that do not have 100% assessment vs. those that do--which is more accurate in the final sale. Mrs. Carney said that she did not know--could get some certainty with examples, but doesn't think there has been a total study done on how close a partial value is. Mr. Warner said that he would like to see a comparison. Ms. Frank said that on the State website there are CODs, which are a measure of uniformity between assessments and what the property actually sold for. It is available by municipality. Sometimes CODs are artificially good looking if the towns are large with a lot of sales. Specific examples need to be chosen, like what was done in Cicero, for inequities to jump out. **Mr. Warner said that he would like to see the difference in 100% assessment, partial assessment and actual selling price.**

Supervisor Bush said that the difficulty in being a town supervisor or legislator is when the tax rates come out; the amounts vary from town to town; additionally each school has a different tax rate. It is terribly confusing to the taxpayer. The goal has to be 100% countywide. The Town of Elbridge only has 3,000 parcels, which makes it difficult to come up with annual reassessment program; they will be looking to connect with another town that has more parcels and greater number of sales each year to make it worthwhile.

Mr. Kraft said that tax bills do show full value, even though a town may have a partial assessment, it is affected by the equalization rate. Maybe the public should be educated to look at their tax bill and identify the full value.

## **2. Management and Budget:**

### **a. 2009 Budget Update - James Rowley, CFO**

Mr. Rowley said that the County Executive, Joan Ferrara, Edward Kochian and himself just traveled to NYC to meet with the rating agencies. Friday the ratings came out and Onondaga County's ratings were maintained; AA2 with Moodys; AA+ with both Fitch and Standard & Poors. They will go to bond at end of February, approximately \$61 million, as well as the existing general obligation debt of the County, will save taxpayer about \$350,000 per year. In answer to Mr. Kilmartin, Mr. Rowley stated that every time they go to float a bond, there is a review, which is typically once per year.

Mr. Rowley said that a formal plan is still being worked on; he asked for 45 days when he was at committee last month, which would bring him to the end of February. The County Executive is taking a measured approach to the shortfall of \$10.7 million; \$10.7 million will remain the target until the State budget is clear and more sales tax data is known. Last month he identified a gross shortfall of \$19.6 million; measures have been taken totaling \$8.9 million to offset, which was the beefed up austerity plan, yielding \$6.5 million in local dollars. Additionally, there were some energy and insurance savings.

His goal is to have a complete plan to present to the legislature, to let them know they are working through all of the different possibilities. There has been a lot of debate and suggestions. In broad terms they are looking at agency cuts, which have been promoted already, specific program cuts, some type of retirement incentive--none of which is finalized. There is an idea of changing retirement health benefits from the now 5-year eligibility to getting benefits on a sliding scale. Short and long term dollars would be saved. There are some budget maneuvers...looking at different reserves and liquidating portions to shore up 2009. It is probably prudent to look at a piece of stimulus money. As the budget process unfolds in 2010, it will be very difficult and may entail additional measures to get a balanced budget. If the stimulus money comes in better than what they think, they will hold it in advance because 2009 is still unfolding; it certainly could get worse.

Mr. Holmquist applauded the short-term initiatives that have been taken. He is concerned that the demographics of the County workforce are that within 10 years or less, upwards of half will be scheduled to retire. He has heard that it is an opportunity for efficiency, shared services, restructuring, etc. He asked if there is any plans or thoughts about for these opportunities. Mr. Rowley said that currently the focus is to balance 2009; they are aware of the anomaly. The plan is to bake it into the thinking of the planning of the 2010 budget; it will be discussed in the future. Mr. Holmquist said that he would like to see a formal plan--look at the demographics department by department, rather than letting the years slip by when trying to focus on saving our nickels for this years budget. He feels that the bigger picture should be looked at, in addition to everything that is being done now for short term.

Chairman Rhinehart said that he has talked the OMB and the executive side; he knows that they are looking at initiatives and more cooperation and shared services with towns. Municipalities are starting to go with vendor managed inventory systems--instead of having millions of dollars of County money sitting on shelves in DOT and WEP--look to outsource some of it. The private sector can make parts readily available overnight.

Mr. Stanczyk asked if a State early retirement incentive is anticipated. Mr. Rowley said that it would be a County program; there has been no indication that the State will offer anything at this point.

Mr. Stanczyk said that the Legislature sets the budget; in reformulating a budget, which is in the process there will be discussion of what is more appropriate to cut and what the priorities are. He is unaware of how much information has been shared with the cuts being made now. He doesn't know if legislative staff should work in tandem to identify areas that the legislature would be more interested in. He is concerned about the cuts that were made in Social Services. He said that he had previously expressed that he wanted to have discussions about these things before there was any presentation, and there wasn't much the first go round with the Social Services cuts. He questioned who was in control of the process--it doesn't seem that there is an equal share of responsibility. Mr. Rowley replied that the Social Service cuts were laid out because it was a timing issue - they are hard dollars that if the breaks weren't put on, the ability to recoup dollars would be lost. The intention is to bring the Legislature into the process. The County Executive needs to speak with labor and give them the opportunity to ask some questions--are they interested in doing anything at this point. He anticipates that will happen soon and the process can go forward. Mr. Stanczyk questioned how the legislature gets folded into the whole process. Mr. Rowley said that after there is an idea of what labor is willing or not willing to do, it would shore up some thinking on the plan. Once the plans are put together, leadership would be advised followed by the rest of the legislature.

Chairman Rhinehart asked Mr. Stanczyk if he had suggestions that could be forwarded to the County Executive. Mr. Stanczyk replied that it was not the proper way to go; legislators were told that the Social Services cuts were being made, and their letters were already in the mail. If the Legislature is not part of the process, it makes a mockery of the time, effort, and energy that they spent on the budget process. It is the Legislature's budget; if there a vast change, then it is a legislative process. Chairman Rhinehart said that this is the early stage; there is a plan being formulated that will come over for the Legislature to consider. Mr. Stanczyk said that the signal sent from the Social Services cuts was the wrong signal.

Mr. Warner stated that the Legislature is the governing body of this county; which was found out last month with an issue. He is sure that there will be opportunity again to discuss issues, as he has some concerns as well.

Mr. Warner inquired about eligibly for retirement health benefits. Mr. Rowley said that a person can receive health retirement benefits if they are eligible to retire, age 55 and work 5 years. That is a County policy. The County pays 85%, the retiree pays 15%. **Mr. Warner asked Mr. Rowley to find out how many other counties have this benefit.** Mr. Kraft said that he has looked into it, and varies all of the state.

Mrs. Rapp asked if DMB is looking at fund balance to close the gap. Mr. Rowley said "no", they are looking at different reserves and possibly liquating some excess reserves, i.e. reserve for bonded debt.

Mr. Kilmartin asked if the bond agencies expressed any concerns about the current status of the County. Mr. Rowley said that they haven't; they are happy with the way the County is run. The County Executive had reiterated traditional management and budget practices to them. She said that she will do what it takes to maintain a balanced budget. She is committed to adhering to the policies in place--fund balance goal of 10% of general fund revenues, and the debt management policy.

Mr. Kilmartin asked about the process that was followed regarding the most recent Social Services, and the legal background for transfers within a year, contract signing or not, etc. Mr. Rowley said that programmatically there was a matrix: food, health, safety, and shelter. Mrs. Tarolli said that the Executive brings over a tentative budget. The Legislature, through its Ways & Means Committee, makes adjustments to it. The Legislature either adopts a revised budget or the tentative budget (County Executive's budget) becomes the budget. Once the budget is adopted, in order to transfer money, there has to be an executive initiative and then the Legislature has to approve it; it is a system of checks and balances. The Legislature has authority, without executive initiative, over the general contingent account. The Charter and Code gives the County Executive the authority to execute contracts with a couple of exceptions. An agency contract, such as a Social Services contract, does not need legislative approval except at the beginning of the fiscal year--the Legislature has to put the money into that account to be spent. At that point, it has been shifted from the Legislature to the Executive to spend or not spend that money; to amend or not amend that contract. Contracts almost always have a termination provision for cause. It is her understanding, that the County Executive exercised that early termination. Mr. Kilmartin asked if the cuts made in the Social Service programs were brought about through authority as contracts were not signed to allow for services and expenditure of money, even though there was a line item in the budget. Mrs. Tarolli agreed. Mr. Kilmartin asked if there were to be a change in personnel items, i.e., part time/full time within a department, would that be a County Executive initiative. Mrs. Tarolli said "no", personnel items are the Legislature's. Mr. Kilmartin asked if it is contemplated that there will be discussions between the County Executive's office and labor about contracts, staff, and personnel. Mr. Rowley said that it is and may also be about the labor agreements that were recently enacted; he stressed that this is very preliminary. Mr. Kilmartin asked how long the 5-year vested period for eligibility has been in place; Mr. Seitz estimated that it has been since the '60's. In answer to Chairman Rhinehart, Mr. Troiano said some labor agreements include it, but most do not. Mr. Kilmartin asked if that would be a legislative policy; Mrs. Tarolli responded that the legislature would have to act to change it. Mr. Kilmartin asked if DMB is analyzing the private sector, as well as governments. Mr. Rowley said that the private sector has not been looked at. They are looking at short-term impact with how many people would retire if the program were changed, along with long term and how it would affect the GASB45 calculation with post

retirement benefits and costs going forward. **Mr. Kilmartin encouraged an analysis of trends in the private sector related to health benefits provided to retirees.**

Mr. Stanczyk asked if the suggested change in the retirement benefits is for those going forward and not people in the system right now. Mr. Rowley said that in order to enact savings in 2009, they would need to have a date in 2009 which it would take effect. It hasn't been decided if it would be for new employees or if something would be enacted this year. The thinking up to this point has been to pick a date and the change would take effect on that date. He reiterated that this is all very preliminary.

Mr. Stanczyk asked that the legislature passes a budget and puts "x" amount of money in the budget for various things; some of those things entail the County Executive signing a contract to provide a service. Now the County is saving money, so the contract won't be signed. He assumes the Legislature can send another resolution saying to "sign the contract." Mrs. Tarolli said that the Legislature can request. Mr. Stanczyk questioned why it would be a request; there was already a request made when the Legislature adopted the budget. There has been no discussion about this; the Legislature and/or the Ways & Means Committee was not considered. He has concerns about things being cut out. If priorities are not generated from the Legislature, then at least the priorities should be taken into consideration with the Legislature and have open discussion. The Legislature is the budget making body of County government, and it should be the Legislature's priorities or it should not pass.

Mr. Kraft stated that the fact remains that the County Executive does not have to spend money that the Legislature has authorized, does not have to fill positions that were authorized, and there have been austerity measures of one sort or another for years. He feels that good communication will keep things on an even keel for everyone. Chairman Rhinehart stated that is a good message for Mr. Rowley to take back, as the Legislature does want to be involved in this, and not sitting on the sidelines. At some point the Executive side will have to come back to the Legislature and the Legislature will have to approve some things. To facilitate that cooperative spirit, the Legislature would like to be sitting more in the game with the County Executive.

Mr. Kraft said that regarding retirement health benefits, when this was adopted in the '60's, people worked up to age 65 with life expectancy 3-5 years. Today people retire a lot earlier, 55 for many, and they live to 85. Now the County is on the hook for a 30-year benefit instead of 3-5 years. As we build greater and greater numbers of retirees, this will break the bank. We need to find a way to take care of the employees, remember that after age 65 they get Medicare, so they are not without benefits. In answer to Mr. Kraft, Mr. Stasko said that the cost this year for health insurance is \$54 million.

Mr. Kinne questioned why the Legislature goes through a budget process, adopts a budget and send it over to the Executive. It was his understanding that it was the Executive's responsibility to carry out that budget. Now he is told that if the Executive goes against something that the Legislature voted on in the budget, that the Legislature can request her to change her opinion. Mrs. Tarolli said that during the budget process, the Legislature makes changes to the Executive's tentative budget. The Legislature adopted a budget with changes; at that point the Executive is authorized to spend money up to the point that the Legislature authorized her to spend. She cannot exceed it. She can only act within the number of people that the Legislature has given her to act with. The Executive has the power to enter into contracts. The Legislature sets policy and puts money where they think it should be spent, and then there is a power shift, wherein the Executive has the authority to enter into a contract. Mr. Kinne said that the County Executive provides a tentative budget; once the legislature makes its changes how can it be argued that it is the County Executive's budget anymore; isn't it the Legislature's budget. Mrs. Tarolli said that she thinks of it as a combination. Mr. Kinne asked where do the Legislature's right comes in to say that they want the amount designated in the budget spent. He thought the Legislature had some power and authority to expect that it would be spent. If the revenues don't show up, he would think the Executive would have to come to the Legislature and ask what they wanted to do...cut it or find another way. He doesn't think it was intended for this way. Mr. Corbett said that it is in the Charter; unless the Charter is changed, it remains. Mr. Rowley said that he is trying to communicate; last month he asked for 45 days, which brings him to the end of February. There are still many things in flux. Relative to the agency cuts, he was told the Ann Rooney, Human Service Administrator, did invite Sam Laguzza to a meeting. Mr. Stanczyk said that he was also invited, but the cuts were already made.

Mr. Kilmartin said that there is an opportunity for the executive and legislative branches to work cooperatively and advance this budget process for calendar year 2009. The County Executive has gotten out ahead of some of the financial issues and been conservative in terms of spending for these programs that are anticipated to not have sufficient funding for. The right course is to be ultra conservative now to be prepared for the worse case scenario.

### **3. LAW DEPARTMENT:**

#### **a. Litigation Report - John Sharon, Deputy County Attorney**

***Mr. Corbett made a motion to enter into executive session for the purpose of discussing the pending litigation in the case of Lawrence Corriders, Individually and as Administrator of the Estate of Johnny Corriders, Decedent, and Priscilla Corriders, by Lawrence Corriders, Guardian of the Person and Property of Priscilla Corriders, an Incapacitated Person, Plaintiff vs. County of Onondaga, Onondaga County Department of Social Services, Gerard Mainville, Deborah Mainville, Donald Hilton and Staci Hilton, Defendants. Mr. Warner seconded the motion. Passed unanimously; MOTION CARRIED.***

**Chairman Rhinehart made a motion to close executive session and enter regular session, noting that no action was taken during executive session. Mr. Corbett seconded the motion. Passed unanimously; MOTION CARRIED.**

The meeting was adjourned at 11:20 a.m.

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

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**PUBLIC SAFETY COMMITTEE MINUTES - FEBRUARY 10, 2009  
CHAIRMAN RICHARD M. LESNIAK**

**MEMBERS PRESENT: Mr. Holmquist, Mr. Buckel, Mr. DeMore, Mr. Warner, Ms. Williams, \*Mr. Masterpole  
ALSO PRESENT: Legislator Kilmartin; see also attached list**

**1. HUMAN RIGHTS COMMISSION:**

a. **Confirming Appointment/Reappointments to Onon. Co./Syr. Commission on Human Rights**

Chairman Lesniak stated that these are County Executive appointments, with recommendations submitted from the County Legislature. There are still three additional vacancies.

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

**2. PROBATION:** Andrew Sicherman, Principal Probation Officer

a. **Authorize Probation Dept. to Apply for Grant Funds to Provide for Alternatives to Incarceration**

This is to accept State funding for ATIP programs; helps keep jail numbers down; offers alternatives for those that have substance abuse, mental health problems, etc. It is in the budget.

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

Mr. Buckel asked about the overhead attached to the funds. Mr. Sicherman said that the program has been around since 1990; they have been required to appear before the legislature for the last 5 years. This funds probation officers positions, a single supervisor. There are 3 programs: Syracuse Drug Court, ATIP2 halfway house and supportive living; ATIP 3 day report program, which is the largest program and works with cross addictive people and those with mental health problems. If funding went away, it would put a lot of people in jail. Mr. Buckel asked where this fits into the mission of what the Probation Department does. Mr. Sicherman said that it is on the core end; it is a fundamental part of their program. There are 78 people in ATIP3; if it weren't for this program, those people would likely be in jail.

Mr. DeMore said that he received a call about Jail Ministries being cut; the legislature cut \$16,000 and asked what the future of the program is. Mr. Sicherman said that there is Jail Ministry and Bail Expeditior Program; he believes that the Bail Expeditior program is done; cannot speak to the Jail Ministry Program. Chairman Lesniak said that they are looking for alternative funding.

In answer to Mr. Warner, the total cost for ATIP is \$357,500; the County matches the funding. Mr. Warner asked what the cost of the County would be without these programs; Mr. Sicherman said that he will provide it. Chief Peverly said that they get \$102.50 per day per, per inmate, from the federal government, but there are some exclusions in operating costs that the feds don't cover.

Mr. Buckel questioned different measured outputs to determine effectiveness. Mr. Sicherman said that the State requires them to meet milestones. Long-term tracking of recidivism is not followed. The number of cases accepted into the program, successful completion and number of cases screened are all measured.

**Passed unanimously; MOTION CARRIED.**

\* Mr. Masterpole arrived at the meeting.

**3. SHERIFF:** Chief William Peverly

a. **Overtime Report**

Chief Peverly stated that a first quarter overtime report will be given at the April 2009 Public Safety Committee meeting and today would provide a status report on overtime and austerity initiatives that have been implemented at the direction of the Sheriff.

Chief Peverly reviewed a report entitled *Onondaga County Sheriff's Office 2009 Overtime/Austerity Management Initiatives* (a copy on file with Clerk).

Regarding overtime, Chairman Lesniak said that when the report is given in April, he would like to see 2008 usage compared to 2009 usage. Chief Peverly said that they have it set up to compare by pay period--dollars and hours expended in 2008 vs. 2009. Chairman Lesniak asked for it to be broken into categories - how much was Impact overtime, routine patrol, training, etc. Chief Peverly said that it will be.

Mr. Holmquist asked for clarification on the austerity budget proposal by DMB and the Sheriff responses. Chief Peverly said that DMB asked the Sheriff's Dept. to look at a proposed austerity program for \$702,600, and the Sheriff's Dept. responded to it with \$382,000. He noted that the major component of the austerity proposal for the police was wages and vehicles. In the recommended budget, 2% funding was cut in the 101 line. Additionally, the Legislature cut another \$100,000. That computes to about 10 full time positions. The \$299,000 proposed austerity would have cost the department another approximate 7 positions. It would result in about 10% of the patrol force being gone, which is not realistic. Regarding the fleet, \$265,000 was recommended. The Sheriff went along with it, but reminded DMB that a few years ago the County was welding plates to rusted frames on the police cars--that is an untenable situation for emergency response vehicles. A program was implemented to phase in the replacement of cars over a period of years. By 2008 the fleet was back in pretty good condition. Now in 2009 they are saying to cut \$265,000 out--about half. It will help in 2009 while being confronted with fiscal issues, but will have to reassess the impact in 2010. There is no assurances that 2010 will be any better financially. There was a \$9,700 recommendation to cut training; the Sheriff responded with a \$30,000 cut. In rents \$43,000 was recommended, the Sheriff bumped it up to \$52,000 because there was about \$50,000 of funds in that account to obtain air cards for computer. They were able to secure a grant to obtain the air cards, so the \$50,000 would be saved. The same process was followed on the Custody side, which is more difficult because of a controlled environment, fixed posts in the facility. They are doing what they can to cover positions--moving people around with civil positions.

Mr. Holmquist said that the proposed austerity budget and the response aren't close; hopes there is more thought about getting closer. Chairman Lesniak said that the initiatives to reduce the overtime are not reflected in the austerity budget. Chief Peverly said that he numbers that are reflected in the proposed austerity are something that they can accomplish--hopefully go even beyond the austerity proposals. It gives the department an opportunity to do the things that it can, making adjustments internally. As police professionals, see what they can do and still maintain the service that is required for the community and the justice center. Mr. Holmquist said that in the past 2 years it has been regularly referenced that half of the county work force will likely retire and there will be opportunities for shared services, reorganizations, etc. While addressing the really hard, short-term decisions, opportunities for down the line can be looked at also. Chairman Lesniak said that the eligibility to retire reference may not fit within this group, as it is predominately a younger work force. Mr. Holmquist said that any contribution is helpful. Chief Peverly said that this is becoming a daily response, they are looking daily and interacting agency wide to look at ways to deal with the economic climate that everyone is confronted with. It reaches out to the line level; he noted that he vice president of OCSBA was present today. Chief Peverly has met regularly with OCSBA's president to talk about initiatives and OCSBA stepped forward; they immediately responded with initiatives. It is a cooperative venture agency wide.

Mr. Masterpole asked about consolidating Jamesville Penitentiary with the Justice Center. Chief Peverly said that there have been informal discussions. The daily interaction that takes place with managing the population, involves a lot of interaction with Jamesville. A lot of coordination takes place; he met with Commissioner Cowin 3 or 4 times within the last month. The Commissioner has daily interaction with the Justice Center. If the facilities were combined, they recognize that the area of savings would be potentially on the support services side. The staffing will essentially be very similar or the same because there are pre-sentenced and post-sentenced inmates that have to be supervised. The biggest hurdle that would be that there are two separate unions-DSBA, which by arbitration, was awarded exclusive rights to pretrial sentence inmates. Jamesville members, even if it were a consolidated agency, could not supervise the custody people. There is a lot of technical things that would have to be looked at and considered, but it has not shelved the idea.

Mr. Masterpole asked if retired deputies could be used in the schools. Chief Peverly said that they are School Resource Officers; the school districts don't want retired deputies. The Sheriff's Dept. contracts with the school districts and they pay the full salary and benefit of the officers; they pay 10 months of the deputies salaries that are assigned to the schools. For the remaining two months, the officers are shifted back to patrol operations, which is the burden that the County has.

Mr. Masterpole asked if there are any reports available on the Clay merger-savings to Clay, cost to County, etc. Chief Peverly said that there haven't been any problems; it has been seamless. The dollars are where they expected them to be; the costs are billed to the Town of Clay at the end of the quarter. If there are adjustments to be made in the department, the Town of Clay pays them. Mr. Masterpole said that if mergers are working in law enforcement, it seems like the Justice Center and Penitentiary could get through the union issues, as was done in Clay, especially with the austerity budget. Chairman Lesniak responded that not all situations save dollars. Recently, a couple areas were looked at, and it would have been more costly to the village police departments if they had merged.

Mr. Warner asked what contracted services are paid with overtime. Chief Peverly said that there are contracts with some towns where they pay the overtime, administrative, and vehicle costs for officers. In the Town of Salina, there is a contract to patrol the parks. The officers are hired on an overtime basis. The town pays the full salary, benefits, use of cars, depreciation cost, fuel, and the administrative costs. There are a couple of towns where the Sheriff's Dept. enforces traffic under town local laws. The revenue from that enforcement can go back to that municipality. Unfortunately, it doesn't apply to the County by State Law. Mr. Warner asked what kind of violation would an evidence technician have. Chief Peverly said that it could be harassment, or an injury that doesn't come up to an assault.

Mr. Warner referred to the 11 members in the custody division, who cannot report for duty as a result of work or non-work related injury/medical conditions-he asked who monitors the stages of their progress. Chief Peverly said that it is monitored with the human resources staff; Risk Management works with them almost on a daily basis. There are those that are work related, covered under 207C of General Municipal Law. They are entitled to salary, benefits, medical coverage. Those that are injured off duty do not have that type of coverage. They do have protections afforded to them where they still retain their position, but use their sick time and other county benefits that are available. Once a person is off the payroll for over a year, whether from a work or non-work related injury, there are provisions in Civil Service Law for action on their removal. Medical evaluations and assessment of conditions are done, and if it appears to be a long-term disability and workers Comp is involved, they attempt to get a disability retirement. It is very difficult to get in the NYS retirement system; it is a very time consuming process. Those under 207C are the County's full cost; it covers police and fire personnel if injured during the performance of their duties. He said that about 8 or 9 of the 11 employees not working are as result of work-related injuries.

Chairman Lesniak asked for continuance of the good work between OCSBA and management. He commended OCSBA for stepping to the plate and helping out with austerity measures.

#### **4. A Local Law Enacting a Social Host Law to Prohibit the Consumption of Alcohol by Minors at Private Property (Sponsored by Mr. Buckel and Mr. Kilmartin)**

Mr. Buckel said that Mr. Kilmartin spearheaded changes to the previous version. The law is unique to Onondaga County; similar versions in 3 other counties in the State. There is a specific gap in current state law; and this law addresses "knowingly allowing" minors to consume alcohol on premises; which leads to a host of other problems, i.e. drinking and driving. The gap limits, in some respect, what prosecutors can charge a responsible party when a minor consumes alcohol. This law is designed to deal with it. The State has considered similar laws. This was prompted by two incidents where the best a DA could do was to charge for endangering the welfare of a child when people had allowed consumption of alcohol on their premises. It is not a complete charge; doesn't send the signal that criminal law should send that this type of conduct is directly prohibited. He has worked with the DA's office, they couldn't find a State law with similar prohibition; they felt favorable to this law. He and Mr. Kilmartin have met with Chair Lesniak; have met with a local attorney who has a great deal of expertise in this area and is working to modernize the law on a state level.

Mr. Kilmartin noted that the intent of the legislation is to deter and discourage underage drinking and if there is a situation where someone knowingly allows minors to consume alcohol at their property, then it is not unreasonable to hold those individuals accountable and responsible for their actions. It is intended to focus on those that purposely or knowingly turn a blind eye to what is going on their own property or in their house. Many times nothing tragic comes of it, however this rears its head when there is a tragedy, fatality or some physical injury related to consumption of alcohol by minors at someone's home. Neither the DA's office nor the County Attorney's office has any objection to this local law. He noted that endangering the welfare of a child is very broad based; it can be a hindrance sometimes as a prosecutor. Another law, unlawfully dealing with a child, is intended to prohibit people from having minors come onto their property where there is sexual activity or drug abuse taking place. There is a gap that doesn't address when minors are coming onto a property and engaging in underage drinking.

Revisions to the previous version:

- Qualified as a Class A misdemeanor
- Definition of property expanded to include dwelling, apartment, condominium, home or a parcel of property that might be vacant, might not have a dwelling on it;
- Owner knowingly allows underage drinking to take place - applicable to any adult

Chair Lesniak commended the sponsors on some of the modifications; he was opposed to any set penalties. The Class A misdemeanor gives the DA and the judge flexibility to deal with the issue on a one on one basis.

Chairman Lesniak asked who ultimately gets a ticket in a scenario where the homeowners are away on vacation, his kids have a party at the houses who are minors and other underage kids attend and are drinking. The kids are not the property owners, and the property owner did not know of the situation going on. Mr. Kilmartin said that the most important thing is the definition of "knowingly". If the property owner is away on vacation and have no knowledge whatsoever that there is a party at the home and minors are drinking, the property owners do not face liability under this local law. However, if a child 17 or 18 year old child is at home and knowingly invites his/her friends over to the house; has full knowledge that there are people engaging in underage drinking, then that child could be prosecuted under this law under the theory that they control the premises. The child

is controlling the property in the parents' absence. If a control concept were not put in the law, it would in essence exempt any 18, 19, 20 year old or older from any liability when he/she should be held responsible and accountable for their actions. Mr. Buckel agreed; he does not want to raise alarms that 16 or 17 year olds could be prosecuted, but also did not want to minimize it. He pointed out that this law is not for just houses; it is for property in general, i.e. universities and colleges.

Mr. DeMore questioned the term "knowingly" - asked for definition of "having reason to be aware of". Mr. Buckel said an example would be if beer bottles are seen, unexplained, in your home every time your kids have friends over. A reasonable standard varies with every case; there can't be one that would fit all. To say only "knowingly" would allow negligence or recklessness. Mr. Kilmartin said that "knowingly aware" means that there is actual knowledge - an adult who observes a minor drinking alcohol on your property. "Having reason to be aware" has to be a little bit of a broad based description; otherwise all that is reverted back to is actual awareness. It would be circumstantial. A situation where parents go out to dinner, come back an hour later, and may not see a minor in their home actually consuming an alcoholic beverage, but if they see empty beer bottles, 20 kids walking in and out of the basement holding beer bottles--then depending on other facts, it might qualify as being "aware of". There could be any number of facts that give rise to "having reason to be aware of". Mr. DeMore said that in talking about someone's home there has to be caution about being too broad or too vague. Mr. Buckel said that there has to be a parameter to give a prosecutor reasonable discretion.

Mr. DeMore asked about the term "adjacent" and asked if a friend who has 2,000 acres is covered under this law. Mr. Kilmartin said that it is if he is aware of it or has reason to be aware of it. Mr. DeMore brought up a scenario where there is a home farm and 2 or 3 miles away is more farmland with the same owner, and a pile of beer cans is found in the woods, is that reason to be aware, and should the landowner patrol his property. Mr. Kilmartin said that this was contemplated, and referred to page 2, Section A, which really relates to a situation that is in the present. With any criminal situation, there could be finite hypothetical where the police and prosecutor have to make interpretations as to the facts and if they merit a charge. That could be applicable to any statute. This is not a situation where police will be knocking on doors or looking in windows for any cause whatsoever. Mr. Buckel said that "knowingly allow" speaks in the present; the prohibition speaks in the here and now. Knowingly means that you either see it or have reason to know. He said that the farmer, who finds a pile of beer bottles in his field, is absolutely not charged by any responsibility under the statute. It is "knowingly allows" minors; not "knowingly sees". Mr. DeMore expressed concern about police interpretation. Mr. Buckel explained that this law pertains to situations where someone knows that there are kids, consents, permits, and concedes to minors drinking alcohol.

Mr. DeMore referred to section 4a. 1 - if a parent sees that their child and friends are drinking, he is off the hook if he throws them out of the house, as he took action. The parent could put the kids in their car, send them down the street drunk and the parent is off the hook. Mr. Kilmartin said that the hypothetical is a false premise--should that parent allow them to continue drinking while under age at the house, or ask them to leave the house and stop drinking. The person would be subject to prosecution if they knowingly allow the conduct to take place, or if they refrain from taking corrective action. Mr. DeMore said that in this scenario, the parent knew of the drinking and therefore was under the statute, but then is off the hook once he throws the kids out the door. Mr. DeMore is not sure that the intent of this law makes sense. If those kids that are put into the car, get into a bad accident, it has made a bad situation worse. Mr. Buckel said that perhaps the law should be clarified; Mr. DeMore has a good point, as it would be reckless for them to get into a car and drive.

Mr. Kilmartin said that important language is being overlooked.... *reasonable corrective action shall include, but not be limited to...* forfeiting the alcohol and staying at the premises, refrain from continued consumption, or depart. He said regarding the theory of having the kids at the parents house and under their control, once those kids leave the house after consuming alcohol, now there is no control over them.

Mr. DeMore referred to Section 4b. - he questioned what the difference is if the parents are there or not, if they give permission. Mr. Kilmartin said that parents have direct supervision over their child. Mr. Buckel said that vicarious permission by a phone call would be reckless.

Mr. Warner asked why these scenarios don't fall under endangering the welfare of a child or unlawfully dealing with a child. Mr. Kilmartin explained that unlawfully dealing with a child specifically relates to a situation where a minor comes onto a property and there is sexual activity or drug activity taking place; it is a very specific statute. Endangering the welfare of a child is a very broad-based statute--about knowingly committing acts injurious to the moral, mental, or physical welfare of a person under 17. It can be a benefit to a prosecutor, but can be a detriment. Some judges have said that the statute is so broad based, they don't think it is applicable or intended to be applicable to the fact pattern that is being presented. The intent of this local law is to mirror unlawfully dealing with a child and also address the gap in penal law relating to the fact that the consumption of alcohol by minors at a residence isn't addressed. Endangering the welfare of a child applies to a person under age 17. Mr. Warner referred to Section 260.20 of the penal law-unlawfully dealing with a child... *gives, sells or causes to be given or sold any alcoholic beverage*. Mr. Kilmartin said that is where there is a gap...if an adult gives alcohol to a minor at his house, if the adult sells the minor alcohol at this house; if the adult causes to give the minor alcohol, the adult is in violation of section 260.20. Nowhere in section 260.20 nor 260.10 is it addressed where someone provides a haven where underage drinking is taking place knowingly.

In answer to Mr. Warner, Chair Lesniak said that Nassau and Suffolk Counties have adopted this law. Mr. Warner asked when other counties implemented it, and if the law has ever been used. Mr. Buckel will find out.

Mr. Masterpole suggested a scenario where there was a tragic DWI, the parents were in Florida; the DA is on television and stated that the parents left a 16 and 18 year old alone at home and questioned what they thought would happen. Mr. Masterpole asked if that is "knowingly". Mr. Buckel said that it isn't. Merely entrusting your house to your children is not. He explained that it is "knowingly" when the children tell the parents what they are doing; the parents see it and observe it. Just because they are young does not bring with it the assumption under criminal or civil statute that kids will do stupid things. Mr. Kilmartin said that with the existing penal laws on the books today, there are good charges every day in this county and state, and there are bad charges every day in this county and state. There is nothing today that can guarantee that this statute or any other will be perfectly executed by the police or the prosecutors. These are fact driven issues. He has a fair amount of faith in the prosecutors and the police to interpret this properly, like any other statute.

Mr. Masterpole asked about a scenario where a house is rented to a fraternity, 6 minors live there and parties occur every night. Mr. Buckel said that people cannot be accosted because of presumptions, there has to be evidence and proof. Mr. Masterpole asked who is responsible if the owner sees beer bottles and kegs around. Mr. Buckel and Mr. Kilmartin said that the tenant is responsible because they control the property.

Mr. Holmquist said that he is very sympathetic to the points made by Mr. DeMore, there is a lot of subjectivity and interpretation to this. He is not comfortable with it today; will keep an open mind if some of the concerns are addressed.

Chairman Lesniak said that as this is a local law, there is no responsibility for this committee to vote on it today. The sponsors can put it on the table for session, if they desire.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,  
DEBORAH L. MATURO, Clerk

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**SOCIAL SERVICES COMMITTEE MINUTES - FEBRUARY 10, 2009**  
**CHAIRMAN SAM LAGUZZA**

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

**MEMBERS ABSENT: Mr. Buckel**

**ALSO PRESENT: *see attached list***

**Chairman Laguzza called the meeting to order at 10:30 a.m. *A motion was made by Mr. Warner, seconded by Mr. Lesniak to waive the reading and approve the minutes of the previous meeting.***

**1. AGING & YOUTH:** Lisa Alford, Commissioner

a. **Amend '09 Budget to Accept a Meals on Wheels Assoc. of America, Keeping Seniors Connected Grant (\$12,500)**

This grant will help homebound seniors that are currently relying on over the air TV signals and assist with DTV conversion. The money will provide education, outreach to caregivers, neighborhood advisors, HEAP applicants, adult protective contacts, constituent newsletters, etc.

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

Ms. Alford announced that Nancy Schmid, Project Dir., Senior Nutrition, is on the National Meals on Wheels Assoc. of America Bd., which is an asset to the department; she provides a lot of information and visibility.

b. **Amending 2009 Budget to Accept a Meals on Wheels Association of America Wal-Mart Foundation Cure Grant (\$10,000)**

This grant would allow restoration of rural Meals on Wheels route service to Jordan, Elbridge, and Onondaga Nation areas. Budget restrictions forced them to cut back to 3 days/week; this grant will allow them to go back to 5 days/week. Almost all Meals on Wheels meals are provided by volunteers, who aren't reimbursed for gas. This grant will allow for a drivers fund for the volunteers.

**All committee members requested to be co-sponsors. *A motion by Mr. Lesniak, seconded by Mr. Stott, to approve this item; Passed unanimously; CARRIED.***

Mr. Lesniak referred to item 1a, and asked if there will be any possibility for any additional grants as a result of the time extension. Ms. Alford said that they will ask; it also allows assistance with installation.

**2. Memorializing the Governor and the Legislature of the State of New York to Continue Community Optional Preventive Services (COPS)** (Sponsored by Mr. Laguzza)

Chairman Laguzza said that the resolution asks for the release of COPS funding to counties that are due them. He has met with the Co. Exec. and expects the \$50,000 Hillside money to be taken off the table.

Mr. Lesniak asked if this is money that was cut from the 2009-2010 budget; Chairman Laguzza said that it is money from the '07-'08 budget. Mr. Lesniak asked if there is any opportunity of this being restored; since it was money cut from the last State budget. Ms. Rooney said that the conversation is going on across the state for the '09-'10 budget. Rochester has taken the lead on COPS money because of the amount funded for Hillside and what the Wegman's family has contributed. Onondaga County has piggybacked on that effort with our state legislators. The COPS money is retroactive to Oct. 1<sup>st</sup>; at minimum they are asking that the retroactive piece be moved up. Chairman Laguzza said that Onondaga County was below the COPS grant ceiling. Mr. Sutkowy said that COPS allows counties to receive State funding to help fund child welfare services--lower risk cases, non-mandated. The County funds 8 programs. In 2007 the State instituted a moratorium on any new proposal starting in 2008. With facing a \$14 billion funding crisis, the State has proposed that the entire COPS funding stream be eliminated. Others impacted: North Area Athletic Club, Faith Hope Community Center, Cicero Canteen, Westside Community School Strategy, Probation JDPINS Program.

Mr. Stott said that the Canteen has been doing a lot of creative things for funding but losing this will pretty much close them. Chairman Laguzza noted that out of the program cuts, there is about a \$3 million savings; about \$446,000 of local tax dollars.

Mr. Lesniak said that he is hesitant, as difficult decisions will have to be made and not everyone that comes in will be able to get funding. Chairman Laguzza said that the money involved with the COPS is a private/public sector endeavor. No tax dollars are being used to get the match. There are people and corporations in the private sector that want to help this county-in restoring the program, the County would get a 2 to 1 match.

Mr. Holmquist said Mr. Laguzza has some good points, but feels that Mr. Lesniak hits a key point--we will hear some great stories every month going forward and will have to take some steps back to reality that there will be cuts. Chair Laguzza said that everyone will be looking for funding. The only real argument with this resolution could be that State money is our money. There is no local tax dollars; this is an investment; there are organizations wanting to help. There is a huge opportunity for a 2 to 1 grant; the resolution just restores the opportunity. Mr. Warner asked what happens to the \$80,000. Chairman Laguzza said that it already on the table; it is at Hillside. There are other agencies that receive opportunities through private/public opportunities.

Mr. Stott said that these programs all add value. Some of them are also fundraising, i.e. Canteen is working to offset and maybe reduce the need for funding. A broad brush can't be painted-it can't hurt to support these programs. It makes sense to reach out to public money and maybe get more to offset this in the future. Chairman Laguzza said that if this had local tax dollar impact, he would expect this to be cut, but doesn't understand why there is hesitation to support opportunity for a funding stream that has no impact on local dollars and encourages private/public participation in the community.

Mr. DeMore asked if this is all State money that has been taxed and spent. Ms. Rooney said that it is a public/private partnership--while there aren't Onondaga County local dollars, there are other taxing entities that have contributed to COPS, i.e. City of Syracuse. There are no savings by cutting it on the County side. The State may withdraw this money, and it would be become a local dollar support.

Mr. Warner asked when there will be a bigger picture of all cuts across the board; Ms. Rooney said that it would be by the end of February. Mr. Warner said that he understands Mr. Laguzza's concern, but wonders how many other programs will fall into this same line.

Chairman Laguzza asked the \$4,000 cut out of Youth Bureau, Contact. Ms. Rooney said that all of the Youth Bureau cuts are in relation to the State combining mandated and non-mandated services into on black grant. Juvenile Detention is now mixed with Youth Bureau and 25% was cut. Chairman Laguzza said that mandated services are now pooled into a block grant with non-mandated. Mandated services have to be performed first, which lowers the opportunity for performing non-mandated services. The Executive has to ask what can we do without because the pool for non-mandated has diminished. This is completely different than the COPS grant. The way the money is received is different.

Mr. Lesniak said that he hesitates to start the memorializing mode of saving each one. He understands COPS is a little different in perspective to most of the others that will be looked at. Chairman Laguzza said that we know we will be cutting a lot of expenses through contracts and loss of services--we need to look at the opportunity for other revenue sources. It makes no sense to turn away an opportunity for a 2 to 1 match on a COPS grant and turn away private sector investment. Mr. Lesniak said that it is not turning it away, the money will still be there, but it wouldn't have the match. Chairman Laguzza asked why would an investor, a private sector employer, who is marginal anti up if they see that their local government is not doing the same. They

would hold back and invest it in their business. This is not just about programs and 3 agencies, it is about public/private investment in this community.

Mr. Stott said that our state and federal representatives throw the grants out there, but county, towns, and villages are closer to the programs. These are good programs, we have to waive our hands and let them know that there is a lot more to these than they may realize. This is a haven asking them to take a second look at these programs.

***A motion was made by Mr. Laguzza, seconded by Mr. Stott, to approve this item. AYES: 3 (DeMore, Stott, Laguzza); NOES: 1 (Holmquist); ABSTENTIONS: 2 (Warner, Lesniak). MOTION CARRIED.***

Chairman Laguzza said that he will be bringing in agencies next month. Mr. Lesniak asked that if any agency comes in for restoration of any funds, he wants to have a report card from them. Chairman Laguzza agreed and said that the committee needs to see data.

Ms. Rooney offered that if anyone has any questions, and would like a full report including all of the cuts and contracts that have been reviewed, she will be happy to assist. Mr. Lesniak expressed interest in the bail expeditor program, which is all local dollars. Ms. Rooney said that due diligence has been done in reviewing the programs. Catholic Charities is looking at their Jail Ministry program to see if there is a way to provide services. Mr. Warner expressed concern about the Incinerator Monitoring Program, which will be discussed at the Health Committee.

The meeting was adjourned 11:15 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

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**COUNTY FACILITIES COMMITTEE MINUTES  
BERNARD KRAFT, CHAIRMAN, February 10, 2009**

**MEMBERS PRESENT: Mr. Kilmartin, Mr. Lesniak, Mr. Jordan, Mr. Kinne Mr. Laguzza, Mr. Masterpole  
ALSO PRESENT: and see attached list (*Attachment 1*)**

Chairman Kraft called the meeting to order at 11:30 a.m. ***A motion was made by Mr. Laguzza, 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. TRANSPORTATION: Mr. Brian Donnelly, Commissioner**

**a. Amending Resolution No. 15-2005 to Increase the Authorization to Pay in the first instance 100% of the Federal Eligible Costs by an Additional \$200,000 for the design (Scoping I-VI) and ROW incidental phases of Onondaga Lake Canalways Trail, PIN 375355, and Increasing the Maximum Federal Cost to \$720,000**

Increase for the Design and Right of Way Incidental phases from \$650,000 to \$850,000, all federal funds, no local share.

***A motion was made by Mr. Kinne to approve this item.***

Mr. Jordan asked what the increase is for. Mr. Donnelly said they had to do a human health risk assessment because of concerns about the impact of putting a trail in regarding the release of any contaminated soils. Approximately \$50,000 will cover County DOT associated payrolls that are authorized under the federal project; the rest is to cover incidentals as they go forward into construction and inspection.

Mr. Laguzza asked about the possibility that the government might hold off on these types of expenditures and revenue streams until they resolve the crisis they are in. Mr. Coley said this money is from last year's budget. Mr. Laguzza asked how far this would get the loop. Mr. Geraci said it would add another two miles, have around 5 to 7 miles to go.

***Mr. Laguzza seconded Mr. Kinne's motion; a vote was taken and passed unanimously; MOTION CARRIED.***

**b. Austerity Budget Impact on 2009 Highway Plan - Ms. Jean Smiley, Administrator-Physical Services**

Mr. Kraft clarified that the Highway Plan is not final at this time.

Ms. Smiley explained that every year in December, for about the last twenty years, the finance officer has put the departments on austerity in anticipation of what could happen with the Governor's budget, there is a hold on a variety of accounts just in case the governor's budget is a problem. This year we are in very unique times because of the economic slowdown, etc. Regarding Transportation, there are particular areas that they will have to work with over the course of the season; if they need more salt or need to pay overtime, they would have to release money out of austerity. They also have to plan what roadwork they will do for the coming year, intend to come in April with the Highway Plan. They are trying to get better numbers on what the cost of asphalt will be this year (will effect how many miles they can do in paving), have information about what the Governor is recommending for CHIPS, but they don't know what the Legislature will do, hoping the stimulus bill will be coming soon, until passed don't know how much will be in the pot and how much the County will get. They are not in a position to say what projects they will do; as soon as they have better information, they will be coming back to the Legislature. Ms. Smiley said they try to budget for 38 miles of hot mix and 15 miles of cold each year, weren't able to do about 10 miles last year because of the price of asphalt, those miles are in the mix for this year. Budget office normally makes a recommendation in terms of how much they want to bond, that is put in the plan and they come back to the Legislature. Regarding the equipment list, they are moving forward with priority pieces - buying 4 snowplow trucks, but holding off on other items until they see how the money flushes out to determine what they can and can't do. In answer to Mr. Kilmartin,

Ms. Smiley said they look at highest priorities across the board regardless of what funding year they were supposed to be.

Mr. Kinne referred to the Ways & Means meeting the day before, said if they pass something in the Ways and Means budget, they assume that it will be spent for the particular program, were told the County Executive can do anything she wants. Ms. Tarolli said if somebody misunderstood her to say that the County Executive can do whatever she wants, she would like to correct that. The Charter Code is a system of checks and balances, sometimes the authority rests with the Legislature, sometimes it rests with the County Executive or the Comptroller, DA etc. There are independently elected officials, and you can see throughout the Charter Code a shifting of authority, checks and balances, no one has complete un-tethered authority. What they are talking about today is different than yesterday. Today they are talking about that typically over the years the County Executive comes over with a bonding proposal for highway improvements. Although the proposal comes over from the County Executive with her recommendations, bonding is one of those issues in the Charter Code where the authority actually rests with the Legislature, that is something they can initiate, but the check and balance on that power is that the Charter Code gives the County Executive the authority to veto it. Mr. Kraft said the money approving the bonding could not be spent for anything else.

Mr. Lesniak said they might not know what CHIPS money they will have when they come April. Mr. Kraft said there would be a number for CHIPS in the Highway Plan, if later they don't get it, they will come back to the Legislature. Mr. Seitz said they make a conservative estimate every year, and many years they get additional funding in May or June; they have seldom been cut short on CHIPS, historically have gotten a little more than estimated. If they get less than budgeted, will have to reduce, can't cover it with local dollars.

Mr. Kraft distributed a 2009 Economic Stimulus Project Listing for SMTC TIP (*on file with clerk*)

## **2. FACILITIES MANAGEMENT: Mr. Brian Lynch, Commissioner**

### **a. Authorizing the Execution of a Five Year Agreement to provide Maintenance and Repair Services for Court Facilities, and providing Reimbursement to the County for such Services**

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

**Mr. Jordan requested a copy of the agreement.**

In answer to Mr. Kraft, Mr. Lynch said the agreement is written by the State. Ms. Hajski said it is the same agreement that they renew every five years. Mr. Kraft asked if the County could change the agreement. Ms. Hajski said no one has ever asked to change it. In answer to Mr. Lesniak, Ms. Hajski said every year they provide a budget for the State to approve.

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

## **3. PARKS: Mr. Robert Geraci, Commissioner**

### **a. Zoo Water Main Break - Informational:**

Mr. Geraci reviewed that there is a 48-inch main from Skaneateles Lake that feeds two city reservoirs; the Zoo and Burnet Park are customers. The line is old and has been breaking more lately; when it breaks they have to shut down the Zoo. Have had some great meetings with folks from the Syracuse Fire Department, City Water Department, Dave Fitch, County Parks Department; they are close to a solution to fix this, will probably be a low six-figure dollar cost, City seems to be very cooperative. They have some fire hydrant issues that have to be fixed, some back flow prevention issues that have to come up to speed with the changes; want to have a situation where if there is a water main break, that the Zoo doesn't have to get shut down. Ms. Smiley said they have had productive meetings with the City in terms of cooperation, she believes that there are major portions of it that the City is going to pay for. There are some other issues that the County has as well, if we are going to do this work, may want to do them at the same time, will come back to the Legislature when they have figures.

Mr. Masterpole asked how long the Zoo would be shut down, Mr. Geraci said all indications are that the whole job could be done in about a day or two, will have virtually no impact on the Zoo.

**b. Update on Special Events Fund, Including Plan Changes**

Mr. Geraci distributed a draft report, explained that the official quarter report would not be available until March. Mr. Geraci said they would probably make some changes with respect to revenues and what they will project for next year based on information that is still coming in. Mr. Geraci said this account has done some spectacular things, has enabled them to do things in an entrepreneurial fashion, such as Lights on the Lake, Golden Harvest Festival that have had a minimal impact on taxpayers and capture some revenues as well as sponsorship dollars that allow them to do things. Recent Lights on the Lake program was the most incredible that he has seen in the history of Lights on the Lake, on average there were 100 more cars per night than any previous year. Overall numbers may not be as high as previous years because a week was lost due to where Thanksgiving fell. Twenty-three percent of attendance came from 50 miles outside of Onondaga County (significant tourism impact). Due to the economy, they are seeing a dramatic reduction in sponsorship potentials. Also working closely with the County Executive and Law Departments to try to salvage the Balloon Festival, Citadel Communications and their major sponsor last year have dropped out.

In answer to Mr. Lesniak, Mr. Geraci said they are looking to raise \$45,000 for the Balloon Festival. Mr. Lesniak asked if any other event is in jeopardy. Mr. Geraci said no, but they have never been so close to the wire in terms of meeting their expenses for Lights on the Lake. Staff costs, exhibits, displays, etc. have all gone up and some of the sponsorship dollars have fallen, may want to look at some rate changes. Mr. Kraft mentioned that Lights on the Lake expenses exceeded the income by \$108,000. Mr. Geraci said there are capital costs that have to be incurred every so often; they spent a significant amount of money upgrading the electric and utilities in the park. Normally, the event will accrue about a \$60,000 - \$70,000 net profit. Capital infusion happens every seven to ten years when they have to buy a significant number of displays or upgrade the utilities.

Mr. Kraft noted that this year expenses over income of \$108,000, but they did have the resources in that fund when they started the year. Mr. Geraci said they have a business plan for Lights on the Lake that shows what kind of money they are going to bring in every year and what they are going to need to spend. Ms. Skahen explained that the Lights on the Lake program spans two fiscal years - it started in 2008 and ended in 2009. The draft report shows the revenue and expenses as of 12/31/08, there is more revenue, especially in sponsorship category, that they have received in 2009, that is not reflected in the current draft report.

In answer to Mr. Laguzza, Mr. Geraci said they would be carrying over about \$41,000 as part of next year's Lights on the Lake show, they have never had a number that low (has always been \$80,000 to \$90,000). Mr. Kilmartin asked if that was due to the week of lost revenue because of the way Thanksgiving fell and the increase in capital costs.

Mr. Geraci replied, "yes", on a weekend night they see about 1,200 cars at \$8.00.

Mr. Kinne asked if they are making energy efficient improvements when updating the utilities and buying displays, such as LED lights. Mr. Geraci said the new displays were LED, but they won't move to 100% LED's, also work closely with National Grid to make sure they have the right transformers.

**4. Memorializing the Governor and Legislature to Amend State Law to Eliminate Requirement for Counties to Maintain Separate County Road Machinery Funds (Sponsored By Mr. Kraft and Mr. Laguzza)**

Mr. Kraft noted that with this resolution, each county would have a choice to continue separate road funds or combine them together. Mr. Kraft said, in his opinion, it is all the same pot; all the extra bookkeeping is a waste of effort. Mr. Lesniak said he would like to know why it was set up separately.

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

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Johanna H. Robb  
Deputy Clerk

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

Chairman Warner called the meeting to order at 9:05 a.m.

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

1. **HEALTH: Dr. Cynthia Morrow, Commissioner**
  - a. **Transfer of Funds from Account 101 Regular Employee Wages to Account 408 Professional Services (\$42,300)**
  - b. **Authorize Advance Step for Medical Examiner Grade 39, Step R @ \$130,435 to Step V @ \$137,041 effective March 7, 2009**
  - c. **Authorizing Payment from the 2009 County Budget up to a Maximum Amount of \$3,500 for Travel Expenses for the Position of Deputy Medical Examiner or Pathologist**
  - d. **A Local Law Authorizing Payment out of the 2009 County Budget for the Relocation of either the Deputy Medical Examiner or the Pathologist for the Medical Examiner's office in the Center for Forensic Sciences up to a Maximum Amount of \$2,000**

Dr. Morrow said all four of these items are related to the situation at the Medical Examiner's Office as a result the pending retirement of Chief Medical Examiner Dr. Mary Jumbelic. Regarding item 1a, Dr. Morrow reviewed that transfer funds were requested last year to pay for a contract position to help with coverage of the medical examiner's office, they need to retain these contract services until they hire a permanent replacement; competition for pathologists is extraordinary.

Regarding item 1b, Dr. Morrow provided an information sheet with current Chief Medical Examiner salary information for four counties in New York State compared to Onondaga County and National Association of Medical Examiners salary information (*Attachment 2*). Would like to offer the position to the Deputy Chief Medical Examiner at an advanced Step (still lower than the salary they were paying Dr. Jumbelic); County is incredibly low regarding current salaries.

Items 1b and c are needed to help hire a permanent replacement; one is for travel expenses and the other for relocation expenses. Dr. Morrow doesn't know whether they will be able to find someone who has the experience for Deputy Medical Examiner, plans to advertise for that and also a Pathologist (will fill one of those positions).

**Mr. Lesniak requested information regarding the salary of Erie County's Medical Examiner.** In answer to Mr. Lesniak, Dr. Morrow said there is about a \$10,000 salary difference between the Pathologist and Deputy Medical Examiner positions; anticipates an advanced step if a pathologist is hired. Dr. Morrow said they get about \$250,000 in revenue from contracts they have with other counties, if they don't have a third pathologist, they would have to look at downsizing the work that. In answer to Mr. Laguzza, Ms. Wilson said they budgeted \$260,000 in projected revenue from outside contracts; they are slightly under what was budgeted. Ms. Unger said some northern counties opted to contract their work out themselves.

Mr. Warner asked about the urgency of doing this now. Dr. Morrow said she would like to offer Dr. Stoppacher the position of Chief Medical Examiner and needs to start recruiting the person for Deputy Medical Examiner or Pathologist.

***A motion was made by Mr. Warner to approve all four items, seconded by Mr. Laguzza; passed unanimously; MOTION CARRIED.***

Chairman Warner took the agenda out of order.

**3. Requesting the County Executive to Restore the Waste to Energy Monitoring Program (Sponsored By Mr. Stanczyk)**

Mr. Stanczyk said when the County Executive made adjustments due to budgetary constraints the Incinerator monitoring was eliminate without discussion with the Legislature. Mr. Stanczyk asked Ms. Vicki Baker to make a statement.

Ms. Baker noted there were people representing SEUNA, Asthma Education Project, Sierra Club, JamPAC, and Syracuse United Neighbors present at the meeting. Ms. Baker said she has been involved in this incinerator monitoring project since day one and made the following comments:

- The Town of Onondaga got \$200,000 (still getting that each year) to not oppose the plant; DeWitt, City and rest of the area got the health monitoring plan.
- Since this program was implemented, they have cut back, stopped air monitoring, and disbanded the citizens committee.
- There was not a description of materials being measured when reports were issued, dioxin, mercury, lead come out of this plant daily; this is long term exposure and long term monitoring is necessary.
- DEC measures once a year at a prearranged time, if they don't pass, they get to do it over again.
- Permit should have been extended in 2006, has not been done because of lack of staffing and money at DEC. They need a public entity watching out for the public to make sure there are no long-term impacts from the incinerator.
- Every expert she asked said the monitoring program should continue. They are seeing trends at Skytop and near City Lights when you look at the baseline.
- DeWitt Town Board unanimously passed a resolution to support Supervisor Michalenko contacting the County Executive to get this back in place; once you have that baseline and lose it, there is no going back; also speaks about the credibility of the County if said they would monitor and walk away.

Mr. Stanczyk said the plant is now operating under a contract, but in the near future Covanta will own and operate the plant independent of Onondaga County. Monitoring was put in place to be an additional step of safeguards to make sure that if there was a problem, we would know about it, have a baseline to go back to, are putting pollutants out there and there should be some type of monitoring to protect the public.

Dr. Morrow said it is important to make it clear that there is continuous monitoring of sulfur dioxide, oxide, nitrogen, ammonia, carbon monoxide, carbon dioxide and oxygen in the outflow. On top of that, the DEC does a more comprehensive monitoring once a year. They have been monitoring this since 1994 and they have not found trends, there have been times where there was a blip and then it goes back. Some of the Health Department programs are for cancer screening, tuberculosis, infant mortality; when asked to provide program cuts, Dr. Morrow said this is one she felt needed to be looked at, the DEC is doing continuous monitoring; she is willing to listen to alternatives, engage in discussions.

In answer to Mr. Warner, Dr. Morrow said the monitoring contract costs about \$55,000 a year, they do soil and ash testing (about \$5,000 in laboratory costs for metal and \$50,000 for organic). They do 18 sites twice a year for metals and 18 sites once a year for organics. Mr. Warner asked about cutting the budget in half if they did it less often. Dr. Morrow said she they are willing to discuss other alternatives, doesn't know whether cutting in half is feasible. Mr. Sauda said the major cost is in monitoring organic, if you look at the overall numbers there is no identifiable increase in terms of the organic; metals build up in the environment over time, there were projections on metals increasing, they were very small numbers, there are other emissions, such as mercury from coal burning plants, not seeing a trend with the organics.

Ms. Baker disagreed about not seeing trends; baseline for dioxins at Skytop has tripled. Mr. Sauda said it has gone up and down. Mrs. Baker provided a handout concerning Onondaga breast Cancer Mapping Project from 1988 - 1998 (*on file with Clerk*), said they raised issues in 2000 with Dr. Novick that the health risk assessment needed to be updated because there was new information about dioxins and diesel causing cancer that they didn't know years ago; asked about future recommendations and collaborative oversight from entities that would be able to look at this program from an unbiased point of view. Ms. Baker said we are exposed on a daily basis to what this county burns in that plant, should be some responsibility on the part of the County.

From a technical standpoint, Mr. Michalenko said he would recommend that they sit down and try to interpret what data they have and redesign the monitoring program, real read is going to come from air monitoring, knows that mercury concentrations have doubled over the lifetime of the incinerator. Mr. Michalenko mentioned the program that was recommended in the past where buckets of moss would be put out in remote areas, any metals or organic would come from the atmospheric deposition, not from the roots, would have to have a well designed grid and frequent monitoring.

Mr. Laguzza noted that the County already decreased the monitoring when the mobile monitoring program was eliminated; remembers that the program was specific to moss and to soil, water, fish and wildlife. Mr. Sauda said the original program included fish, milk, air, soil and ash. Monitoring of fish and milk was terminated in 1997 based upon other studies done by the NYS Health Department and because of the low levels detected in the soil. Mobil data collected over a ten-year period was limited in scope, were monitoring only over certain twenty-four hour periods and only testing a small fraction of the samples; those results revealed no measurable levels. Mr. Laguzza asked if they were not aggressive enough in obtaining the samples. Mr. Sauda said based upon the cost of testing the samples and the fact that they retained the air filters, they could go back and test the samples if there was something that was suspect. In answer to Mr. Laguzza, Ms. Tarolli said the contract with the Town of Onondaga is a community agreement, is still current Mr. Laguzza would like to know the term of it.

Mr. Buckel said the Legislature considered this expenditure in a budget that was the subject of intense review, hearings and a vote, asked under the Charter and Administrative Code what is the authority of a County Executive to disregard something that the Legislature approves and authorizes. Ms. Tarolli said the Charter sets forth powers and duties of different elected officials; within the County Executives obligations to discharge her duties described in the Charter code is to maintain control over her expenditures and make and sign contracts; this program has been done over the years through a contract, and that is where the

obligation falls with her realm of duty to maintain control and sign contracts. Mr. Buckel fundamentally disagreed with that interpretation, it is in variance with the way the Charter was written, thinks it is an attempt by the County Executive to trump and override what this Legislature, which has the specific power to set the budget, to be the policy making body of this county; control over an expenditure that they have approved means you administer it, revise it, review it, doesn't mean choose not to do this. Noted that the legislature suggested or passed a rule in the past that says their legislation must be approved in advance by the attorneys appointed by the County Executive, we have this inherent roadblock in terms of the Executive with a structure in place to exercise powers that Mr. Buckel doesn't believe the Charter gives the authority to do; suggested the Legislature needs to take a step back and examine these authorities. Mr. Buckel said he views what the County promised to do when the Incinerator was built as a social contract, hates to see that social contract broken much less the policy of this legislature unilaterally run over by the County Executive.

Mr. Lesniak asked if DEC does any soil monitoring. Dr. Morrow said "no". Dr. Morrow said they are willing and open to discussing other ways of doing the monitoring, they are just not sure that \$55,000 in this testing is what needs to happen. DEC does continuous air monitoring of what is coming out from the incinerator; one of their concerns is that there are so many other sources of pollutants. Mr. Sauda said DEC requires the operator of the facility to do continuous air monitoring for certain parameters and report them to the DEC, they require the operator to have an independent contractor come in once a year and do the stack monitoring process and submit a report to the DEC. They also require the facility to do an ash testing on site; that is universal throughout the country. The County has been doing the off site monitoring. Mr. Lesniak asked if there is anything the County is doing that is duplicating what DEC does. Mr. Sauda said "no".

Mr. Warner noted that Dr. Morrow said they are open to suggestions. ***Mr. Warner made a motion to approve this item.***

Mr. Stanczyk said it is a social contract that the County has agreed to do for years, it needs to be continued in the most efficient, most effective way. Mr. Stanczyk said if we could vote for this resolution and get some type of response from the County Executive; that would be great.

***Mr. Laguzza seconded Mr. Warner's motion.***

Mr. Buckel said in voting for this he is not conceding that the Legislature's authority is limited to merely requests, thinks the County Executive is overstepping her authority; wants this to be done in a collaborative way, come up with the right solution.

Ms. Baker said she doesn't care if the mercury or lead comes from the incinerator or from heavy industry; if people are becoming contaminated from sources, it is up to our County Health Department to do some oversight, that is what this program does.

Mr. Kilmartin observed that presently DEC does air monitoring, County does soil monitoring off site and presently there is an examination of ash done by the County and by Covanta, asked Dr. Morrow if she sees any significant environmental or health concerns based upon data that has been presented to her. Dr. Morrow said "no", thinks it is imperative to understand that health and environment are very different, can't say that there is no health impact. Mr. Kilmartin asked if she has seen any historical data that concerns her. Dr. Morrow replied "no". Mr. Kilmartin asked if the County Executive's office or the Health Department has looked into any other alternatives. Ms. Rooney said testing of moss is something they want to talk about. Mr. Kilmartin asked for more information about the breast cancer studies that were conducted. Ms. Baker said breast cancer could be associated with dioxin exposure. The Breast Cancer Mapping Project was done from 1988 to 1998, showed a 15% to 30% increase in women in the eastern suburbs. Dr. Morrow said there is a huge problem with interpreting cancer cluster data. Mapping project was done between 1988 - 1998 (three years after the incinerator); breast cancer is a long-term disease, it could not have happened in three years, no way they can draw any causal associations. Dr. Morrow is hearing concern about baseline national data; cannot rely on small sample sizes, especially at a zip code level for something that has so many confounding factors, genetics being the strongest predisposition. Ms. Baker said their issue is about health, she doesn't mean to imply that this had to do from the incinerator; she is saying that there is already a high risk.

Mr. Warner noted that a lot of these projects through the years have been mandatory and some promissory, have to keep our integrity and promises and not strip some of these programs that have been in place, expected and promised.

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

## **2. VAN DUYN: Ms. Roberta Sprague, Commissioner**

**a. Providing for the Substitution of Certain Capital Projects at Van Duyn Home and Hospital in Place of a Project Previously Authorized Pursuant to Resolution No. 255-07 in order to Maintain Eligibility for Reimbursement of County Costs through New York State Grant Funding**

**b. A Resolution Authorizing Capital Improvements at the Van Duyn Home and Hospital in and for the County of Onondaga, New York at a Maximum Estimated Cost of \$5,500,650, and Authorizing the Issuance of \$5,172,935 Bonds of said County to Pay the Cost thereof**

Ms. Sprague said she is requesting to change the projects they were planning to do in Scenario A; reviewed the following information:

- December of 2006 - Berger was signed into law
- July 11, 2007 - Scenario A & B were submitted to NYS Health Department
- September 2007 - grant was awarded to Community General and Van Duyn in the amount of \$12.8 million
- December 18, 2007 - Legislature accepted the grant authorizing implementation of Scenario A and appropriated \$3.3 million (Scenario A provided for the redesign and improvements to the corridors and nursing stations at Van Duyn).
- December 10, 2008 - advised the Legislature that they would not have time to do Scenario A because of the amount of work it would take to design and build it.
- December 18, 2008 - Community General finally entered into a contract with the State of New York.
- January 30, 2009 - the County entered into a sub contract so that they could begin to do their projects.

Ms. Sprague said they have been advised that the funding must be spent by September 30, 2009, that puts them into a very tight situation. She would like to substitute equally valuable projects to be done at Van Duyn that have been in their Capital Plan. NYS Department of Health has verbally agreed that they can make these substitutions. Requests the Legislature to authorize the amendment to Scenario A and allow her to substitute other capital projects that they believe can be done within this timeframe.

In answer to Mr. Lesniak, Ms. Sprague said the nursing floor and common area redesign is out at this point, they will be coming back in the future about doing that project along with a dietary project. Regarding the oil tank replacement project, \$90,000 was authorized for that to be done in 2009; project is going to cost quite a bit more, asking to use some of the grant funds.

Ms. Sprague said the total grant award for Van Duyn is \$3,227,250. Aside from that money, they will need the issuance of bonds in the amount of \$4,693,847, total comes to approximately \$8 million. All of these projects add value to Van Duyn, increase health and safety and are necessary and essential for them to do. In answer to Mr. Lesniak, Ms. Sprague said they would do as many projects as they can fit under the grant money and pay for by September 30, 2009; in addition there is a list of other projects that they would like to do during this same timeframe. In order to do those and to maximize what they are going to get out of the grant they will need to bond for that additional money. They will receive approximately 80% back in their Medicaid rate for what they bond for over a two-year lag.

Mr. Kilmartin understands that the reason for the change in the projects they have identified is a timing issue, because they have to spend these monies by September 2009, are reshuffling the projects that these grant funds would be used for, allocating those that are shovel ready to begin immediately; will take in that \$3.3 million in funds via grant and then separately bond for in excess of that to take care of other necessary projects at Van Duyn. Ms. Sprague said "yes".

In answer to Mr. Laguzza, Ms. Sprague said they are not sure what projects can be completed, billed by the September 30, 2009 deadline. All the projects add value to Van Duyn and increase health and safety; all are necessary and essential for them to do. Dr. Dennison said they were not apprised by the State Health Department that there was a deadline to spend the money until December 2008.

Mr. Buckel said he would abstain on this vote, does not have enough information at this time to vote on something this large.

Mr. Warner said time is of the essence, due to the deadline of September 30<sup>th</sup>. Mr. Buckel noted that they have had almost two years.

Ms. Sprague said the State Department of Health set the deadline, they did not have any control over that, nor did they have control over the signing of the grant between Community General and the State.

Ms. Sprague said they wouldn't bond until they are ready to do the projects that require the bonding. Mr. Mack said if they go forward, for example with the boiler project, they will get reimbursed with grant funding shortly after, it is not contingent on the bonds. Mr. Kilmartin said in terms of Section 1 of Resolution 2b, he sees a number of capital projects - above ground storage tanks, replacement of ice machines, freezers, coolers, elevator modernization, replacement of fire alarm system nurse call system and telephone system with an estimated cost of \$4.8 million. Ms. Sprague said there should be some money left out of the grant that will go towards the estimated cost of \$4,876,185, they are bonding for \$4,693,847. Mr. Mack said they need the other capital projects that can be done by September 30<sup>th</sup> in order to maximize the grant reimbursement. They will bond for the other capital projects, will seek reimbursement and get reimbursement to the extent they can, bonding reimbursement is 80% Medicaid. Concerning the boiler, they will get 100% grant reimbursement, and energy efficiency; they will spend less County money on energy, and there will also be salary savings (boilers being put in are unmanned boilers). Mr. Kilmartin clarified that Section 1 number of \$4.8 million is part of a larger gross number of north of \$8 million for total capital projects; of that \$8 million, \$3.3 million will come back to us in terms of a grant right away (100% reimbursement if done in the time required), projects done with the residual funds, the County will receive 80% reimbursement.

**Mr. Lesniak requested a breakdown of what each cost is, how much they are bonding for, when we are going to be reimbursed.** Ms. Sprague provided a sheet entitled Heal NY Grant and Van Duyn Renovations which lists the projects, cost, bonding or grant funding (*Attachment 3*). **Mr. Lesniak also requested information about the payoff of bonds and when and what would be reimbursed.**

Mr. Buckel asked about the 80% reimbursement process. Ms. Sprague said it is reimbursed in their Medicaid rate based on the number of Medicaid clients they have in the facility and the number of bed days, you get 80% of that back in your rate; there is normally a two year lag before it catches up to your rate. Dr. Dennison said Medicare pays for patient days on a per diem rate that has a number of components - one is the direct operating cost, one is the indirect administrative expense and another one is capital. Capital is a pass through added on to the price base of the direct and indirect; when you make a capital investment that has been approved by the NYS Health Department, would file a limited certificate of need (CON) application to the NYS Health Department for projects, they approve the CON (that approves the capital as an allowable expense), they then add a capital component to the per diem rate, Van Duyn is at about 80% Medicaid, so about 80% of the capital costs amortized over the useful life of the investment will come back in the Medicaid rate. Mr. Buckel noted that Medicaid is reimbursed part by federal government, part by State and part by County, when say 80% reimbursed; part of it is coming through our own Medicaid reimbursement rate contribution. Dr. Dennison said the County pays about 25% on average for Medicaid, two years ago the State agreed to cap the County's Medicaid payment, so any increase in Medicaid expense is federal and state.

Ms. Sprague said Van Duyn provides a service that is essential to this community, and going forward it will still need to be a nursing home. In her opinion, whether the County owns and operates it doesn't matter, because these are essential services, lifesaving measures, these are replacing or repairing equipment that in most instances are 30 to 32 years old; they have outlived the useful life of every single piece of equipment that she has brought to the table today, they can't get parts, people to service. Ms. Sprague said they are struggling every day.

***A motion was made by Mr. Lesniak, seconded by Mr. Warner to approve item 1a; passed unanimously; MOTION CARRIED.***

***A motion was made by Mr. Laguzza, seconded by Mr. Warner to approve item 1b; a vote was taken; Ayes: 4 (Laguzza, Lesniak Kilmartin, Warner); Noes: 0; Abstained: 1 (Buckel); MOTION CARRIED.***

The meeting was adjourned at 10:32 a.m.

Respectfully submitted,  
Johanna H. Robb  
Deputy Clerk

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**EDUCATION & LIBRARIES COMMITTEE MINUTES**  
**PATRICK M. KILMARTIN, CHAIRMAN, February 11, 2009**

**MEMBERS PRESENT:** Mr. Corbett, Mr. Stott, Mr. Holmquist, Mr. DeMore, Mrs. Winslow

**MEMBERS ABSENT:** Mr. Kinne

**ALSO PRESENT:** Mr. Meyer and see attached list (*Attachment 1*)

**Chairman Kilmartin called the meeting to order at 10:30 a.m. *A motion was made by Mr. DeMore, seconded by Mr. Corbett to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.***

Chairman Kilmartin took the agenda out of order.

**2. ONONDAGA COUNTY PUBLIC LIBRARY:**

**a. Confirming Appointments to the Onondaga County Public Library Board of Trustees**

Mr. Kochian advised that Debbie Stack is currently a Data Manager with Sensis Corporation; he had a positive conversation with her regarding her interest in libraries and collaboration between the County Executive, Legislature and OCPL Board of Trustees, passed around a book that she coauthored about the Erie Canal. Mr. Kochian noted that Ryan McMahon is a City Councilor and a banker, said it would be beneficial to have somebody who could be a direct link to City government, City owns branch libraries and pays for them. Mr. Kochian encouraged support for both candidates.

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

**3. Memorializing the Governor of New York State and the New York State Legislature to Reduce the Proposed Budget Cut for Public Libraries (Sponsored by Mr. Stott)**

Mr. Stott noted that the Board of Trustees provided him with information showing that utilization of the libraries is up, especially with the economic downturn. Mr. Stott said it is critical to send a message to Albany that libraries are a resource that people need to educate, reeducate themselves and to find jobs; people are cutting back or canceling their internet service at home and need a place to go. Cuts proposed right now are significant and would damage this community greatly; he would like to see the suggested cuts in library funding reduced by 1% to 5%.

Mr. Holmquist said he is sympathetic with what Mr. Stott said, but decided in the beginning of the year that he was not going to support memorializing resolutions such as this one, the State and County are in a tough spot, noted that the County is going to have to make some very tough decisions this year, is voting against all of these.

**Mrs. Winslow requested to be added as a co-sponsor of this resolution.**

Mr. Corbett asked if the board supports this resolution. Mr. Manning said "yes". Mr. Fisher said they are cognizant that cuts need to be made; it is the size of the cut rather than that there is one. Mr. Manning said they have met with the local State delegation, and they were very clear that there would be cuts. The Board's appeal was to ask that they make it equitable, they believe in shared sacrifice, but thought 18% was over and above that, they know that cuts are coming, hoping it is in the 5% to 6% range.

Mr. Kilmartin said he was concerned about the resolution when Mr. Stott originally brought it up, because there will without question be cuts at the State level in a number of different services, also fairly confident that there will have to be cuts, and already have been, within the County Budget because of the economic conditions we are in, did not want to send a mixed message to Albany. He is more comfortable with the resolution now, because it is trying to advance the idea of making any proposed cuts in a line with other issues the State is dealing with. Two issues that he would promote consistent with this resolution are proportionality and priorities, can see where priorities for public safety and social services might fall ahead of some of the priorities of the libraries, but trying to inspire proportionality and priority with the State of New York isn't such a bad thing.

***A motion was made by Mr. Stott, seconded by Mrs. Winslow to approve this item; Ayes: 5 (Winslow, Stott, Corbett, DeMore, Kilmartin); Noes: 1 (Holmquist); MOTION CARRIED.***

**1. ONONDAGA COMMUNITY COLLEGE: Dr. Debbie Sydow, President**

**a. Proposed State Budget Cuts to Community Colleges**

**b. Update on Onondaga Community College Capital Projects, Enrollment, and REACH BEYOND: The Campaign for Onondaga Community College**

Dr. Sydow informed the committee that the State of New York university system has a new chancellor, Nancy Zimpher, most recently from the University of Cincinnati; in her experience she has dealt with public community colleges. Given that OCC is the fastest growing of those colleges and universities, they are excited to have a chancellor who has previously demonstrated support for community colleges and partnerships with community colleges. They had anticipated, if the Governor's proposal was approved by the Legislature, a \$1.2 million cut in the current year's budget - 2008-2009; that did not materialize. SUNY provides at present about one third of the funding for Onondaga Community College.

Dr. Sydow provided the following graph regarding spring enrollment compared to 1998 - 2008:

OCC experienced a 10% increase in the spring and they anticipate a similar percentage increase in the fall. As they anticipate building the 2009-2010 Budget, Governor Paterson's budget calls for a 10% reduction in FTE base aid to community colleges, that would mean at least a \$2.4 million cut, expect a large enrollment increase and could be higher. The aid to certain independent colleges and universities would only be cut 5% in this same budget. Cuts they are being expected to absorb are far too great given their direct role in recovery and building and maintaining a viable workforce, helping those people getting laid off their jobs come back for retraining.

Dr. Sydow said she appreciates the County's ongoing support to Onondaga Community College, looks forward to working together to help mitigate tuition increases to the extent that they can. Concerning the three revenue streams (State, County and tuition), it will be tuition that they will need to look to as away of helping to balance the budget. OCC has, in the recent past, been very focused on building a fourth revenue stream; they have launched a major capital campaign with the goal of raising \$6 million in private donations. They have also established affiliates such as the Housing Development Corporation, OCC Association that are also about building revenue streams for the college and providing additional services and programs for their students. They have seen ongoing growth in their grant funding, continuing to look at a budget that includes at present about \$11 million in additional grants that they see annually. Dr. Sydow said they feel well positioned; their campaign is doing very well. Provided the following report:

Capital Campaign Update

- 1) Campaign currently stands at **\$3.8 million** against the \$6 million goal.

2) Campaign publicly launched November, 2008. Goals for public phase are slightly different. In addition to the \$2.2 million yet to be raised, goals for the public phase are:

- a. Broadest participation possible from constituency groups, particularly in individual and alumni giving.
- b. Establish long-term relationships for future fundraising efforts.

3) Volunteer leadership for the public phase is in place:

Bob Roberts (SRC) and Allen Naples (M&T Bank) as co-chairs

Orrin "Mac" MacMurray (C&S Companies) and Judy Flanagan (Data Key Communications) co-chairs of the Corporate

Campaign

Mark Tryniski '81 (Community Bank) and Donna Desiato '69

(ESM Schools) co-chairs of the Alumni Campaign.

Kevin and Selma Moore, co-chairs of the Employee Campaign

Sub-committees are beginning their work, continuing with personal (peer) solicitations, supported by small-scale campaign events.

4) To monitor campaign progress and updates, please visit the campaign website at [www.sunyocc.edu/reachbeyond](http://www.sunyocc.edu/reachbeyond).

State of New York funded about \$68 million in capital for the college last year with a County match for part of those funds. Mr. Emm gave an update regarding capital projects:

- Design firm has been selected for the arena, addition and renovations for the Health/Physical Education building. Formed a task force - Section 3, Convention & Visitor's Bureau, YMCA, people from the Town of Onondaga. Construction phase should begin January 2010 and will take between 18 and 24 months.
- Athletic field is completed, currently have about 1,000 seats in the bleachers, will install another 1,500 to 2,000 seats this spring
- Mawhinney Hall renovations - expect to complete the renovations of 3<sup>rd</sup> floor south wing and move the Presidents suite this summer (old space will be made into 3 classrooms by fall), center of the first floor and the north wing of the first floor will be done next summer.
- Science labs - will do four labs and two classrooms this summer and same number in 2010.

Mr. Kilmartin said he understands the State has not made any cuts to their current budget. Dr. Sydow said he was correct, but the timing of the fiscal year could still impact them in that their fourth quarter; if the Governor's budget for 2009-2010 includes a 10% reduction, it will hit them in their fourth quarter payment. In answer to Mr. Kilmartin, Dr. Sydow said she has met with Mr. Valesky and others from our local state delegation, not getting any feedback except that they are going to do the best they can to minimize reductions. Dr. Sydow thinks everyone is sympathetic to the need to balance the State budget and keep the State strong, it is just a matter of being able to articulate to our elected officials in Albany that we need the type of balancing that doesn't damage our ability to experience an economic recovery; continuing to invest in education, especially higher education, is the best possible way to invest in the State's future. Mr. Kilmartin asked what her understanding is concerning federal stimulus funds going to community colleges in New York State. Dr. Sydow said they were asked by SUNY to submit shovel ready projects, they submitted a \$20 million proposal to renovate H1 and H3 buildings on the old Van Duyn property that the college now oversees, those were included as bundled funds in the House bill, not in the Senate bill, waiting to see what ultimately gets passed.

Regarding job training, Mr. Kilmartin asked Dr. Sydow about programs they have at OCC now and what they have done in the past, what might be available to Magna employees. Dr. Sydow said when the Carrier layoffs occurred several years ago, many of those workers came to OCC and many chose health care professions. Two programs they expect to be especially popular are the health professions, where there is job demand and also stability and good wages, and a new environmental sciences program that will prepare workers for the green industry jobs.

Mr. Stott said he understands there is funding available to help the laid off workers. Dr. Sydow said they are very proactive, there are a number of organizations that have come together as a team, they have partnered with CNY Works, Department of Labor; they have everything coordinated to be ready. A formal presentation has been made to Magna.

Mr. DeMore asked how the money would be made up if the State cuts their funds. Dr. Sydow said they think they can absorb part of it with increased enrollment. OCC is consistently rated as one of the most efficient within the SUNY system, which means they don't have a lot of areas to cut concerning their net cost per FTE. They have been engaged in ongoing conversations with employees to find out what their ideas are for increasing efficiency, reducing costs and generate revenue, and they are tying this into sustainability.

**c. Status of Discussions regarding Tuition Waiver for Nursing Students**

Dr. Sydow said a number of meetings have occurred, is very excited about this potential partnership that would enable the County to retain more nurses and, hopefully, attract more nurses to work in County healthcare facilities. Details being discussed - the total cost of the program, books, nursing fees, lab fees, etc. Looking at prerequisites for nurses to come into the program, admissions timeline and the number of students they would admit per year; details should be finalized by next month.

Mr. Mawhinney noted that Dr. Sydow received an award from the National Association of Community College Trustees; they select the top people from five different regions of the country each year; Dr. Sydow received the award for the Northeast region.

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,  
Johanna Robb  
Deputy Clerk

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**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - FEBRUARY 11, 2009**  
**CHAIRMAN JAMES A. CORBETT**

**MEMBERS PRESENT: Mrs. Winslow, Ms. Williams, Mr. Rhinehart, Mr. Jordan, Mr. Kraft, Mr. Masterpole**  
**ALSO PRESENT: Chairman Meyer, Mr. DeMore; see also attached list**

Chairman Corbett called the meeting to order at 11:30 A.M. ***A motion was made by Mr. Rhinehart, seconded by Mr. Masterpole, to waive the reading and approve the minutes of the previous committee meeting. CARRIED.***

**1. LAKE IMPROVEMENT:** Sue Miller, Deputy Director, Lake Improvement Project  
**a. ACJ Update**

Ms. Miller distributed a copy of *Onondaga County Partnership News*, an insert in the *Neighbors* section, *Syracuse Newspapers*. It is paid for by the Partnership; 85,000 copies are inserted in Onondaga County; put out twice per year. Chairman Corbett noted that through the Partnership's website, subscriptions and updates can be sent directly to email.

Construction Highlights - Gray

- In performance period for Midland Project with contractor operating through May 15<sup>th</sup>.
- Construction on first phase of pipe on Clinton project (Gifford St., West Onondaga St, on west side of creek) to put in conveyance is basically complete - only construction is the conveyance behind in back of the MOST to Trolley Lot side - to grab Jefferson St. overflow, very large; putting pipeline underneath railroad

Mr. Kraft asked where the pipeline will eventually go. Ms. Miller said that it will go to the Trolley lot for underground storage. It is no longer going to a regional treatment and storage facility; it would be going to storage only. The consultants are determining the size of the storage needed--dependant on what DEC tells the County. Discussions continue with DEC regarding the revision to the amended consent judgment. The result will set what the County needs to do to meet the ACJ. It is anticipated that some will require green, but some will also require gray for additional capture. Chairman Corbett said that from the beginning of going to more green, it was said that there would have to be some sort of storage either above or below ground to make that transition. It will not be a 6-month or one-year transition before green infrastructure will start to take over some or more of the water. Ms. Miller said that EPA requires that communities look at capturing at least 85% of the start of the CSO volume. DEC will set what is needed to capture in gray and set a goal for a percentage that will be captured in green.

Clinton Phase 2A

not much further construction has been done do to weather conditions

- Sewer Separation - basically finished at Parkway and Rockland.

Mr. Kraft said that the conveyance are not hooked up to anything right now. Ms. Miller agreed and said that overflows are going into the Creek.

Green Highlights:

- CH2MHill is gathering information from other municipalities around the country
- Looking at City's ordinance and codes to see where there might be hindrance to green opportunities.
- Ms. Miller has been meeting with City re: porous pavement. Right now any placement of porous in the City for sidewalks has to go to the Common Council for individual approval. They are trying to see if there is another way to look at this, approach use of porous pavement on sidewalks, parking lots in the City. Looking for possible use on the Creekwalk, which would not be a sidewalk. The creekwalk is funded through DOT money.

Mr. Rhinehart referred to CH2MHill working on an 8-city survey on infrastructure and question why 8 cities and the cost. Ms. Miller said that she will report back with the exact amount for the survey. They started with 15 cities where they had green infrastructure projects going on; it was cut down to 8 to try to get similar climates to Onondaga County, similar situations with combined sewers overflows.

Mr. Rhinehart said it appears that the County is reviewing the City's ordinances and codes, and asked if the City is helping with hindrance of green infrastructure projects. Ms. Miller said that it is going well, before the consultants were asked to look into this, she met with the City and discussed it. The City is on board with this. CHA is involved with the City on some of their planning efforts. She reported that she is very happy with the working together with the City. She has met with the City DPW on issues concerning porous pavement and the creek walk. Mr. Rhinehart asked about discussion regarding county assistance for funding, as the creek walk is located in the City. Ms. Miller said that she will provide a breakdown, the creek walk is Federal DOT, she did not know how much is City money. The County emphasis was on a betterment to the project. It costs more to put down porous than it would to put down impervious asphalt.

Mr. Masterpole asked if there are codes, other than the sidewalks, that are a hindrance. Ms. Miller said that they are looking at anything--zoning, parking lots, etc., not just sidewalks. Mr. Masterpole said that he would be willing to go to the City Council to put in an amendment to the ordinance. Chairman Corbett said that it is in the works now. Ms. Miller said that as time goes on, there are more and more porous materials. They don't want to limit--at the cutting edge on some of the materials. As there is more demand, more will be developed. This is trying to set up an opportunity for testing and demonstration of perhaps more than one product. Mr. Masterpole said that the intent of the ordinance was so that people would not blacktop their sidewalks.

In answer to Mr. Kraft, Ms. Miller said that porous materials are made so that the water infiltrates. It has enough voids in it, so that the water goes right through materials. Some materials transports better than others, i.e. stone; it is bound together by a cement product or polyurethane product. The one at the MOST is made up of tiny stones, recycled tires and polyurethane to hold it all together. It is solid to walk on. Underneath is a retention area, drainage area, with larger cobblestones.

Mr. Masterpole asked about the status of settlement money for Skunk City area. Chairman Meyer said that his understanding is that the Law Department has it. Ms. Berger said that she will find out the status.

## **2. ONONDAGA COUNTY RESOURCE RECOVERY AGENCY - Kristen Lawton, Public Information Officer**

- a. [Recycling](#)
- b. [Bottle Bill](#)
- c. [Earth Day](#)

Ms. Lawton provided a Powerpoint presentation (*Copy on File with Clerk*).

Regarding recycling, Mr. Kraft asked if we are able to sell materials. Ms. Lawton said that OCRRA actually doesn't sell them; the materials recovery facilities actually process the materials, sort, and sell to secondary markets. The markets have been a little poor recently due to the economy, but have been stabilizing as of January. Mr. Kraft asked what the cost is to recycle. Ms. Lawton said that OCRRA does not do the collections; it is handled by the haulers. It goes to the materials recovery facilities (MRFs), where the material is sorted, which is a private entity. In terms of the curbside material, the cost doesn't directly go to OCRRA. There is an agreement with the haulers and the material recovery facilities, that depending on how markets go, there is a floor and ceiling structure in place. Depending on where it is, either OCRRA pays a fee or the haulers pay a fee per ton. Mr. Radin said that if the prices for paper and cardboard fall below a certain amount, then OCRRA provides some flooring support to the recycling facilities. If the prices go above a certain amount then there is some revenue sharing. OCRRA invests about \$ 1 million per year in the community's recycling program. The community is recycling close to 700,000 tons of material per year, which is saving the community \$40 million in avoided waste disposal cost. Mr. Kraft said that this includes commercial; Mr. Radin agreed. Mr. Kraft is more interested in residential.

**Mr. Kraft said that he is interested in the recycling program itself, and asked OCRRA to provide him with some information.**

OCRRA has a contract with the recycling facilities, which guarantees all of the haulers a zero tip fee when they take the blue bin materials to the material recovery facilities (MRFs). There is no charge to drop recyclables no matter what the market condition is. Mr. Kraft said that that haulers charge the County for transport; Mr. Radin agreed. Mr. Radin said that as residents, it is paid for through taxes,

Regarding the bottle bill; Mr. Kraft said that it is obvious working--is not against adding extra bottles to the system. However, he has concern about the part of the law regarding keeping the money. Government is going to take the money, right now vendors are using it to support the system. It will end up costing the consumers. Ms. Lawton said that they are hoping that the unclaimed deposits will be directed towards the EP Act, which ultimately gives grants to programs much like the ones that OCRRA funds. Mr. Kraft said that it will raise the price. Right now it is 2 cents for the people that do the canning, which will be lost. Ms. Lawton said that she can't actually speak to how it will work out, but they are hoping that the expansion will help increase recycling and reduce litter.

Mr. Rhinehart referred to 65% of waste being recycled--asked if the 35% of trash all gets burned at the plant; or if some is hauled out. Ms. Lawton said that it depends on what it is. Construction, demolition material is sorted previously and some of it is considered accessible at the waste-to-energy plant and some it not. Some portions of it go to Seneca Meadows. The majority of that material goes to the waste-to-energy plant. Mr. Rhinehart asked if the residual, end result of what is burned, gets sent to Seneca Meadows. Ms. Lawton said that it does. Mr. Rhinehart asked if anything goes to Auburn or Pennsylvania; Mr. Radin said "no". Mr. Rhinehart asked what happens when Seneca Meadows is filled. Mr. Radin said that it is put out for RFP and based upon proposal and price, the agency will make a selection considering disposal costs and transport costs.

Mr. Rhinehart said that tests are performed downwind from the trash burning facility, and asked if there has ever been anything recorded that would indicate that there is something harmful being discharged. Ms. Lawton said that OCRRA actually has testing emissions separate from the County testing. She understands that in the 13 or so years the County has tested, nothing has ever been produced indicating that there are health issues related to the plant. The DEC conducts testing, Covanta does ash and emissions testing; the information is posted on the website. Mr. Rhinehart said that there is a portion of testing that is required just to keep the permit for the facility; there is also another portion (county), which is not required. Ms. Lawton agreed; it is in addition to what they already do; much of which is very similar testing. Mr. Rhinehart questioned why the County does it.

Mrs. Winslow said that they do give different information. She said that you cannot just stop doing something because nothing has been found in the past. She said we should be happy that nothing has been found that will harm the residents. She lives in the shadows of the smokestacks of the incinerator and will be working hard to make sure that it is being checked. The testing is a good health practice. Ms. Lawton said it is important to keep testing and monitoring and would be happy to provide a comparison of what the County testing entails and how it overlaps with DEC and permit testing. Chairman Corbett said that the testing will not stop, whether being done by two entities or one, it will still continue.

Mr. Kraft said that the State government has heavy demands and are hard wired from the smoke stack to Albany. They know what is going on and are watching the emissions. This effort was a secondary effort, was tried elsewhere across the country and never proved anything. There were many stories and press releases sustaining the fact that this was not a worthwhile effort. The County went ahead with it, because of the insistence of certain legislators and residents of that area. Now it has been 15 years, and in those years there are the same results that were done elsewhere across the country; nothing shows. The stack emission is key; it is regulated by the State government and observed by state government. At this point, he feels that the County has done enough. There has been a lot of taxpayers money spent on it. Chairman Corbett said that more importantly in the 15 years; they have come to the same scientific conclusions and testing -- both testings concurrently have come up with the same thing.

The meeting was adjourned at 12:28.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

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WAYS AND MEANS COMMITTEE MINUTES - FEBRUARY 24, 2009  
CHAIRMAN JAMES M. RHINEHART

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

**ALSO PRESENT:** Chairman Meyer, *see attached list*

Chairman Rhinehart called the meeting to order at 9:30 a.m. ***A motion was made by Mr. Warner, seconded by Mr. Corbett, to waive the reading of the minutes of proceedings of the previous committee. MOTION CARRIED. A***

*motion was made by Mr. Corbett, seconded by Mr. Warner to approve the minutes of proceedings of the previous committee meeting. MOTION CARRIED.*

**1. FINANCE:** Karen Carney, Director, Real Property Tax Services

a. **Approving and directing the Correction of Certain Errors on tax bills**

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

b. **Authorizing refunds on erroneous assessments**

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

**2. PROBATION:** Mary Winter, Commissioner

a. **Authorizing Probation Dept. to apply for grant funds to provide for Alternatives to Incarceration**

This allows application for grant funds for 3 alternatives to incarceration programs. They are for people who have otherwise failed in regular probation. Absent these programs, their incarceration rate would be 100%.

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

In answer to Mrs. Rapp, regarding the number of individuals in each program, Ms. Winter said that ATIP1 (Drug Court) currently has 48; halfway house (Syracuse Behavior House) currently has 26; day reporting currently has 81. The local cost is \$357,000.

Mr. Stanczyk asked if an analysis has been done regarding how much is saved because these people aren't incarcerated. Ms. Winter said that last year, \$90,000 in drug court, \$49,000 on halfway house; \$153,000 in day reporting. It is difficult to get a hard number--depends on sentence, pending charges, back-to-back sentences, etc. \*It is \$293,260 savings based on \$110/day at the jail. These are people that remain in the community, work, pay taxes, take care of their children. (\*Ms. Winter clarified her statement - see below motion).

Mr. Stanczyk is interested in the mechanics of the calculation; this is \$350,000 of County money and \$350,000 of State money to save \$293,000. Ms. Winter said that she will get an exact calculation.

*Passed unanimously, CARRIED.*

*\* Mrs. Winter said that she misinterpreted some information that she provided the committee initially; the \$293,000 is the savings in the Justice Center-someone would be sitting, waiting at the justice center, they can be out quicker through the Alternatives to Incarceration Programs. In estimating that the 155 people currently in the program, if 100 of them went to Jamesville, there would be an additional cost of \$110,000. The total savings would be about \$703,000.*

**3. AGING & YOUTH:** Maria Mahar

a. **Amending 2009 County Budget to Accept a Meals on Wheels Association of America, Keeping Seniors Connected Grant (\$12,500)**

This is to accept a grant to assist in DTV conversion.

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

b. **Amending the 2009 County Budget to accept a Meals on Wheels Association of American Wal-Mart Foundation Cure Grant (\$10,000)**

This is to accept money to provide funding for drivers, increase meals to seniors in rural areas and the Nation.

*A motion by Mrs. Rapp, seconded by Chair Rhinehart, to approve this item. Passed unanimously; CARRIED.*

**4. FACILITIES MANAGEMENT:** Karen Hajski

a. **Authorizing the Execution of a Five Year Agreement to Provide Maintenance and Repair Services for Court Facilities, and Providing Reimbursement to the County for such services**

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

**5. TRANSPORTATION:** Brian Donnelly, Commissioner

a. **Amend Res. No. 15-2005 to Increase Authorization to Pay in the First Instance 100% of the Federal Eligible Costs by an Additional \$200,000 for the Design (Scoping I-VI) and ROW Incidental Phases of Onondaga Lake Canalways Trail PIN 375355 and Increasing the Max. Fed. cost to \$720,000 (\$200,000)**

This is to increase design for Onondaga Canalways Trail by \$200,000. All federal funding - \$200,000 was deobligated from Inner Harbor Study and DOT was able to pick it up. The entire project is federal and NYS DEC funded; no local share. Onondaga County has to front the money and then get reimbursed.

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

Mrs. Rapp questioned how far will this take the trail around the lake. Mr. Donnelly said it will go from the parking lot at the State Fair and connect to the southerly pedestrian bridge over Rt. 690. Mr. Corbett asked if this includes the bridge over Nine Mile Creek and if it will take a small size emergency vehicle. Mr. Coley said that it does include the bridge and will take a full size fire truck. They are hopeful to have final design approval in the next couple of weeks, go to bid in May; under construction this year and completed next year.

Mr. Corbett asked if the County is the lead agency for SEQR; Mr. Coley responded that it is.

***Passed unanimously, CARRIED.***

**6. CENTER FOR FORENSIC SCIENCES:** Dr. Cynthia Morrow, Commissioner

a. **'09 Transfer from Acct. 101 Reg. Empl. Sal. to Acct. 408 Fees for Svcs. in the Amount of \$42,300 to Contract for Part-time Pathologist Svcs. for Coverage While Recruiting for Vacant Dep. Med. Examiner**

Dr. Morrow said that items 6a - 6d are related to the retirement of Dr. Jumbelic as Chief Medical Examiner.

- Allow continuance with a contract pathologist, who is assisting the other two pathologists
- Advance step of current acting Chief Medical Examiner-desires to appoint as Chief Medical Examiner
- Allow recruiting and potentially relocate a pathologist

There are challenges to recruiting and retaining trained pathologists for a medical examiner's office. The salary is low on the scale.

Mr. Kraft suggested that another time he would like to see a better comparison of other counties; Suffolk, Rockland and Orange counties are downstate with a totally different cost of living. Monroe County is known for payrolls being higher. Four counties does not provide a valid comparison. Dr. Morrow said that there are no chief medical examiners in the smaller counties, as Onondaga County contracts with 8 other counties to provide services. There really isn't another upstate comparison. She believes that Albany County contracts out; Erie County has two deputy chief medical examiners at a total of \$340,000.

Dr. Morrow said that the contracts with 8 other counties brings in revenue of approximately \$250,000; if a third trained pathologist isn't hired, they probably can't continue providing those services.

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

Mr. Stanczyk referred to hiring people at Step V, and questioned if they are in the right grade. Feels that we should get to the point where there is a realistic salary for a position and not climb so many steps. Mrs. Walter explained that there are 40 grades in the MC schedule; to go to the next higher grade is the same grade that the Commissioner of Health is in. Mr. Stanczyk suggested that there be 41 or 42 grades. In trying to act like a business, and reasonable approaches, this is unrealistic and unreasonable to continue. When the new County Executive came in, there were a number of people hired at real advanced steps. There is a grade process that isn't working too clearly. Mr. Kilmartin said that there is process for adjusting for different grades and different steps, and the process is in place.

Mr. Kilmartin asked regarding the \$250,000 revenue brought in by contracted services, will the third pathologist dedicate all of his/her time or a portion of his/her time, or are the revenues spread out amongst the different personnel. Dr. Morrow said that they probably couldn't continue to offer services to other counties if there isn't a third pathologist--it is a lot of work, about 200 cases per year. In answer to Chairman Rhinehart, Dr. Morrow said that Onondaga County is not obligated to do other counties work, but it does bring in revenue.

Dr. Morrow explained that she would like the current acting chief medical examiner to be appointed. At this point, she doesn't know if she can hire someone at the deputy level; may need to come back and create a pathologist position at a lower level. Mrs. Rapp questioned if the salary will be sufficient; Dr. Morrow indicated that the recruitment will be a challenge.

Mr. Kinne asked if the County could contract with additional counties. Dr. Morrow said that at this point, it will be difficult to get more contacts. They would have to balance the workload. Recruitment and retaining a position is really difficult. To create a scenario where there is even more work, would create a risk of having them go to another place; there is huge demand for trained pathologists. In answer to Mr. Kinne, Dr. Morrow said that these people are all physicians and have an additional 3-7 years of training on top of medical school.

***Passed unanimously; MOTION CARRIED.***

b. **Authorize Advanced Step Hire for Medical Examiner, Grade 39, Step R @ \$130,435 to Step V @ \$137,041 effective March 7, 2009**

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

c. **Authorizing Payment from the 2009 County Budget to a Maximum Amount of \$3,500 for Travel Expenses for the Position of Deputy Medical Examiner or Pathologist (\$3,500)**

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

d. **Authorize Payment Out of the '09 Budget for Relocation of Either Deputy Med. Examiner or Pathologist for Med. Examiner's Office in the Cntr for Forensic Sciences up to Max. Amount of \$2,000**

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

7. **PERSONNEL:** Peter Troiano, Director, Employee Relations

a. **Accept and Approve contract between the Co. of Onondaga and the NYS Nurses' Association**

Items 7a and 7b:

- 4 year terms
- coming off of one year contracts fro 2008
- patterned after CSEA settlement
- have provisions to agree to enter into discussion regarding employment labor costs going forward to 2009 depending upon how this year develops and reacts to the economy and stimulus programs
- percentages: 3%, 3%, 3.25%, 3.5% - same as CSEA
- step advancements in nurses contract - work out to 2%-3% based upon years of service with the County - takes 2-3 years to move from step to step
- there are no step advancements in the building trades contract

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

Mr. Troiano explained that the nursing contract is not just for Van Duyn; there are nurses in the Health Dept. and Corrections. The Nurses and Building Trades have been asked that in the event there has to be a revisit to employment and labor costs going into 2009, would they be willing to come forward and work with the County on it. Memorandums of agreement are in place stating that they will do that. Mr. Corbett said that it is not locked in; it opens the door for ability to renegotiate. Mrs. Rapp asked if these contracts can be renegotiated. Mr. Troiano said that they can; they have agreed going forward into 2009, depending upon how things pan out with respect to economy, ability to respond to it, stimulus, etc., to come back and have discussion about how to overcome those issues and what can be done with the contract. Mr. Kilmartin said that it is an agreement to try to agree. Mrs. Rapp asked if the same memorandum exits with the other unions, Mr. Troiano said "no", they were negotiated prior.

Chairman Rhinehart asked if in the time period of the 4 years nurses contract, if Van Duyn were to be turned over to the private sector, where does that leave the County pertaining to this contract and the nurses. Mr. Troiano said that there is no successor clause in the agreement; depending upon how it would be structured, it could or could not be a factor in, but there is no requirement that it be included by virtue of this agreement.

*Passed unanimously, CARRIED.*

b. **Accepting and approving the contract between the County of Onondaga and the Central and Northern New York Basic Building Trades Council**

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

8. **VAN DUYN:** Roberta Sprague, Director

a. **Providing for the substitution of Certain Capital Projects at Van Duyn Home and Hospital in Place of a Project Previously Authorized pursuant to Res. No. 255-07 in order to Maintain Eligibility for reimbursement of County costs through New York State Grant Funding**

Mr. Warner said that there was a program in place going back a few months; the State said that all of the money had to be spent by Sept. 30, 2009. Some of the projects could not be done by that time; so there has been a revision. Mrs. Sprague has done a great job and the Executive staff has put together this project well.

Mr. Kilmartin explained that about \$3.3 million can be subtracted from the \$7.9 million in grant funds that are outstanding; leaving a net cost of about \$4.6 million, 80% would be refunded to the County via Medicaid. Mrs. Sprague agreed, noting that it would be over a 10-year period of time.

Chairman Rhinehart asked when the County recoups. Mrs. Sprague said it is a two-year lag time. He asked if there is any concern that the State may pull it after there is a commitment. Mr. Seitz said that it was unlikely.

Mr. Warner said that the total local unreimbursed cost will be \$938,000 without interest; \$1.157 million with interest. The County is not eligible to get any further Medicaid reimbursement on those two numbers.

Mr. Stanczyk said that Van Duyn had a significant windfall for funds and asked if they are in. Ms. Hahn said that the funds are in and after closing 2008 Van Duyn's fund balance is \$14 million. However, they are Medicaid costs; so if it were to be used for capital improvements, Van Duyn couldn't be reimbursed.

In answer to Mr. Kraft, Ms. Hahn explained that IGT funds are Medicaid funds and Medicaid reimburses Van Duyn for capital expenses. Medicaid dollars can't be used and then asked for reimbursement of 80%. Mr. Kraft asked if county general funds are being provided to Van Duyn in the 2009 budget. Ms. Hahn said that they are. There will be IGT in 2009 and what is budgeted is to draw down those funds. Van Duyn is not getting any money that is not matched 100%.

Mr. Kinne asked if the \$14 million can only be used for operating expense. Ms. Hahn said "yes". As it stands operationally every year, funds are being appropriated because Van Duyn is operating at a deficit.

Mr. Kilmartin said that based on projections, is there a sense of what the deficit may be for 2009. Ms. Hahn said that the budget allows for \$1.5 million from the general fund; and another \$2 million from prior year surplus, but that does not take into account the State cuts if they come to pass. She further explained that the \$1.5 million from the county general fund is only to draw down federal funds.

Mr. Stanczyk asked about the status of occupational therapy. Mrs. Sprague said that a meeting was held yesterday with some union reps and staff; they will come back in a couple of weeks with proposed alternatives.

***Passed unanimously, CARRIED.***

b. **Authorize Capital Improvements at Van Duyn Home & Hosp., Co. of Onon. at a Max. Est. Cost of \$5,567,435 and Authorize Issuance of \$4,693,847 Bonds of said County to pay the Cost thereof \*\$4,693,847)**

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

#### **9. WAYS AND MEANS MISC.:**

a. **Confirm appointment of Darcie L. Lesniak as Legislative Aide of the Onondaga Co. Legislature**  
***A motion by Chair Rhinehart, seconded by Mr. Warner to approve this item. Passed unanimously; CARRIED.***

b. **Request Co. Exec. to restore the Waste to Energy Monitoring Prog. (Sponsored by Mr. Stanczyk)**  
***A motion by Mr. Warner, seconded by Mr. Stanczyk to approve this item. AYES: 5 (Stanczyk, Warner, Kilmartin, Holmquist, Kinne); NOES: 1 (Kraft); ABSTENTIONS: 3 (Corbett, Rapp, Rhinehart)***

c. **Request County Executive to restore the Bail Expeditor Program (Sponsored by Mr. Stanczyk)**

Mr. Stanczyk said that the Bail Expeditor Program is on the County Executive's target for discontinuance. The program was started by Jail Ministries years ago as an attempt to help the poor meet fairly low bail bonds. It gets people out of jail that don't necessarily need to be there; they are not violent criminals. Keeping them in jail keeps the population high, which is expensive. Also, to get them back with their family, hopefully as a participating member of their community waiting to be judicated of their issue, does positive things in the community. This program not only offsets an expense, but also brings in revenue.

Ms. Winter has been meeting with Chief Carbery regarding the loss of the Bail Expeditor Program to determine and how it could be handled:

- Last year Bail Expeditor took out 477 people
- Pre-Trial Release program in Probation Dept. took out 2,341
- Have proposed that between the Sheriff's Dept, Probation, Assigned Counsel, and courts, they will try to take care of the 477.
- Trying to work with Catholic Charities to see if they could come up with a small program to run, as they did in the beginning on a volunteer basis. The only money that was given to them was the money for the bails, which revolved with \$15,000 replenishment every year.
- Have talked to the Courts--encouraging judges to use other programs - release on own recognizance for people who are indigent, can't make the bail, and may not be taken on pre-trial release
- Absolutely take more people on Pre-Trial Release - only one more person a day would take care of almost all of these people.
- Work with Assigned Counsel Program, regarding expansion of the their Mental Health Diversion Program
- Liaison with Pre-Trial Program - if someone falls through the cracks and didn't get out for some reason; they would call Probation to take another look

They have agreed to meet once a month to go over all of this. She suggested that before there is any discussion of the money being restored, they see if they can do it on their own. The cost is \$108,000 per year for the administration of the program.

Mr. Stanczyk said that the legislature sets a budget in place supporting programs and efforts. Because there is austerity mode, does not mean that the Legislature agreed to the elimination of a lot of these programs and projects. If there are ways to continue the service, he would like the administration to get there. He hasn't heard of any great movement or process to replace some of these programs. He feels that that legislature should get a chance to talk about these things and reiterate it's concern for the programs, so that they are carried on. Right now the Executive has eliminated something that the Legislature specifically approved.

Mrs. Rapp said that she is concerned that all of these cuts were made with the idea that the Legislature does not know what is going on. She feels everyone of the programs could come in and make a strong case for why they should be funded, otherwise the Legislature would have cut them years ago. They are all good programs. She would like to wait and see what the alternatives are to see if things can be done a little differently. She understands that this item will be on Public Safety Committee next month for full disclosure.

Mr. Warner noted that there have been debates about the Bail Expeditor Prog. many times over the years, and every time it survives. It has been gone over and tested; this resolution just asks the Executive to re-evaluate.

Mr. Kinne applauded the County Executive for trying to find ways to cut, but there is always discussion on how to save money at the jail--where to cut costs. The project is working, because if it weren't, it would have been changed years ago.

Mr. Corbett asked if there is drop-dead date on this where there would be no more funding for the program. Ms. Winter said that the program has stopped taking bails right now and the funding runs out Feb. 28<sup>th</sup>. She believes that they will be given \$2,000 more for March to try and get something in order to see where all of the outstanding bails are. Right now there is \$86,000 out in bail money, which will need to come back when court cases are done. In answer to Mr. Corbett, Ms. Winter said that about half would be returned to Bail Expeditor and half to families (they don't pay full pay-pay about half); \$108,000 is the total cost of running the Bail Expeditor Program; there is about \$15,000 for replenishment of the bail itself that people surrendered on bail. Mrs. Rapp said that this is not just bail money; it is also salary money for Catholic Charities; Ms. Winter agreed.

Chairman Rhinehart asked how many are repeat offenders; Ms. Winter did not know.

Mr. Stanczyk noted that the resolution says that the legislature is on record that the program has made sense; it has been put in the budget for 15-20 years and has worked well. The resolution requests a re-evaluation and allows the County Executive the time and space to come up with agreements that might be needed to continue the program. It is important to pass the resolution and have a date in Public Safety Committee for the administration to report on how this will be reformulated and how it will work. He noted that the Jail Ministries calculations are more than a 4 to 1 return; he is interested in seeing the administration's calculation.

Ms. Winter said that they will continue to talk about it and use the resources that have already been appropriated, i.e. Pre-Trial, Assigned Counsel, etc. Chairman Rhinehart added that because it was always done one way, is not a reason to say it should continue being done that way. This is time of great change and he likes the way the Executive side is preceding with this.

Mrs. Rapp asked if we can get through March with the alternative systems. Ms. Winter said that it will take a few months to see what happens. There will be ability to get some out of jail in March. She said that they don't know if a specific program such as bail expeditor keeps the population lower or if it is something else.

Mr. Kilmartin felt it would be best to bring this item back to Public Safety Committee next month; give the Probation Dept. and all other associated agencies an opportunity to provide a return on investment analysis as to the present operation and alternatives.

***Mr. Kilmartin made a motion to table at this item. Mr. Stanczyk opposed the motion***

Mr. Stanczyk said that this is a situation, from the figures that he has seen, where the County gets paid back \$4 for every \$1 put out. The reaction to it will work as long as it is made clear that this is an important function to react to. This program is not operating right now. He appreciates release on ones own recognizance without bail, but there are judges that are still putting bail on these people. Some can't afford to make bail. The impact is that the people that have a small bail get out; and the judge didn't put them out on their own recognizance. If no one helped them get the bail, they would still be in. The program is working; need to evaluate the financials of it. The County Executive must have gone through an analysis to come to this.

***Chairman Rhinehart seconded Mr. Kilmartin's motion to table.***

Mr. Warner asked if other alternatives have been available, why has the legislature had to wait until today for an explanation of them; they should have been explained a year or two ago. However, he doesn't think that two weeks, when Public Safety meets,

is a harsh thing to ask for--to give a full airing of all the alternatives. He would like to find out what the Commissioner of Probation can offer and why it hasn't been offered prior to this.

Mr. Kilmartin stated that the normal process is to submit something to the appropriate program committee and then go to Ways and Means Committee. Mr. Stanczyk said that there have been a number of programs and activities in the budget that weren't taken up by program committees. Mrs. Rapp added that if the full evaluation and alternatives to the program were in front of program committee then legislators could be much more prudent in making a decision.

**AYES: 7; NOES: 2 (Kinne, Stanczyk). MOTION CARRIED**

**10. LAW DEPARTMENT:**

a. **Settlement of Claims**

***A motion was made by Mr. Corbett, seconded by Mr. Warner to enter into executive session for the purpose of discussing litigation strategy in the case of State Farm and Casualty Company, as Subrogee of John J. and Joan M. Middleton. Passed unanimously. MOTION CARRIED.***

***Mr. Corbett amended the motion to include the purpose of discussing litigation strategy in the case of Lawrence Corriders, Individually, and as Administrator of the Estate of Johnny Corriders, Decedent and Priscilla Corriders, by Lawrence Corriders, Guardian of the Person and Property of Priscilla Corriders an Incapacitated Person vs. County of Onondaga, Onondaga County Department of Social Services, Gerard Mainville, Deborah Mainville, Donald Hilton and Staci Hilton, Defendants.***

The meeting was adjourned at 11:05 a.m.

Respectfully submitted,

Deborah L. Maturo, Clerk  
Onondaga County Legislature

**Related Documents**

- [Env. Prot. Attach 1](#)
- [Health Attach 2](#)
- [Health Attach 3](#)