

Office of the Onondaga County Legislature

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PUBLIC SAFETY COMMITTEE MINUTES - JULY 14, 2009

RICHARD LESNIAK, CHAIRMAN

MEMBERS PRESENT: Mr. Buckel, Ms. Williams, Mr. DeMore, Mr. Holmquist, Mr. Warner, *Mr. Masterpole

Chairman Lesniak called the meeting to order at 9:04 a.m. ***A motion was made by Mr. Warner, seconded by Ms. Williams, to waive the reading and approve the minutes of proceedings of the previous committee. CARRIED.***

1. EMERGENCY MANAGEMENT: Joe Rinefierd,

a. Adopting the Updated Onondaga County and City of Syracuse Arson Control Plan

A plan was effected in 1982; Homeland Security has required that it be updated. It is a combination plan with the City of Syracuse and Onon. Co. for arson investigation and information sharing. The updates include National Incident Management portions required for the plan; no money is involved. In answer to Chairman Lesniak, Mr. Rinefierd said that it identifies how the operations work, how information is shared; keeps the County in compliance with Homeland Security; keeps County in line with any future grants that come up.

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

2. ONONDAGA CO/SYRACUSE COMMISSION ON HUMAN RIGHTS: Ann Rooney, Admin. Human Services

a. Confirming Appointment to the Onondaga County/Syracuse Commission on Human Rights

Ms. Rooney noted that the resume and letter was submitted; more appointments will be forthcoming soon.

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

3. PROBATION: Introduction - Al Giacchi, Commissioner effective July 25, 2009

Mary Winter thanked the committee and legislature for all of their assistance and cooperation over the years.

Chairman Lesniak introduced Al Giacchi, Deputy Commissioner who will become Commissioner on July 25th. Mr. Buckel noted that he has seen Mr. Giacchi at nearly every meeting on the north side; he goes above and beyond in many cases. Mr. Giacchi thanked the committee and invited members to do a ride along with probation officers to experience what they do and get a better understanding of their job.

4. Requesting the Governor and Legislature of the State of NY to Assume Full Responsibility for the Cost of Housing Parole Violators Housed in County Correctional Facilities and Requesting the County Attorney to Explore

the Option of Litigation to Enforce the Rights of the County to These Reimbursement Funds (Sponsored by Mr. Lesniak, Mrs. Rapp)

* Mr. Masterpole arrived at the meeting.

Chairman Lesniak said that this was introduced at the July session--asking the County Executive to explore the option of litigation on parolees. The resolution has been revised, as he has had an opportunity to refine some of the numbers. The actual cost is \$127/inmate/day; it will cost about \$800,000 in 2009; an estimated loss of \$965,000 in 2010. He is hoping that NYSAC will come on board with the rest of the counties, as this is a big hit on the budget.

Mr. Warner asked what the State's rationale was on this. Chairman Lesniak said that he thinks it was simply a budgetary cost closure for the State and pass it on to the county. For most people \$1 million is roughly a \$5/\$100,000 increase on a property owner's home -at least \$5 just on this item.

Mr. Buckel asked if long term, there is any way to shift the cost to the violators. Chairman Lesniak said that it has been looked at--the only possibility is if they carry medical insurance, sometimes their medical insurance will be the first priority and the county secondary. Mr. Warner said it is being done in other places; he is looking into it and thinks that it should be pursued to look at a way to offset it. Chairman Lesniak said that most of these are strictly parole violators. They are State inmates -- he fears that if there is no cost to the State; there is no incentive to get them out of the jail.

A motion by Mr. Warner, seconded by Mr. DeMore to approve this item. Passed unanimously; CARRIED. All Committee members asked to be listed as co-sponsors to the resolution. Chair Lesniak said that Mrs. Rapp is also a co-sponsor.

Chairman Lesniak adjourned the meeting at 9:15 a.m. Respectfully submitted,

DEBORAH L. MATURO, Clerk

SOCIAL SERVICES COMMITTEE MINUTES - July 14, 2009
SAM LAGUZZA, CHAIRMAN

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

ALSO PRESENT: *see attached list*

Chairman Laguzza called the meeting to order at 10:30 a.m.

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

1. AGING AND YOUTH: Lisa Alford, Commissioner

a. **Authorizing Execution of Agreements with the City of Syracuse Department of Parks and Recreation for Operation of the Afterschool Program (\$20,000)**

This will allow the City of Syracuse Parks and Recreation to expand and focus on fitness, nutrition, wellness, education for the programs. It will serve 400 kids. There is a high obesity rate in communities and many don't have safe environments in which to do those physical activities; this will provide for that.

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

In answer to Mr. Lesniak, Ms. Alford said that this is all State dollars. Any match that is required would be the responsibility of the City. Chairman Laguzza said that the City met yesterday and was sure that it would pass. Ms. Alford said that if it didn't pass, the City would have to come up with a match or the County would have to reallocate the money in a way that it could be spent.

Mr. Buckel asked if there are any metrics to assess the population that is being targeted and the results that are trying to be achieved. Ms. Alford said that all of the agencies that are funded have to provide outcomes and have to report on those outcomes. She said that the County will be working with them to develop specific metrics. Mr. Buckel said that it is not only measuring the activities that they do, but also being consistent with HIPA. Ms. Alford noted that one area is the measure is body mass index and the change that occurs.

Mr. Stott said that there are multiple variables to childhood obesity. He noted that the cost of health foods are almost twice as expensive. There are trends with kids playing video games, and asked about plans to handle a double-edged sword...eating better, but it being twice as expensive. Ms. Alford said that one group they are looking to partner with is Cornell Cooperative Extension; they have a large amount of experience in helping people stretch their dollars. There are ways to help people stretch the resources that they have and look at ways to increase activity. Chairman Laguzza noted that farm merchants are being allowed to accept food stamps at farmers and mobile markets.

A vote was taken on the motion. Passed unanimously. CARRIED.

2. SOCIAL SERVICES: Ann Rooney, Human Services Administrator; David Sutkowy, Commissioner

a. Update: Federal Stimulus Allocation to Reduce Parent Fees for Low-Income Families Receiving Child Care Subsidies

Chairman Laguzza said that there has been a lot of discussion on the type of stimulus monies and how it is being used. There is concern that too much money is going into social service programming as opposed to brick and mortar. The County Executive does not need the legislature's approval on this; it is for discussion. It will be implemented and will become an issue for the budget in September.

Ms. Rooney explained that the stimulus money came down in various pots; it was not unrestricted. In DSS roughly \$750,000 was made available in childcare stimulus money. A lot of it was because of things happening in social services. If a county's allocation which was passed down last year from the State wasn't spent, then they were cut. In reducing parent fees, and in taking other actions, Onondaga County was able to spend its allocation. If those actions weren't taken last year, \$750,000 wouldn't be available this year. The State has said that this is stimulus money outlined for childcare. A request was made to the State in two different areas. They came to the Legislature last year to advocate for reducing parent fees--the percentage that parents have to pay of their income over the poverty level for their children to be in subsidized child care. It was 35% of income over the poverty level; it was taken to 30%; and the stimulus money will allow them to take it to 25%. This allows parents to stay working.

Ms. Rooney said that there is an application into the State to use the rest of the money to put out an RFP to the various child care centers for things that they may need for improvements to their facilities to allow them to stay in business-similar to a mini-grant situation. Chairman Laguzza said that this would be about \$500,000 and asked how many day care facilities there are in the county. Ms. Rooney said that they would have to predominately serve low-income children. Mr. Morgan said that it hasn't been

determined if the entire \$500,000 would be spent in this fashion. About 50% are subsidized from the County; 15-20 centers. Chairman Laguzza asked that a list of potential centers be provided to the committee.

Chairman Laguzza said that the stimulus money will be gone next year and asked what happens in 2011 when the families are working and the kids are in day care; will this be increased. Ms. Rooney said that they are hopeful that Onondaga County's performance is looked at. Onondaga County is historically spending the money that is allocated, and the State will continue to look at the County positively. Chairman Laguzza said he is concerned that this is a grant, and will we be in a position to bump it back up to 35%. Mr. Morgan said that they are trying to help working families out while they can and will have to re-evaluate once the money is gone.

Mr. Lesniak said that he is also concerned that once the money runs out, the rates will jump. Also he asked what the process is for applying and who gets the money. Mr. Sutkowy said that it wasn't an application process - there is a base allocation from the State for low-income childcare. On top of that, the State received funding from the federal government through stimulus dollars and looked at day care spending across all of the districts. They identified the districts that were spending at the level of their appropriations; those districts received federal stimulus dollars. Mr. Lesniak asked about the individual applying--how is it identified who gets the rate cut. Mr. Sutkowy said that DSS identifies based on income. Chairman Laguzza said that they would get billed differently. Mr. Morgan said that the center would collect less from the parent and more from the County.

Chairman Laguzza said that when the Executive introduced this, there was also an increase in the pay scale for the centers. Mr. Sutkowy said that was an additional 3%. Chairman Laguzza asked if any of this stimulus money will be used for that purpose. Ms. Rooney said that they aren't doing anything directly with the centers. However, indirectly the centers benefit when the parent fee is reduced, as they have a more steady income stream when it is the County is paying 75% as opposed to 70%.

b. Status: Medical Transport RFP Process: David Sutkowy, Commissioner

Mr. Sutkowy reported that they are working on the RFP; a draft will be done next Wednesday; they would like to have it out for response by the end of the month. Mr. Buckel asked to be provided with a copy.

The meeting was adjourned at 10:52 a.m.

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

COUNTY FACILITIES COMMITTEE MINUTES - July 14, 2009
BERNARD KRAFT, CHAIRMAN

MEMBERS PRESENT: Mr. Kilmartin, Mr. Lesniak, Mr. Jordan, Mr. Kinne Mr. Laguzza, Mr. Masterpole
MEMBERS ABSENT: Mr. Kraft
ALSO PRESENT: Mr. DeMore, Mr. Meyer, Mr. Stott and see attached list (Attachment 1)

Vice Chairman Kilmartin called the meeting to order at 11:34 a.m. ***A motion was made by Mr. Laguzza, seconded by Mr. Jordan to waive the reading of the minutes; a motion was made by Mr. Jordan, seconded by Mr. Lesniak to approve the minutes of the proceedings of the previous committee meeting; MOTIONS CARRIED.***

1. A Local Law Providing for an Exemption From Real Property Taxes for Cold War Veterans as Authorized by Section 458-b of New York Real Property Tax Law (Sponsored by Mr. DeMore)

This local law is to establish an exemption for Cold War Veterans under Section 458-b of the Real Property Tax Law for individuals not covered by the current exemptions who served from September 1945 to December 1991. Mr. DeMore said the Veterans Advisory Committee has met on several occasions concerning this matter. The law is requesting a 15% reduction in assessment up to \$12,000 in taxable value, if disabled, up to 50% of the disability rating to a maximum of \$40,000 of assessment. Schoharie, Herkimer and Schuyler counties have enacted similar laws; they have had a very small impact. Mr. DeMore doesn't expect a big impact in Onondaga County; it is a way of saying thank you to the veterans who served during that time.

Mr. Lesniak asked if the process for applying is the same as with previous exemptions; Mr. DeMore said "yes".

In answer to Mr. Laguzza's question about dollars involved with the counties that have passed similar laws, Mr. DeMore said the impact was negligible in Schoharie County, concept was well accepted by all, 72 veterans applied for 2009 in Herkimer County and there was also a small response in Schuyler County. Mr. DeMore said the Town of Manlius passed it last year; Village of Fabius passed it a year ago and no one applied. Mr. Laguzza asked what the number would be if there were 100% participation. Mr. DeMore said he distributed a rough estimate about a month ago, would provide it to Mr. Laguzza.

In answer to Mr. Kilmartin, Mr. DeMore said the Veterans Advisory Committee was formed about two years ago; he is the chairman and there are five veterans serving on it; they meet as needed. Mr. Kilmartin asked if the applications, whether they were for the County or the towns, would be submitted at the local level assessor's office for processing. Mr. DeMore said "yes", they would have to reapply every 10 years.

Mr. Meyer complimented Mr. DeMore for his outstanding work on this local law. Mr. Meyer noted that the military has changed dramatically from the 1960's. Today's military reserve and National Guard are off serving for a year at a time, coming back and forth, it is a totally different force than what it was. It is a small price for us that would be highly appreciated by the veterans' community.

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

In answer to Mr. Laguzza, Mr. Meyer said it would apply to those classified as regular active duty, not those who served in the National Guard at that time, unless they were called up for at least a year.

A vote was taken on this item; Ayes: 5 (Kilmartin, Lesniak, Jordan, Laguzza, Masterpole); Noes: 0; Abstentions: 1 (Kinne); MOTION CARRIED.

2. PARKS AND RECREATION:

1. Authorizing the Acceptance of 10 ± Acres of Land Located in the Town of Lysander from the Friends of Beaver Lake, Inc.

Mr. Lesniak requested to be a co-sponsor.

Mr. Geraci said the Friends of Beaver Lake have offered the land to the County for \$1.00, payment waived; a map was provided showing the land presently owned by Beaver Lake Nature Center and the proposed addition (on file with Clerk). The goal is to

provide buffer land from housing developments, etc. to preserve the integrity of the nature center.

Mr. Kinne asked if they are trying to get all the property that surrounds the nature center. Mr. Geraci said as property becomes available and as resources permit, hopefully, the Friends of Beaver Lake and Onondaga County will say it is an opportunity to do something. Mr. Geraci pointed to land east of E. Mud Lake Road that is now farm land, all the trails at Beaver Lake are on that side; if it were all housing development, the whole experience at Beaver Lake would be marginalized. Mr. Geraci said the Friends of Beaver Lake bought the 10± acres for \$25,000 and will deed it to the County for \$1.00. Mr. Kinne asked about the strip of land between the two pieces of property presently owned by Beaver Lake. Mr. Geraci said it is privately owned and has an irrigation ditch with plenty of water for farming; landowner does not want to sell. There is no right-of-way between the two pieces of property owned by Beaver Lake.

Mr. Masterpole noted that the Friends of Beaver Lake are willing to pay \$25,000 for this property; a couple of months ago, when discussing the solar panels, they didn't have money to contribute to that.

Mr. Kilmartin said you can't put a premium on the opportunity cost for securing 10 acres of land for \$1.00, because the opportunity to secure that land might never come back again. If the County and Beaver Lakes can continue to acquire parcels of land over a period of time for the sum of a \$1.00, it is a great problem to have.

Mr. Kinne asked what the plan is for Beaver Lake, seems that is being done piecemeal. Mr. Kilmartin said the Parks Department and Friends of Beaver Lake can't control when people put their property up for sale and at what price, unless they have endless sums of money and they put options on all these different parcels, you take it when you can get it. Mr. Kinne asked how much they would spend in order to maintain the property. Mr. Geraci said virtually none; it is a natural area. Mr. Geraci said the plan is to protect as much of Beaver Lake in terms of buffering the property so that the facility experience is not compromised. It is a typical 25,000 an acre piece of property, it is not high or low; you take the opportunity when it presents itself.

Mr. Laguzza asked about the properties that back up to Beaver Lake on East Mud Lake Rd. and if there is fencing behind the houses. Mr. Geraci replied "no"; they back up to woods. Mr. Laguzza said the solar panels is an example of why some of them feel the Friends group is throwing them a curve ball by the way they are operating; but it is at their discretion, Legislature doesn't have oversight on that, agrees with Mr. Kilmartin that they would be foolish not to accept the land. Mr. Geraci said it is a question of priorities, they are saying that the buffer land is as important as the solar project, Golden Harvest Festival. Ms. Hann said this deal is about two years old, couldn't bring it to the Legislature because there were issues with the survey. When the Friends came in a couple of months ago regarding the solar panels, they didn't have additional money. Mr. Geraci said this all started in the fall of 2007.

Mr. Masterpole asked why the Friends couldn't keep it; the County has deeper pockets and is more susceptible to any potential lawsuit. Mr. Geraci said because it is ultimately a County program, the County runs and owns Beaver Lake Nature Center; The Friends exist as an auxiliary support group. Mr. Kilmartin said the Friends of Beaver Lake are not in the core business of operating a nature center; they are in the core business of raising funds and trying to be benefactors.

Mr. Kinne asked why it took two years to straighten out the survey. Mr. Stebbins said when they went to file the deed, they found that the survey was wrong on a previous sale, the original owner had to correct it, had to go out and re-survey at his expense.

Mr. Jordan said he is bothered by the criticism; we have an organization that has purchased land at their cost and is willing to donate the property to the County for the benefit of the taxpayers by increasing park land, thinks it is a shame that the Friends have to go through this to donate a piece of property. Mr. Jordan supports this wholeheartedly and requested to be a co-sponsor.

Regarding the irrigation strip of land between the two parcels that are presently owned by Beaver Lake, Mr. Laguzza asked if there has been discussion to allow the nature center an elevated right-of-way so that they can access both properties. Mr. Geraci said they have attempted to have conversations with the owner, they are also in discussions with the owners to the west of this property about an easement.

Mr. Masterpole said his questioning was not intended to be criticism. He will support this, appreciates the acquisition of buffer land, but would rather see the Friends keep it; County is purchasing a liability.

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

1. Authorizing the County Executive to Enter into a 25-Year Lease with the Syracuse Chargers Rowing Club for Property Located at Onondaga Lake Park

Mr. Robert O'Leary, Mr. Paul Sansoucy and Mr. Larry Laszlo were present at the meeting representing the Syracuse Chargers Rowing Club.

Mr. O'Leary, President of Syracuse Chargers Rowing Club, advised that they are asking to pay rent for property on Onondaga Lake Park. The rowing club started with one high school involved (Liverpool); now, a city high school, Baldwinsville and Fayetteville-Manlius are also involved. Mr. O'Leary mentioned that being a town judge, he became aware that high school teams were getting more competitive and kids who were good athletes were getting cut. Kids who don't have a connection to the schools are the ones he would see more times than not in his court.

He approached the Fayetteville-Manlius superintendent about starting a rowing team. There are now 105 kids from that one high school and about 400 kids total. They hope to be able to provide the same opportunities to kids from other schools, such as one for boys from the City of Syracuse. Mr. O'Leary mentioned that there are kids who get opportunities to compete at colleges and universities they wouldn't otherwise get into. NCAA regulations require a cap on scholarships for Soccer of 12.4 that any Division 1 team can give. Coaches in women's rowing can give 20.

Mr. Geraci said this would give the Chargers an opportunity to expand their boathouse. The County would enter into a long-term agreement with them, and they would use that time to secure the funds to build the building (already have a significant portion of the money), this is in the same area that they currently exist in now along with Syracuse University.

Mr. Lesniak noted the huge participation from Baldwinsville High School. In answer to Mr. Lesniak, Mr. Geraci said the building would belong to the Syracuse Charges; upon termination of this lease, the tenant shall, at the landlord's option, either remove the building or transfer ownership to the landlord for consideration of \$1.00. Mr. O'Leary said this is a not-for-profit and is open to anybody. Ms. Smiley said they would not be able to sell, lease or sub lease it to another organization without the permission of the County.

A motion was made by Mr. Kinne to approve this item. Mr. Kinne thanked the Chargers for the work they do for the community; he wants to make sure the taxpayers are off the hook if there is damage to the building. Mr. O'Leary said the lease requires them to maintain insurance.

Mr. Masterpole asked why they were going with the 25-year lease. Mr. O'Leary replied that part of it is for financing, also there will be naming rights associated with the building, people would not write a check for 5 or 10 years.

Mr. Laguzza requested to be a co-sponsor for this item and 2.c.

Mr. Jordan said it is a great project, but he would abstain from the vote today solely because he has not had a chance to review the proposed lease agreement.

Mr. Stott noted that this is a unique area for this type of sport, congratulated the representatives from the Chargers.

Mr. O'Leary said they would be happy to talk to any of the school boards when there is additional space for adding teams; commented on how much the sport has grown - in 1999 there were only 19 schools competing for the NYS championship, this past year there were 77 schools.

Mr. Kilmartin said he knows they have been working on this for a long time, complemented Syracuse Chargers and Mr. Geraci on a wonderful project.

Mr. Kilmartin and Mr. Stott requested to be co-sponsors.

Mr. Kinne's motion was seconded by Mr. Laguzza. A vote was taken on this item; Ayes: 5 (Kilmartin, Lesniak, Jordan, Kinne, Laguzza, Masterpole); Noes: 0; Abstentions: 1 (Jordan); MOTION CARRIED.

1. Memorializing the New York State Legislature to Adopt Legislation Authorizing a 25-Year Lease of Part of Onondaga Lake Park Property to the Syracuse Chargers Rowing Club

Mr. Kilmartin, Mr. Laguzza and Mr. Stott requested to be co-sponsors.

A motion was made by Mr. Laguzza, seconded by Mr. Kinne to approve this item; a vote was taken; Ayes: 5 (Kilmartin, Lesniak, Kinne, Laguzza, Masterpole; Noes: 0; Abstentions: 1 (Jordan); MOTION CARRIED.

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

HEALTH COMMITTEE MINUTES - July 15, 2009
ROBERT D. WARNER, CHAIRMAN

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

Chairman Warner called the meeting to order at 9:06 a.m.

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

1. A Local Law Prohibiting Smoking Within 100 Feet of the Perimeter of Property Operating as a General Hospital (Sponsored by Mr. Buckel)

Mr. Warner said this topic has generated interest with the hospitals within Central New York and the Onondaga County Health Advisory Committee. Mr. Warner noted that this committee and this county has been very instrumental in smoking prevention, we have lead other counties, states and, at times, other nations. A lot of it boils down to Medicaid costs which in Onondaga County is about \$600,000,000 a year, \$95,000,000 of that is local dollars, Medicaid is 51% of property tax, smoking is a significant portion of that. Mr. Warner said this item would be informational for this meeting; no vote would be taken.

Mr. Buckel said there are four or five concepts wrapped up into this bill - taxes, Medicaid, public health and economic growth. The largest single item in the Budget is Medicaid. Every recent study that has examined Medicaid expenses concludes that state level Medicaid expenditures attributed to smoking are the most significant drivers of our Medicaid expenses. One of the issues in our region is the fact that the hospitals by themselves have been unable to regulate the periphery of their facilities. Drifting tobacco smoke even outdoors has been the subject of regulation by over 300 communities in this country. It is not just the hardship of people walking through the tobacco smoke, but the impact on facilities themselves. There is data and studies about large buildings with ventilation systems and air intake processes, how the perimeter smoking is a dangerous activity and leads to the proliferation of the same kind of air pollutants within the facility that are on the periphery. There is a public health reason for doing this, but it also deals with our Medicaid. Concerning economic growth, there was a recent Brookings Institute study that analyzed 100 metropolitan communities in the nation. The study noted that our unemployment levels have not been as bad as other communities in the nation, but there were two other categories that ought to cause alarm: 1. Our regional domestic product value of what is produced in this community was listed 99 out of 100 and 2. Wage levels in this community were listed at 99 out of 100. The hospital and medical care industry was the only one that showed both wage and economic growth. Mr. Buckel said the committee would assess what the single most important driver of our regional economy has asked them to consider - to help them improve their operations and to help us improve our public health outcomes and Medicaid expenditures. If we were truly serious about attacking some of the underlying causes of our tax structure and also, at the same time, supporting the institutions that drive our economic growth, the single ray of hope that we have in an otherwise very dismal economic performance over the last ten to fifteen years, we owe it to our community and to these institutions to take this very seriously.

Ms. Tomasky, representing the American Cancer Society, said they have been working with the leaders of the local hospitals on this issue and discussions are taking place in other areas. New York City Council has a proposal on the table scheduled for a vote on July 29th that would create a 15 ft. smoke free buffer around the perimeters of hospitals throughout the entire City of New York. The American Cancer Society has been lobbying the members of the council, and there has been no visible opposition to that local law, expects it to pass. They believe it would be the first in New York State that would address the perimeter of hospital grounds as opposed to the grounds themselves, thinks it will create momentum across the state. Other localities across the country have passed legislation that creates smoke free buffer zones around health care facilities. The Attorney for Sioux City, Iowa said they have had an ordinance in place for about a year and a half; they have not had a single violation. Ms. Tomasky said she could provide a list of other localities that have done this and any additional research that could be helpful.

Ms. Rapp said she is 100% in agreement with this. Mentioned that two years ago they tried to put this local law through but after research by the Law Department, it was determined that they did not have legal jurisdiction. Because they would be regulating City streets, it was held up in the Common Council. Mrs. Rapp asked what is new with this law. Mr. Herkala said it would not be regulating an activity directly occurring on City property. The local law is designed to allow hospitals to voluntarily participate by placing a no smoking sign on their property indicating

that individuals are not allowed to smoke within its periphery of 100 feet of the hospital perimeter. The law itself does not dictate what you can and cannot do within public streets and right-of-ways, it dictates what you can and cannot do in terms of your distance from the perimeter of the hospitals. Mr. Buckel said the key is that they are defining the activity from the perimeter of the hospitals, have the authority to regulate that perimeter.

Mr. Laguzza said his concern is whether or not they will get cooperation from the City regarding enforcement, asked if the Health Department and the DA's office are considered an enforcement agencies. Mr. Buckel said the DA can and will prosecute those

statutes and ordinances applied to its jurisdiction. Dr. Morrow said the Health Department regulates what is in Public Health Law. Mr. Laguzza said he understands that Van Duyn would like to be included in the local law.

Mr. Lesniak mentioned that many of the hospitals have their own policies in place dictating no smoking on campus Upstate has their own policy in place and he has yet to see it enforced, asked if this is a duplication of what is already there; also mentioned signage - how far apart, who is paying for them. Mr. Lesniak noted that with the other smoking regulations passed, the Health Department did the enforcing, now asking our law enforcement agencies to be the smoking police, thinks that's a stretch. Mr. Buckel said he suspects over time it will regulate itself. Mr. Lesniak asked what is considered the hospital, thinks there is a lot more work that needs to be put in this before we are ready to move forward.

* Mrs. Winslow arrived at the meeting.

Regarding past smoking laws, Dr. Morrow said they enforce at point of purchase where they have the authority. As far as playground areas designated as smoke free, it is up to the municipality to enforce that. In terms of signage, there is grant support as there was for tobacco free playgrounds. Upstate does have signage up and they have taken that on at their own expense.

Mr. Kilmartin asked for the hospital representatives present at the meeting to describe recent observations about smoking - trends (whether increasing or decreasing), what to they see with their employees, visitors, also, how they have or have not addressed issues such as signage, policies in place, security measures, etc.

Mr. Dan Hurley, who does government community relations work for SUNY Upstate, introduced three of his colleagues - Mr. Win Thurlow, attorney for Upstate; Mr. Bruce Simmons, Dir. of Employee and Student Health (oversaw the smoke cessation program on campus) and Cynthia Cary who works on contract basis with employers in the area regarding smoke cessation. Mr. Thurlow said from a legal and administrative perspective, need to understand that this statute is entirely voluntary, does not mandate that any of the hospitals participate, and enforcement runs from the posting of signs. One potentially violates the statute if and only if the hospital at its expense has posted a sign. Mr. Thurlow said they are talking about only the hospitals at Community, Crouse, University and St. Joseph's Hospitals, not talking about other buildings or other parts of the campuses that extend beyond the footprint of the Article 28 facility. These hospitals have differences in physical layout - Crouse and University are joined at the hip and exist in primarily a non-residential neighborhood, Community is surrounded by open space with few residences and St. Joe's is a mix of residences and commercial areas. Each hospital would have its own issues to address in terms of enforcement. A hospital might decide not to post signs at particular location around its perimeter because of concerns of either pushing folks into a residential neighborhoods or having an otherwise negative impact on what is going on in the neighborhoods. Mr. Thurlow said this legislation permits them to eliminate the problem of being met with a gauntlet of smokers when walking into the hospitals - people are coming in with oxygen tanks, children and others needing medical care to a facility that is trying to make them better. From his perspective, every single hospital in this county has been as good as it can be in terms of trying to help its employees end smoking and to enforce non-smoking policies. Presently, they cannot enforce their non-smoking policies beyond their own boundaries. Hospitals would be responsible for all costs. With respect to enforcement, Mr. Thurlow advised that most people, if given the opportunity, want to obey the law, appropriate signage in appropriate locations does about 90% of the enforcement. At Upstate they are also fortunate in that their university police are also law enforcement officers and will be involved with enforcement, they will not be looking for additional enforcement resources elsewhere.

Mrs. Rapp asked why the City had trouble passing this before, what do they perceive were the obstacles, and what is the severability clause. Mr. Thurlow said the severability clause says if any provision of this law is found for whatever reason to be unconstitutional or impermissible, none of the rest of the law fails. When they were talking to folks in the Common Council, one concern was what they are doing at St. Joe's where the hospital is surrounded with residential neighborhoods, are they going to force people away from the campus into residential neighborhoods. Mr. Thurlow said they share some of that concern at Upstate, because parts of Pioneer Homes fall within the perimeter of their Article 28 facility, the hospital would choose not to post a sign in that area. The last thing any of the health care facilities want to do is impose a problem on their neighborhoods; they are looking to extend the perimeter of health, not to push it out into existing neighborhoods. This is based on signage and voluntary choices about where they put them. They are working towards ending smoking, not working to making smoking more convenient elsewhere. They have smoking cessation programs, have outreach available for their employees to help them stop smoking; the reality is there are a fair number of those who walk to the perimeter of the campuses, just outside the no smoking zone to smoke. They need a mechanism that is fair, applied across the board and that has approval of their employee groups. Mrs. Rapp

asked if the Common Council could supersede the law. Mr. Thurlow said in his view, this is an area where there is jurisdiction for both the City and County, and if the City chose to step in and regulate, they are free to do that. He thinks it is appropriate here in the County - it is a countywide issue. Mr. Buckel said he doesn't think the City could do away with this law, but they could extend it.

In answer to Mr. Lesniak, Mr. Thurlow said a person could not be guilty of violating the statute unless there is a sign appropriately posted. Mr. Lesniak mentioned that they would be modifying policies negotiated with labor unions, those policies would now be voided with this local law. Mr. Thurlow replied that posing a sign to increase the perimeter around a hospital to a no smoke zone does nothing to change the terms or conditions of employment. When Upstate decided to go smoke free and to outlaw smoking within their campus that was a term and condition of employment that needed to be negotiated with their employee union. Regarding the enforcement issue, Mr. Lesniak said Upstate was adamant about not having the police do the enforcement, now the hospital is changing positions. Mr. Thurlow said the position of their university police is that they have placed them in a bit of an untenable situation presently, because what they have is a no smoking campus that ends at the footprint. He doesn't anticipate that they will be looking at a lot of enforcement; thinks the signs and education are going to do it. Right now, it is very difficult to move people away from their entrances, because they say it is a city street and they can't be asked to move along. Mr. Lesniak asked how people are suppose to be aware that there is no smoking If the signs are posted at the point of the footprint of the building. Mr. Thurlow said one of the challenges is to do a good job of signage, make sure they are clear, emphatic and visible. Mr. Buckel said the sign would be on their property but in an area where they want to highlight. Mr. Thurlow said they would need to make sure they have enough signs along the perimeter of the property that people would see them. Mr. Lesniak said if we are talking about law enforcement agencies being called upon to enforce a law, the legislation has to be good enough to hold up to the law, he is concerned about some gray areas. Mr. Warner guessed that there would be very few tickets; the question of how the enforcement has worked in other areas where this law has been in effect should be addressed at the next meeting. Ms. Tomasky said the draft of the New York City bill does not have an enforcement clause, it is an amendment to a current administration code, and the original code probably did. She will get back to the committee about Sioux City and how it works there, the attorney told her that they have issued warnings, but never issued a formal violation.

In answer to Mrs. Rapp, Mr. Thurlow said the law would not include urgent care centers, North Med and Northeast Med; those facilities are not Article 28 facilities, but thinks there are ways to make it happen if they are interested. Dr. Morrow said the Health Department is also an Article 28 in terms of some of its clinics. With long-term care facilities there are other legal issues at stake, they are considered a residences, laws are different for a residence versus a hospital.

Mr. Kilmartin asked if there is an estimate of what percentage of people smoking in and around the hospital campuses are employees or visitors. Mr. Thurlow said probably 70% are visitors, 30% employees; a lot of smoking is going on because it is convenient, if they have to go farther they may choose not to do that.

Mr. Warner announced that this local law would be considered again at the August meeting.

2. HEALTH:

a. H1N1 Flu Update - Dr. Cynthia Morrow, Commissioner

- Over a million cases of H1N1 Influenza worldwide.
- As of July 3, 2009 there have been 90 confirmed cases in Onondaga County.
- Highest percentages of cases in New York State are in the counties of Erie, Onondaga, Westchester, New York City, Nassau and Suffolk. Dr. Morrow said cases in Erie County was very high because they do more testing, have a lab right there.
- City of Syracuse disproportionately effected compared to the rest of the county.
- Roll of Health Department is to understand the burden of disease, how many cases, coordinate up to date recommendations to superintendents of schools, BOCES, pharmacies.
- Health Department will be responsible for coordinating vaccine when available, responsible for quarantines and to make sure shelters are informed and have signage, have 24/7 hotlines.

- Virus is unpredictable; historically, the spring of a pandemic is mild compared to fall; it may not be, but still need to prepare.
- Another concern is identifying resistant cases; all are paying attention to the southern hemisphere.
- Vaccine may be available in September, but best guess is late October, November, caveat is whether they should use it, likely would be two shots - would target healthcare workers and students.

The meeting was adjourned at 10:20 a.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - JULY 15, 2009
CHAIRMAN JAMES A. CORBETT

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

MEMBERS ABSENT: Mr. Kraft

ALSO PRESENT: Mr. Stanczyk, *see also attached list*

Chairman Corbett called the meeting to order at 11:30 a.m.

A motion was made by Mr. Masterpole, seconded by Mr. Jordan to waive the reading of the minutes of the proceedings of the previous committee meeting. CARRIED. A motion was made by Mr. Jordan, seconded by Mr. Masterpole to approve the minutes of proceeding of the previous committee meeting. CARRIED.

Chairman Corbett took the agenda out of order.

2. WATER ENVIRONMENT PROTECTION: Patricia Pastella, Commissioner

a. Approving the 2008 Industrial Wastewater Surcharge

Ms. Pastella said that the surcharge is based on average wastewater concentrations. If an industry exceeds the concentrations discharged to the sewer system, then they are given a surcharge to pay for the treatment over and above regular domestic sewage. There are four criteria: biochemical oxygen demand, total suspended solids, phosphorous, and nitrogen. Based on loading in excess of the threshold value, normal domestic sewage, the industries get charged for that load. An industry charge can vary--if they have a problem with their treatment process, then they would be putting out a higher load and their charge would be higher. If they decrease production, then they would have lower load, thereby decreasing their surcharge. If an industry has a surcharge expected to be over \$10,000, then they are billed quarterly. At the end of the year there is an adjustment. The actual surcharges were estimated very close and only two industries are getting a credit.

Chairman Corbett complimented the Commissioner on the comprehensive report that she provided.

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

b. Authorizing an Intermunicipal Agreement with the City of Syracuse for Sewer Separation for CSO Basin 051 (Colvin St./South Ave.)

This is the final sewer separation project under as part of the ACJ requirements. It is similar to the IMAs that were prepared for the previous sewer separation projects. Each one had a separate IMA. In answer to Chairman Corbett, Ms. Pastella said that bids have been received for it and the apparent low bidder was \$4.2 million; the second bid was \$6.8 million.

Chairman Corbett pointed out that contract modifications, page 8 of the IMA, can only be amended by written instrument signed by both the County and the City and upon the approval of the Mayor, County Council, Legislature and County Executive.

Mr. Rhinehart asked if there is anything different in this IMA from the others that have been done. Ms. Pastella said the language is the same; some of the technical things have been fine tuned, i.e. more detail with water line replacements. Based on issues in previous sewer separation projects, they have learned as they went along as to what needs be put in.

Mr. Rhinehart asked if there has been any discussion/consideration for lateral inspections. Ms. Pastella was not aware of any.

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

c. Authorizing Execution of Amendment No. 1 to the Intermunicipal Agreement Relative to the Amended Consent Judgment - Luis Mendez, Deputy County Attorney

Mr. Mendez summarized the Amended IMA. The purpose of the amendments are to affect some revisions to the projects that had to be changed because the initial ACJ projects tied to them have also changed or other conditions have changed.

- Clinton project revised - initial obligation was to mitigate 200 spaces that would be lost at the Trolley Lot by adding 200 spaces elsewhere through new construction. The plan was changed and the mitigation obligation will be satisfied by putting money into refurbishing 200 spaces
- Creek walk - Initially the County agreed to construct a segment of the creek walk project as part of mitigation. Because the County is not proposing to construct a pipeline that was going to go underneath the creek walk, the County will instead provide funding to the City-the same amount that the County would have spent in cash and in-kind, \$286,000. The City can take the design and property and do the construction of the creek walk project.
- Harbor Brook - initial IMA mitigation project was identical to the mitigation for the Midland RTF area. Because it is likely that the ACJ will be revised to eliminate construction of the RTF, the County has agreed to pay the mitigation money to the City, but have extracted from the City a commitment that this will be in full satisfaction of any mitigation obligations under the agreement or might have in the future.
- Clinton - nature of parking mitigation has changed - take some savings from parking mitigation and apply \$35,000 to assist in a lighting project for access to Trolley Lot

Mr. Rhinehart asked if this means that the County is committed to building in Harbor Brook only. Mr. Mendez explained that the County is already committed to building there; the Legislature authorized financing for Harbor Brook Interceptor Sewer Project, a substantial project. Mrs. Smiley said that nothing is being changed related to Clinton other than cleaning up the parking issue and

payment to the City for pipes under the creek walk. Mr. Rhinehart asked if the County has to build in Clinton down the road, does this prevent the City from suing the County there. Mr. Mendez explained that it does because the County is still doing the parking mitigation and owns the Trolley Lot. Mrs. Smiley added that the County fully intends to do storage on the Trolley Lot. Mr. Rhinehart asked about Harbor Brook. Mrs. Smiley explained that the County will still need to do storage, floatable controls, and the City can't sue for that. Mr. Jordan said that the scope may be less than what was anticipated.

- Acquired easements from City - Mr. Mendez said that the County is unsure if it will use the easement; money is being held in escrow at this point. There is a 6-month period for the County to decide as to whether it needs the easements in connection with the ACJ, if not they will be returned to the City and essentially funds returned to the County, \$17,000.
- From the funds that would have been spent for some Clinton and Harbor Brook Projects that the County was going to pay for, \$550,000 is reallocated (Section 2.4 money) to provide a grant through the City through the Say Yes to Education Foundation for scholarships to students who graduate from the Syracuse Public School system. The rationale is laid out in final four WHEREAS clauses of IMA.
- Amendment to section 4.2 of the IMA that extends City's commitment for cooperation in implementing the ACJ projects to encompass activities related to green infrastructure.

Chairman Corbett asked if this means that the County wouldn't need authorization for every sidewalk that isn't concrete. Mr. Mendez said that they hope to work with the City to revise their ordinances to allow installation of porous pavement in sidewalks.

Chairman Corbett said that the amendment incorporates Section 2.4 of the IMA to authorize the remediation money for Harbor Brook. Mr. Mendez agreed.

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

Mr. Jordan asked about monies given to City for the creek walk, and asked if there is any language in the amendment that obligates the City to specifically use that money for the creek walk. Mr. Mendez said that it is specifically designated for the creek walk; the language is unmistakably clear.

- A new provision whereby the county has agreed to fund an additional \$350,000 to the City to incorporate green infrastructure in the creek walk project, providing that the County meets the City's deadline for the project going out to bid.

Mr. Jordan asked if there is any way the City can use those monies for anything other than construction of the creek wall, Mr. Mendez said "no."

In reference to Say Yes to Education monies, Mr. Jordan said that there is no income limitation as to how those monies are allocated. It isn't limited to just low-income. Mr. Mendez said that it is tied to the colleges financial aid formula. Mr. Jordan said that he objects to the revision of the IMA as it alters the original intent of the IMA. The original intent of the IMA was that the monies be used solely to mitigate the impact of the sewage projects constructed. This is changing the language to provide for items that aren't specifically related to mitigating the impact of these sewer projects.

Mr. Mendez referred to the last four WHEREAS sections--the intent of the Say Yes grant is that it is a community development project. The concept is that if significant above ground infrastructure will be put in residential communities, it is likely that the structures will have some impact that could make the surrounding area a little less desirable. Any offsetting funds that can be provided for an economic incentive, which makes moving into the City a more desirable thing to do, is offsetting it. It returns value to the community, which is the theory behind the Say Yes to Education. If it works as it is intended to work, it will benefit the City and the County by creating a magnet for people to move into the area and bring resources, creativity and opportunity to fuel economic resurgence.

Chairman Corbett said that there has been a lot of difference of opinion on the IMA intention, basically it was "x" amount of money for "x" amount of projects to be used by the City, to be paid to the City, so that they would drop the suit against the County. If all was agreed on, they would not sue the County again if certain criteria were done. The monies haven't changed significantly; it is the City's desire to use them in a different fashion. Mr. Mendez said that it furthers the settlement purposes. It binds the City and return for the County's commitment of resources to continue the framework for cooperation on ACJ projects. It is broadened to include green infrastructure, and where necessary to make changes, it incorporates those changes also. Also it withdraws the County's expressed obligation to undertake approximately \$1.850 million of projects that under the existing IMA an argument could be made the County could be obligated to implement. Mr. Jordan asked if Mr. Mendez is suggesting that the County is spending \$1.8 million less than it was under the original IMA. Mr. Mendez said that there is the potential for that.

Mr. Rhinehart said that this is government at its worst--one arm of government suing the other. The City taxpayers end up paying twice - they pay property taxpayers so that the City can have 17 lawyers and they County has 40 lawyers, then the pay to the sewer fund, and in the end they pay for this; this is not a solution; it is a problem.

Mr. Masterpole said that the IMA was a settlement; it stopped what the problem was. It puts all of the suing to rest. Also, there is still a project that will happen - a 48" sewer interceptor through the center of this area, which needs to be replaced. There will still be disruption. He sees this as a solution. Mr. Stanczyk agreed with Mr. Masterpole and said this is a settlement; the County is being overbearing in saying where it is being spent; they should have written a check and given it to the City.

Mr. Jordan said that this is putting the cart before the horse; it hasn't been determined what will be done in Harbor Brook. Mrs. Smiley said that it is known that the Harbor Brook interceptor will be done and it is known that there will be floatable controls. There is still major infrastructure that is planned; will try to do a lot more with green; there will still be disruption. Mr. Jordan said that we should figure out what we are going to do and then come up with a solution. Mrs. Smiley said that the County has already taken the land, taken houses down, and disrupted those neighborhoods.

A vote was taken on the motion. AYES: 4 (Corbett, Winslow, Williams, Masterpole); NOES: 2 Jordan, Rhinehart). MOTION CARRIED.

d. A Local Law Authorizing the Transfer of County Property to the Town of Salina

Ms. Pastella explained the property is owned by the County and was used for Ley Creek Interceptor sewer; about 5 acres of a narrow strip which goes through the Salina landfill. The Town will remediate the landfill and has asked to purchase the strip of property, which is no longer used by the County. The interceptor sewer has been decommissioned.

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

3. Requesting the Commissioner of Transportation and the Commissioner of WEP to Develop a Program to Incorporate Green Infrastructure to Restore Private Property that has been Disrupted due to Road or Sewer Construction, Maintenance or Repair (Sponsored By Mr. Stanczyk)

Mr. Stanczyk said that when the County gets involved in disrupting private property, the Commissioners of DOT and WEP should put forth solutions to the private owners that include permeable sidewalks, green infrastructure, i.e. water retention basins, rather than putting it back to the way it was.

Chairman Corbett said that the Executive branch has been working towards this. Mrs. Smiley said that essentially the County Executive is trying to do some of the things that Mr. Stanczyk laid out, but hasn't reached out to the towns and villages yet. Regarding WEP, when restoring areas, they look to restore them with more trees and additional green. They have looked at it as it relates to DOT, Co. Facilities, and Community Development. Regarding the intent to afford the property owner the option, in

some cases they would look to change ordinances. She questioned the amount of option. Mr. Stanczyk said that it would be the County Executive's call. He would like to get reports back on what progress is being made, what type of solutions have been put out there, and whether they have been accepted or not.

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

*Mr. Masterpole left the meeting.

Mr. Jordan asked Mr. Stanczyk if he had any estimates as to the cost differential of utilizing current procedures versus green infrastructure. The resolution sounds like the department would be obligated to construct greener type infrastructure if the homeowner requests it; what is the cost differential. Mr. Stanczyk said that he didn't have any estimates. If there is going to be a cost differential, and it is better for the sewer system and community, and disrupted by the County, then it should be put back in green form. Mr. Jordan said that it is responsible to determine what it may cost the taxpayers. Mr. Stanczyk said that this is a policy statement; it is a direction for the County to go in; he doesn't think it will cost much, but they (County Executive's office) will come back and tell the Legislature.

Mr. Rhinehart said that he likes the idea; it should be the policy - property owners have the option; it isn't going to work in some areas, i.e. where permeable sidewalks aren't allowed. He said that it is vague in that it is the property owner's option - the property owner can tell WEP or DOT that they want all green infrastructure. He feels it should say "where possible". He doesn't want to get into a situation where there is an argument between a taxpayer and the county work crew, and it is all subjective. **Mr. Stanczyk agreed to add "wherever possible" to the first RESOLVED clause.**

Mrs. Winslow questioned how many projects are done where people are sent out to do a job site unseen. She didn't know how people could be surprised. Chairman Corbett said that there have been times where there are surprises, i.e. backups, pipes break, etc.

Mrs. Winslow referred to the cost of going green - why be so concerned when that is all that is talked about-doesn't think it costs an "arm and a leg". Mr. Jordan said that he endorses the concept, but needs to have an idea of what, if any, cost differential there could be. There have been significant cost differentials in other situations between utilizing and not utilizing green technologies.

Chairman Corbett said as this goes forward, he is sure that when WEP and DOT do a project, they have a cost means of what a project will cost. As green infrastructure develops, there will be a proposed cost to doing it in a green way. It needs to be done going forward to show the capture and how effective it will be.

AYES: 4 (Corbett, Rhinehart, Winslow, Williams); NOES: 1 (Jordan). MOTION CARRIED.

1. LAKE IMPROVEMENT: Patricia Pastella, Commissioner

a. ACJ Update

Clinton Phase 2A -

- One change order now, but pipeline is done

Sewer Separation

- CSO 051 (discussed earlier)

- IMA (discussed earlier)
- Open bids - \$4.2 million was low bidder (Lane); second bid was \$6.8 million
- Several meetings held re: ACJ

Green Infrastructure/Save the Rain

- Green house in Literacy Parade (June 6); displayed at Balloon Fest (June 13); Jazz Fest (June 26 & 27)

CH2MHILL

- Continues to work on green infrastructure
- Preparing design document
- Analyzing data for capture; updating models

Harbor Brook

- Final design expected at the end of the month for review

Chairman Corbett asked if there will be microtunneling done by path near Sacred Heart. Ms. Pastella said that she is not familiar with microtunneling there; only knows about it underneath the football field at the high school.

Mr. Rhinehart referred to page 4, pelagic larvae. Ms. Pastella said that it is a larvae that is tested for. Mr. Rhinehart asked about Juvenile Seine events. Ms. Pastella said that it is a netting that captures fish. Chairman Corbett said that there has been a lot of sampling done in the Honeywell section from Nine Mile at State Fair Boulevard into Onondaga Lake.

Mr. Rhinehart referred to new contracts, Urban Forestry grant, \$75,000 with Cornell Cooperative Extension. Mrs. Smiley said that it is part of the grant that Cornell will do a major piece of it. Mr. Rhinehart asked if the County is doing any of it; Mrs. Smiley said that she will report back on it.

Mr. Rhinehart referred to the Clinton Street abatement project change order for \$31,000 because of a cost increase in steel--asked if there is an escalation cost in the contracts that are being sent for RFP. Ms. Pastella said that there is not. Mr. Rhinehart asked if there is stimulus money for any of the sewer work or anything down the road. Mrs. Smiley said that they are receiving \$20 million; and have applied for \$20 million for green projects. Also projects are put on the EFC, so if stimulus money becomes available they would be eligible. A couple of other grants have come out recently that they are pursuing. Also, there is the additional money applied from NYS this year. Mr. Jordan asked if the contract was for fixed amount, why would we pay them more if the price of steel went up. Mrs. Pastella said that she believes it was a timing issue as far as when it was procured. She will look at it. Chairman Corbett said that it could have been in the step back time; it was over a year ago.

The meeting was adjourned at 12:32 p.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk

WAYS AND MEANS COMMITTEE MINUTES - July 17, 2009
CHAIRMAN JAMES RHINEHART

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

MEMBERS ABSENT: Mr. Kraft, Mr. Corbett

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

Chairman Rhinehart called the meeting to order at 9:35 a.m. ***A motion was made by Mr. Warner, seconded by Mrs. Rapp, to waive the reading and approve the proceedings of the previous committee meeting. CARRIED.***

1. BOARD OF ELECTIONS: Ms. Kiggins, Mr. Ryan, Commissioners

a. **Amending the 2009 County Budget to Reappropriate Funds for the Board of Elections and Authorizing the Execution of Contracts to Implement This Resolution (\$13,376)**

Mr. Ryan said that with the HAVA monies that the Federal government put out, there were a variety of things that they would pay 95% for. BOE has been unable to get to all of them because of delayed certification of machines, etc. There hasn't been a need to spend the money; machines will be rolled out this year and now there is a need to buy certain items.

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

Mr. Warner asked if it is guaranteed that the 95% will be given back to the County. Ms. Kiggins said that the County doesn't get it back, but it will be spent here. Mr. Ryan explained that the money was allocated a number of years ago, and it was rolled over because it wasn't used.

Chairman Rhinehart asked for a quick run down on preparations for this fall. Ms. Kiggins said that every county was asked to submit a pilot plan, which included 13 towns. Just under half of the voters in the county will be voting on the new system. The new system is a paper-based system; voting on paper ballot and putting it through a scanner. The effected towns received a letter. Mr. Ryan said that the City wasn't chosen because of all of the primaries. Ms. Kiggins said that small training classes will be given for inspectors in the towns.

Mrs. Rapp asked if OCC is still doing the training. Ms. Kiggins said that they are not; it didn't work out, but are involved--two of the classes have a requirement that the students become inspectors and work in polling sites.

Passed unanimously; CARRIED.

2. AGING AND YOUTH: Lisa Alford, Commissioner

a. **Authorizing Execution of Agreements with the City of Syracuse Department of Parks and Recreation for Operation of the Afterschool Program (\$20,000)**

Ms. Alford said that this is an enhancement to a current program; serves 400 individuals; State funded.

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

3. PARKS: Robert Geraci, Commissioner

a. Authorizing the Acceptance of 10.6 Acres of Land Located in the Town of Lysander from the Friends of Beaver Lake, Inc.

A motion by Mr. Kilmartin, seconded by Mr. Warner to approve this item.

The goal for Beaver Lake Nature Center is to protect the integrity of the facility. Housing has boomed and continues to boom in the area. The Nature Center is about walking on trails and getting a feeling that you are away from everything. As State parks and nature conservancies do, when properties become available at an appropriate price, they are grabbed. The Friends of Beaver Lake are committed to protecting the integrity of Beaver Lake.

Mr. Warner referred to a small stretch between the two county owned properties, and asked if it is privately owned. Mr. Geraci said that it is; it is a critical piece of property - it contains the outlet of Beaver Lake, there are always beaver dams there. The owner gives/sells water rights to the farmers who use the land east of Mudd Lake Road. Many years ago an irrigation ditch was built on that property; it is fed Beaver Lake water.

Passed unanimously; CARRIED.

b. Authorizing the County Executive to Enter into a 25-Year Lease with the Syracuse Chargers Rowing Club for Property Located at Onondaga Lake Park

Mr. Geraci introduced Bob O'Leary, Syracuse Chargers. There is a long-term relationship with Syracuse University and Syracuse Chargers to provide rowing programs for this community. The Syracuse Chargers have a boathouse; the shells are expensive pieces of equipment. They are running out of room and asked if they could build on property adjacent to where they are now. There was a lot of work done with NYS Parks, SHIPO, etc. There are two resolutions, memorializing the State and permitting the County to enter into a 25-year lease with Syracuse Chargers. They will have to go out and raise money, secure funding, and pay for the building-a permit system of 5 years, does not provide that opportunity.

Mr. O'Leary, President, Syracuse Chargers, stated that the sport of rowing has grown dramatically. In 1999 there were 19 schools in NYS that competed for the championship; this year there was 85. Participants in Onondaga Co are Liverpool, Nottingham, FM, Baldwinsville, and others want to be added. They would like to have the opportunity to continue their partnership with Onondaga County--it won't cost the County anything; they are a non-for-profit, and it is open to anyone.

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

c. Memorializing the New York State Legislature to Adopt Legislation Authorizing a 25-Year Lease of Part of Onondaga Lake Park Property to the Syracuse Chargers Rowing Club

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

4. COUNTY CLERK: Ann Ciarpelli, County Clerk

a. Transfer Acct. 650 Contingency in the Amount of \$100,000 to Acct. 960 Prov. For Capital Proj. to Address Infrastructure Problems Associated with Upgraded Office Computer Systems (\$100,000)

Mrs. Ciarpelli said that they are moving into the 3rd year of a 3-year project - upgrading, computerizing, and modernizing the Clerk's office. In doing so, it was discovered that the wiring within the office is completely insufficient to support the needs to move forward. She provided an information sheet, pictures, and a tentative budget. She was not made aware of the urgency of

it, until the electrician came over from Facilities Management. Much of the wiring was done in the 1980's, which is still being used; there are safety issues.

Chairman Rhinehart said that this money was put in contingency during the budget process last year, as it was brought to the legislature's attention about the need to upgrade. Some of this is a surprise and not part of the additional request, and asked if additional funds will be needed. Mrs. Ciarpelli said that IT and Facilities have done an analysis of the office--feels it will be very close.

Mr. Kinne asked if a lot of the wires running across the floors will be eliminated. Mrs. Ciarpelli indicated that they would be; some are bare wires; it is a safety issue. She knows of other counties who have waited too long and their infrastructure went down and the Clerk's office went out of operation. It would be a disaster here. She does not have a plan in place that would accommodate a shut down of that magnitude. In answer to Mr. Kinne, Mrs. Ciarpelli said that the phone system is being replaced.

Mr. Warner asked who will do the work. Mrs. Ciarpelli said that she will let the County decide.

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

5. WATER ENVIRONMENT PROTECTION: Patty Pastella, Commissioner

a. Approving the 2008 Industrial Wastewater Surcharge

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

b. Authorizing an Intermunicipal Agreement with the City of Syracuse for Sewer Separation for CSO Basin 051 (Colvin St./South Ave.)

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

Ms. Pastella said that this is the final sewer separation project to meet the ACJ requirements. Separate IMAs have been done for each sewer separation.

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

c. Authorize Execution of Amendment No. 1 to the Intermunicipal Agreement Relative to the ACJ

Mrs. Smiley said that many legislators have been briefed on the changes: parking, easements, new lighting, creek walk, etc.

A motion by Mr. Stanczyk, seconded by Mr. Kinne to approve this item. AYES: 3 (Stanczyk, Kinne, Rapp); NOES: 0; ABSTENTIONS: 4 (Rhinehart, Holmquist, Kilmartin, Warner). MOTION CARRIED.

Mr. Stanczyk said that he would like to know why four Ways & Means members abstained.

6. WAYS AND MEANS MISCELLANEOUS:

a. Amend Res. No. 110-09 Re: Mortgage Tax Apportionment to Correct a Typographical Error

A motion by Mr. Warner, seconded by Mrs. Rapp to approve this item. AYES: 5 (Rhinehart, Rapp, Holmquist, Kilmartin, Warner); NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). MOTION CARRIED.

b. Request Co. Executive to Conduct a Review of the Feasibility of and Potential Savings Associated with Instituting a Four-Day Work Week for Select Co. Departments (Sponsored by Mr. Stanczyk)

c. Four Day Work Week Amendment (Sponsored by Mr. Jordan)

Item 6a and 6b were presented together. A motion was made by Mr. Kinne to approve item 6a.

Mr. Jordan said that the County Executive's office and the County has been studying possible savings associated with a 4-day workweek. As a result, some departments have already gone to a 4-day workweek, i.e. DOT. It is wise to conduct a review to see if there are additional savings that can be realized, but because substantial work has already been done on it, it is prudent to make sure that there is not re-hashing of ground that has already been worked over. The review should include all considerations of all 4-day workweeks: 4 -10-hour days, 4 - 8-hour days, 4 -12-hour days. The County Executive should report back to the Legislature with a cost benefit analysis-benefits to be realized and the potential cost of implementing a 4-day workweek in any particular fashion. The original resolution lacks in that respect.

Chairman Rhinehart said that he supports item 6b--the County already has summer hours in some departments; it is good to do a review.

Mr. Kilmartin asked for a synopsis of what has been done in County government with a 4-day workweek. Mr. Fisher said that there are things underway--would not like to spend any more taxpayer dollars than are necessary to do a study. There are some things in place in DOT--where a 4-day workweek makes things a little cheaper and easier. In looking at a 30 or 40 hour week compressed in 4 days, it doesn't look like there is very much savings to it. Shutting down an office or part of an office may not yield real savings, but what would yield real savings would be to go to a 32 hour or 35 hour workweek and not pay the employee for the other additional day of work. Other governmental organizations have done it; the newspaper and TV stations have had furloughs. The County Executive in Albany announced yesterday that they will shut down government for 5 or 6 days. It is something that should be looked at here if looking at real savings. Mr. Kilmartin asked if any other departments have worked on this over the past months or year. Mr. Fisher said that Barry Weiss from the DA's office asked the attorneys if they would be interested in taking some time off this summer without pay. It was found informally that a number of them would be willing to not work on Fridays and not get paid on Fridays. At a department head meeting later this morning, an announcement will be made about the expansion of a program in place where employees can take time off and not get paid for it. There may be cost savings as a result.

Mr. Stanczyk said that he doesn't really understand the reason for the amendment, but has no problem with it; is a reiteration. He would like to address, and have presented to the Legislature, the conclusions with a cost benefit analysis. Other business areas have accrued savings by going to a 4-day workweek without reducing employees' pay. He is not interested in causing or pushing forced furloughs. He is interested in potential cost savings that the County could accrue by looking differently than the traditional workweek.

Mr. Stanczyk made a motion to approve the item 6a as amended by item 6b; seconded by Mr. Kinne. Passed unanimously; MOTION CARRIED.

d. Confirm appointments to the Trust for the Cultural Resources of the Co. of Onondaga

Mr. Fisher said that during the transition time between Election Day and County Executive Mahoney taking office, there was a series of different task forces looking at things. There was a task force for community revitalization headed up by Chuckie Holstein. It was discovered that there was a Trust for the Cultural Resources for the County of Onondaga (Onondaga County Cultural Resources Trust). The Trust was enabled by State legislation in 1991. At the time it set up two trusts, the other being the NYC Cultural Resources Trust - used to expand things like the Museum of Modern Art. The Trust for the Cultural Resources of Onondaga is a public benefits corporation. It is akin to the IDA or Dormitory Authority, which are able to issue tax-exempt bonds. When trying to borrow money in the bond market, they can issue them on a tax-exempt basis and offer a low interested rate. There are advantages to cultural institutions if they can get that low interest rate as well as other advantages in the NYS Tax Law. It is not the case that the County would be bonding for this; it doesn't touch County bonds at all; the County is not putting any money into this. They would be able to publicize this, and for credit worthy cultural resources non-profits, who are able to

get credit and bonds sold on their behalf, the Trust would be the public benefits corporation that issues those bonds and would be able to generate potentially a fee. Even though the Trust exists, it hadn't been activated, which can be done by making 5 appointments to the Trust. There is not staff, no money, but would publicize that fact that it exists.

Mr. Stanczyk asked if this has anything to do with the CRC. Mr. Fisher said "no". It is a fundamentally different mission. Mr. Stanczyk said that Mr. McMahon is a political official and doesn't know that political officials can be on public benefit corporations; they can't be part of non-profits. Mr. Mack said that there is very specific language about who can be a trustee and when there exists conflicts of interest and when there doesn't. Mr. Stanczyk asked if any political officials have been on the board of the NYC Trust-he asked Mr. Mack to research it and report back. Mr. Stanczyk said that the CRC was supposed to act as a unifying force for cultural activities; which never worked well and still doesn't function. He asked if the Trust will do that. Mr. Fisher said that they are separate, but feels it is worth looking at how the appropriations are made to the cultural resources organizations including the Cultural Resources Trust. Mr. Stanczyk said that he is interested in the cultural agencies having some unification. Mr. Fisher said that this doesn't address anything toward that objective. This addresses a different goal-if there are credit worthy cultural institutions that wants to build something, then the Trust can help them. Mr. Stanczyk said that it is a mechanism for a tax-free basis. He wants a letter regarding what is actually trying to be accomplished.

Mrs. Rapp asked why a cultural agency would go to the Trust rather than the IDA. Mr. Mack explained that the IDA can't assist not-for-profit institutions. Mrs. Rapp said that it is her understanding that the problem is meeting the threshold. Mr. Fisher said that the Trust wouldn't help anyone that can't get credit. There are some institutions that have enough credit and have excess bond markets. Mr. Stanczyk asked if they could be named. Mr. Fisher said that there have been conversations with a couple of people, but they are of confidential nature. Mrs. Rapp said that it doesn't cost the County anything; Mr. Fisher said that that it would be reasonable and fair for the Trust to reimburse the County for a small amount of time put into it by Mr. Mack and himself.

Mr. Kilmartin said that this might be one stop shopping for cultural agencies, where they can go to one source to secure very competitive borrowing if they are credit worthy enough. Mr. Fisher said that they can access credit markets. Mr. Kilmartin asked Mr. Mack if he found anything in his research that prohibited elected officials from serving on this board. Mr. Mack said "no".

Chairman Rhinehart asked if the cultural agency has to be an Onondaga County agency--could it be another town agency that wants to come here and open up. Mr. Fisher said that it is strictly for Onondaga County cultural agencies and believes that the project has to be within the County. Mr. Mack said that it has to have been in existence for at least 5 years.

Mr. Stanczyk said that he would like to get some information on what type of things the NYC Trust assisted funding for. The problem is that there is an applied moral obligation of Onondaga County in transactions. The officers of Onondaga County work within the Trust to secure financing and if anything goes wrong, they go back to the County to make sure the organization is funded enough to pay off their bonds. This is a web work. They get the tax-exempt status because of the mechanism; they get the borrowing because the lender sees Onondaga County behind it. It could work very well; it has to be A-political; there isn't any reason to put a political official on it; it ties this whole thing into a political web work that is not good. Mr. Fisher said that once the Trust is activated the governance would fall to the Board of Trustees. Mr. Stanczyk said it is not hard to say that it is an arm of Onondaga County; instituted and enabled by Onondaga County. Mr. Mack said that there is a specific provision in the authorizing legislation that provides that this is non-recourse-there is no recourse to either the State or the County.

Mr. Kilmartin referred to borrowing, and asked if the County or an arm of the County is a borrower of any kind. Mr. Fisher said "neither". Mr. Kilmartin asked if the cultural agency would be the borrower; Mr. Mack said "yes". Mr. Kilmartin referred to the IDA in a role as a pass through for funding, and asked if the Trust is a very similar situation to that. Mr. Mack said that it is except that an IDA can grant titles and the Trust can't.

Mr. Kinne said that it is long overdue to make change in regard to how things are done with the cultural agencies; however, he will abstain, as it is not going far enough. There was report in 1996 that suggested several things, the arts organizations in the community want to do things differently. A lot of communities across the country are taking this out of the political nature, and

feels it should be done here too. Every year at budget time certain groups get "x" amount of money; there seems to be no rhyme or reason. Certain groups are excluded with no rhyme or reason; certain groups get a bump up for one or two years with no rhyme or reason. He is not sure why the taxpayers of this community are fronting this. Feels there should be more forward looking at trying to do things differently.

Mr. Warner referred to the dormitory authority being similar to this Trust; and asked if there is any history where they have had problems and it has fallen back on the taxpayers to settle. Mr. Mack said that he was not aware of any, but will research it.

A motion was made by Mr. Kilmartin, seconded by Chairman Rhinehart to approve this item. AYES: 4 (Rhinehart, Rapp, Holmquist, Kilmartin); NOES: 0; ABSTENTIONS: 3 (Warner, Kinne, Stanczyk). CARRIED.

e. Requesting the President of the OCC to Present to this Legislature a Plan for the Repayment of \$2.3 million in Bonds Issued for the College Applied Technology Center (Sponsored by Mr. Rhinehart)

Chairman Rhinehart said that in 1994 \$17 million was bonded for by this legislature and approved to help OCC build the Applied Technology Center. An arrangement was made at the time-the intent was that OCC made a commitment to the County that they would fundraise money to reduce the amount of bonds issued. The amount of money is not in dispute; it is \$2.3 million. This issue came up again during the OCC budget process. Some senior legislators made a strong commitment that they wanted to see this resolved. This is a time of fiscal constraint; there is a difficult budget coming, not only this year, but also years down the road. He feels it is important to make a statement that this should be resolved. The final RESOLVED clause states that the Legislature would like to have a commitment from the President of OCC regarding the \$2.3 million presented prior to the submission of the tentative County budget in September.

Mr. Stanczyk said that he applauds the motivation; this sets a time line and gets it addressed. However, he will abstain because the resolution indicates that Dr. Sydow tell the County what she thinks. He would rather set a resolve. The Legislature should be the reactors rather than the passive receptors of Dr. Sydow coming back saying what she would like to do.

Mr. Kilmartin asked if the resolution could be amended to indicate that the parties shall work together prior to submission of the budget. Chairman Rhinehart said that when this topic came up in front of Dr. Sydow during the budget hearings, she was asked if there was an obligation between OCC and Onondaga County, and she very specifically said that she felt there was an obligation. He said this is a good time to say that the Legislature is willing to negotiate and talk about this rather than have it go on for 17 more years. He feels there is no better time than the present to work it out.

Mr. Kilmartin said that the College and the County would both like to see a resolution on this. There has been a long-standing issue; it shouldn't be looked at as a problem, but an opportunity for the County and College to resolve the matter. He understands that OCC's audited financial statements provide that it is not a matter that a debt is owed, but merely the schedule for repayment. People have been trying to work on this in the recent past, as well as different as administrations. The time might be right to try to close the circle.

Mr. Holmquist asked to be listed as a co-sponsor.

A motion was made by Mr. Kilmartin, seconded by Mr. Warner to approve this item. AYES: 5 (Rhinehart, Rapp, Holmquist, Kilmartin, Warner); NOES: 0; ABSTENTIONS: 2 (Stanczyk, Kinne). CARRIED.

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk

