

Office of the Onondaga County Legislature

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ENVIRONMENTAL PROTECTION COMMITTEE MINUTES

JUNE 13, 2006

JAMES A. CORBETT, CHAIRMAN

MEMBERS PRESENT: Mr. Kraft, Mr. Farrell, Mr. Rhinehart, Mr. Whelan, Mrs. Chaplin, Mrs. Winslow

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

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

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

The agenda was taken out of order.

3. METROPOLITAN WATER BOARD: Mr. David Fitch, Administrative Director

a. Expressing the support of the Onondaga County Legislature for the provision of water to the area known as the Limeledge Water Project in the Town of Skaneateles, and confirming an amendment to the rules of and regulations for the operation of the Onondaga County Water District with respect to the provision of water to said water district

Mr. Fitch said the Metropolitan Water Board was approached by Legislator Rhinehart concerning the proposed water district in the Town of Skaneateles that would be an extension of a system being proposed for the Town and Village of Marcellus (similar to the one involving the Town of Spafford). Mr. Fitch said they would be treated as external customers to bring equity to the rest of the people within the district who have participated in the cost of the district. Mr. Rhinehart said it is a grassroots effort when people want to form a water district. People went out to get petitions were signed; all the property owners were canvassed; and then went to the Town of Skaneateles requesting to form a water district. The Village and Town of Marcellus and Town of Skaneateles all had public hearings concerning this proposal.

Mr. Corbett referred to the area in the middle of the proposed area highlighted in white on the map. Mr. Rhinehart said that property owner does not want to be included in the water district (if decides to be included at a later date, would have to bring his own proposal forward for an extension).

Mr. Whelan, Mr. Farrell and Mr. Kraft expressed concerns about the property not included in the proposed extension. Mr. Whelan asked who polices attachments to water service. Mr. Fitch said they rely on OCWA (at monthly meetings) to advise them when they are making new extensions. Mr. Whelan said the excluded property is still getting the potential benefit of future water hookup. Mr. Farrell asked for comparisons between total acreage and the piece not to be included. Mr. Rhinehart said he did not know the acreage - there are 48 homes, three building lots and the one excluded tax parcel. Mr. Farrell asked if there is a specific reason why the owner of the excluded parcel did not want to be included. Mr. Rhinehart said they just were not interested. Mr. Rhinehart noted that the property encompasses both sides of Seneca Turnpike - water line is not going down Seneca Turnpike - coming down Townline Road to Amnistee Lane - that could be part of the reason. Mr. Kraft said that in his town and other towns, they were not given a choice forty years ago - all properties were included, and people have been paying

who still don't have water. Mr. Kraft said the towns of Skaneateles and Spafford sued to not be included forty years ago - now don't want to include whole town but a piece of the town, and exclude a piece from within that piece.

Mr. Kraft said he doesn't want to deny people from getting water, but hopes the Water Task Force committee looks at this issue to develop a more equitable system of charging the late arrivals. Mr. Fitch said the Metropolitan Water Board rules are approved by the County Legislature and the Legislature can change those rules at any time. Mr. Fitch confirmed that the ability to charge a surcharge to late arrivals is a possibility. Mr. Fitch advised that there is an additional \$5.00 per quarter charge to the County Water District that each customer will pay on top of the external customer charge. Mr. Kraft noted that the farmland would be worth a lot more for development when water is brought in. Mr. Rhinehart said the Skaneateles portion is only 48 homes and three building lots - have 252 units surrounding in the Town and Village of Marcellus - that property is developable as well.

Mr. Farrell asked what size water line is required to serve 48 customers, and Mr. Fitch replied a 4-6 inch main. Mr. Farrell said there is a cost being incurred by this water district with the 12-inch main dropping down to 8-inch; ultimately there could be dramatic expansion of the use of the land - thinks the discussion should go on beyond the 48 potential customers - what is the long term plan for this area. Mr. Rhinehart said the twelve-inch line was put in on the Marcellus side with an 8-inch planned for the Skaneateles side (believes there is a requirement now that a pipe can't be less than 8 inches). Mr. Rhinehart said this is a \$6 million project being brought forward by the Village and Town of Marcellus with a total of 300 customers. The Skaneateles portion would help reduce the cost and make it more affordable for everyone else. Mr. Rhinehart said the Village of Marcellus has paid into OCWA forever, but had their own water service - they are paying twice. Mr. Rhinehart questioned if it makes sense to put a pipe down one side of a road and tell people on the other side that they can't hook up to it. Mr. Rhinehart said the goal of the Metropolitan Water Board is to sell water - more water sales to external customers translates into additional revenue which, in turn, decreases the cost of water service within the district.

Mrs. Winslow asked the significance of the legislation expressing support. Mr. Fitch replied all it is doing is acquiescing the arrangement made to allow these people to have water. Mr. Fitch reviewed a similar issue in Spafford when the State Health Department said they had to find another source of water. Mr. Fitch added that, in order to provide equity for the rest of the people in the County Water District, the Board decided the people would pay for the water, pay the external customer charge and, in addition, another \$20 per year per customer until such time that the whole town comes into the water district. Mr. Fitch said that once this is finalized, they would need to come back to the Legislature to modify the boundaries of the zones of assessment to bring the areas that will be served into Zones 2 and 3 - these people would pay for any new district improvements that will be put on the assessments base.

A motion was made by Mr. Rhinehart to approve this item, seconded by Mr. Whelan. Ayes: Mr. Corbett; Noes: 0; Abstained: Mr. Kraft, Mr. Farrell, Mrs. Chaplin, Mrs. Winslow. MOTION FAILED.

1. LAKE IMPROVEMENT: Ms. Sue Miller

a. ACJ Update

- * Clinton Phase II: they are at expenditures of 51.9% for the four Prime contracts, and have placed 71% of the concrete.
- * Biosolids Handling Improvements at Metro: well under way.
- * Sewer Separation Project: next project will be on East and West Bissell, Onondaga Ave. and South Ave. Issued the notice to proceed on May 9, 2006; pre-construction meeting on May 10; in the process of getting the street cut permits from the City and settling up the detour routes; should be happening the end of this week or next week. Ms. Miller said they would not be cutting off the shopping plaza, where the Post Office is located, on South Ave.
- * Clinton Street CSO Conveyances project: submitted the 50% design and engineering report to the State DEC for review
- * Skimmer Boats: operated once a week in May and two times a week in June (Mondays and Thursdays)
- * Midland Phase III: working on acquiring five properties, closed on one other property.

Ms. Chaplin referred to the cost of nets for the skimmer boats and asked if they came with the boats or had to be purchased separately. Mr. Elander said it was bid out - at least two suppliers - don't have bags with skimmer boats - in the third year of five-year contract. Mr. Kraft asked if we are obligated to have the skimmer boats after the five-year contract. Ms. Miller said we are obligated until all the projects upstream on Onondaga Creek are built.

2. WATER ENVIRONMENT PROTECTION: Mr. Richard Elander, Commissioner

a. A resolution approving the increased cost of certain improvements for the Midland Wastewater Treatment Plant of the County of Onondaga, New York

b. A resolution authorizing the issuance of an additional \$49,890,420 bonds of the County of Onondaga, New York, to pay the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for said County

Mr. Elander said he would like to clear up some misconceptions concerning the cost and control of the Midland project. Mr. Elander distributed a packet concerning Midland CSO projected costs (on file with Clerk). Mr. Elander said Midland is a three-phase project: Phase I - Tallman Street Sewer Line, Phase II project (about 50% done), and Phase III (design has been under way for several months). Mr. Elander advised that they received the engineer's estimate earlier this spring for the expected cost for Phase III. Mr. Elander reviewed that a Facilities Plan for Midland was prepared in 1991; an estimate for those facilities in the plan was prepared in 1992 (\$62 million). Mr. Elander referred to the ENR Construction Cost Index handed out with the packet; if you take the \$62 million and apply the indices, you end up with \$74.5 million in 1997; take the \$74.5 million, that was in the ACJ project for Midland, and escalate it with the same indices from 1997 to May of 2007 (considered to be the mid point of the whole Midland construction project), \$75 million becomes \$106 million with nothing changed on the project - just inflation. Mr. Elander noted that 2003 - 2006 years have had relatively high construction costs compared to other years - concrete and steel prices have gone out of site. Based on the actual design of the projects that have been completed, the construction that has been completed and the things they have encountered in those projects in Phase I and II, the anticipated final cost of Midland is \$122,890,000. Mr. Elander said, in theory, if the original project number had been good (inflated up through the indices, and in addition to the changes), it would be up to \$153 million - in round numbers they are at \$123 million. Mr. Elander said they believe the \$123 million is very supportable, based on all the issues they've talked about before, and have presented in the documents they distributed to the Legislature and the newspaper. Mr. Elander said it is a very large, very expensive project; they spent a lot of time and effort evaluating and scrutinizing the costs, and that this is a good number. Regarding the \$380 million for the ACJ project: using the ENR Indices, the \$380 million in 2012 dollars is \$587 million, without a thing changing. Mr. Elander said the projected ultimate cost for the ACJ is \$508 million - nowhere near \$587 million - believes it reflects the effort that the County, the contractors, and the engineers have put into this project to try to minimize the costs.

Mr. Corbett mentioned the large additional increase in cost - the \$16.4 million to add 2.5 million gallons additional underground storage. Mr. Elander said they are complying with the requirements of the State to have no CSO's operating that are storm level less than a one-year storm - underground storage had to be increased from 500 cfs to 667 cfs, requiring bigger pumps, bigger motors and bigger pipelines - was not anticipated.

Mr. Whelan asked Mr. Mareane where he stands regarding this issue. Mr. Mareane replied that he went back to the 1997 presentation to look at where they thought the costs would be. In 1997 dollars the cost of the project was \$387 million - concerning hypothetical rates of inflation, their numbers in 1997 got to this mid \$500 million mark. They did understand that inflation would take its toll on the project. Mr. Mareane said the sewage unit charge today is still \$50 per unit lower than where they thought they would be back in 1997. Mr. Mareane is confident that this is what they have to spend to finish the project, and that it is on the right track for completion with the standards set by the ACJ being met. In terms of impact on the Budget, it is going to add about \$2.4 million per year to the County debt (about \$13.00 a unit charge); this is within the range that they saw coming back in 1997.

Ms. Chaplin noted that it has been said the neighborhood community has caused the costs to escalate; it is good to hear where these costs are actually coming from. Ms. Chaplin said the sewage treatment facility is right in the middle of a populated residential area; the improvements have made it a little more palatable; they are a lot more affected by all of this than some of the other communities are going to be. Ms. Chaplin said the neighborhood community is working on plans for other things and she wants to make sure this part is not overlooked. Mr. Elander said they are working towards the things the residential area wants to accomplish.

Mrs. Winslow asked if the increase of the underground storage and going from four to two swirlers brought the price down. Mr. Elander said the storage tank is more expensive construction - more time, more equipment, more concrete. Mr. Elander said the level of design and construction is much greater than the conceptual design that exists in the Facilities Plan, resulting in an additional \$16 million.

Mrs. Winslow asked why the bid did not include inflation costs - contractors must be aware of the ENR Indexes - was there a clause to not include inflation costs. Mr. Elander said it isn't inflation just since it was bid; it is inflation since the original Facilities Plan (only conceptually designed) done in 1991. Mr. Elander said with this particular bid, escalation only related to steel. Mr. Elander referred to the ENR Indexes and pointed out that 2004 - 2006 were much higher increases than other years - just when the bids and construction were being done (bids for Midland were taken in 2004). In responses to Mrs. Winslow, Mr. Elander said the only thing the bid in 2004 didn't include and the only thing they are paying for is the escalation for the steel.

Mr. Kraft said he hopes Mr. Elander will go after more state and federal aid. When questioned by Mr. Kraft, Mr. Elander said \$75 million in 1997 translates to \$106 million by May of 2007. Mr. Elander said the \$106 million is inflation related to the original conceptual project, if nothing else changed; there are \$47 million worth of things that have changed. Mr. Kraft said that takes it to \$153 million, and asked how they are getting down to \$123 million. Mr. Elander replied through the management, design and construction of the project. Mr. Elander said the \$106 amount is the net of all the increases and decreases in the project costs.

Mr. Kraft expressed his concern for soft costs. Mr. Elander said that with Clinton and Harbor Brook, they are not doing the construction management program as they have with other projects in past - doing it as part of the engineering design construction services - expect to save between \$10 - \$15 million.

Mr. Whelan said from the original estimate in 1991 of \$62 million - inflation has increased the project by \$44 million and other factors have increased the project by another \$47 million - Mr. Whelan asked why they are not asking for an additional \$91 million instead of \$50 million. Mr. Elander replied that they believe the final project, when it is all constructed, will cost \$123 million; in the process of making these changes, they have made other adjustments and reduced the overall costs. Mr. Whelan asked if they are hard numbers. Mr. Elander said they are hard numbers if the unit costs used for items in Phase II are still good for Phase III. The estimate for Phase III, before the design was done, was \$23 million; construction costs with contingencies is now estimated at \$38 million (\$14 million additional costs not included prior to Phase II construction for sheeting, cemented gravel, flushing chambers, mobilization and contingency). Design is at a stage now where they are more comfortable that the engineer's estimate should be a good number, but it has not been bid.

Mr. Chaplin said that in 2003, during negotiations, the estimated cost was \$55 million (included two swirlers, and the Option 7 storage unit) leaving \$20 million to do other things; then a year later, it was up to \$75 million, which is truly \$106 million, and questioned how it got to that. Mr. Elander said in 2004, when the bids came in for Phase II, the estimated cost for Option 7 was \$124.7 million - the May 2007 cost for Option 7 is estimated to be \$142.8 - everything that effects the increase in cost in any option has to be applied to all the options - the concrete, steel, etc. Mr. Elander said there is no true figure until it is bid; in 2003, when mediation was going on, it had not been bid.

Mr. Farrell left the meeting.

Mr. Rhinehart asked if there would be any increase in the level of storm mitigation as a result of these additional costs. Mr. Elander said this includes more CSO's permanently closed than was in the original Facilities Plan. Mr. Rhinehart asked if the city/county litigation has contributed to the inflationary cost. Mr. Elander replied yes, and added that if they had waited until all appeals were settled, they wouldn't have anything in the ground - would have had tremendous inflationary impact.

Mrs. Winslow asked if they would go through the same thing concerning inflation with Clinton and Wetzel Rd. Mr. Elander said inflation is always going to effect construction costs - Clinton goes up \$350 thousand each month that they don't get it done - that is why they asked for approval for final design of Clinton, so that design can be completed next May, bid the project as quickly as they can and get started. Mrs. Winslow said there is a need to start looking at state and federal to help out because it is going to cost the taxpayers more.

A motion was made by Mr. Corbett, seconded by Mr. Whelan to approve the increased cost of certain improvements for the Midland Wastewater Treatment Plant of the County of Onondaga, New York. Ayes: 4 (Corbett, Whelan, Kraft, Rhinehart); Noes: 0; Abstained: 2 (Chaplin, Winslow). MOTION CARRIED.

A motion was made by Mr. Corbett, seconded by Mr. Whelan authorizing the issuance of an additional \$49,890,420 bonds of the County of Onondaga, New York, to pay the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for said County. Ayes: 4 (Corbett, Whelan, Kraft, Rhinehart); Noes: 0; Abstained: 2 (Chaplin, Winslow). MOTION CARRIED.

c. A resolution approving the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and the Liverpool Pump Station facilities of the County of Onondaga, New York

d. A resolution authorizing the issuance of an additional \$7,371,818 bonds of the County of Onondaga, New York, to pay the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and for the Liverpool Pump Station facilities in and for said County

Mr. Elander said information concerning this was distributed to the committee (on file with Clerk). Mr. Elander said the Wetzel Road Improvement project was authorized in September of 2001 for \$49 million, and was approved for three phases: Wetzel Road Treatment Plant, the Liverpool Pump Station and the Baldwinsville Upgrade. Mr. Elander said this should never happen again - each project should be done on an individual basis. Fall of 2004 bid for Wetzel Road was \$39 million (did not include the engineer's construction and administration work) and Liverpool Pump Station was \$5.1 million. Mr. Elander said they should have come back to the committee to say that the cost would be more than originally estimated. Mr. Elander said they have run into a severe subsurface problem at Wetzel Road - more water than anyone anticipated - dewatering, cost of excavation and cost of the sheeting has delayed the project. WEP are contending that it is not a County issue, based on their engineer's advice; the contractor is contending that it is a changed condition. Mr. Elander said it would probably be decided in court. Subsurface contractor claims amount to \$5 million. Mr. Elander said projecting the costs they have, including the contractor's claim and including the additional engineering costs for the delays (inspection requirements and the contract administration requirements), the Wetzel Road could go to \$50 million and Liverpool is at \$6,000,000 (\$7million more than was authorized). The \$56 million does not include Baldwinsville - Mr. Elander said there is no design for Baldwinsville - no discussion with the State - does not

know if or when it will happen - recommendation is to treat it as a separate project. Mr. Whelan said the cost would be \$2 million if they win the contractor claim. Mr. Elander agreed, and added it would be \$1 million if the project isn't extended a year (probably will happen because they are losing so much time). Mr. Whelan asked what happens if \$7 million is approved and they only spend \$1 million or \$2 million. Mr. Elander said they wouldn't sell the bonds. Mr. Whelan asked if there were state and federal funds involved in Wetzel Road, Liverpool and Baldwinsville. Mr. Elander replied that there are no federal funds and the state funds are the EFC loans (cheap financing for 50% of the bond costs) for Wetzel and Liverpool.

A motion was made by Mr. Rhinehart, seconded by Mr. Whelan to approve a resolution approving the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and the Liverpool Pump Station facilities of the County of Onondaga, New York. Ayes: 4 (Mr. Rhinehart, Mr. Whelan, Mr. Kraft, Mr. Corbett); Noes: 0; Abstaining: 2 (Chaplin, Winslow). MOTION CARRIED.

A motion was made by Mr. Whelan, seconded by Mr. Corbett to approve a resolution authorizing the issuance of an additional \$7,371,818 bonds of the County of Onondaga, New York, to pay the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and for the Liverpool Pump Station facilities in and for said County. Ayes: 4 (Mr. Whelan, Mr. Corbett, Mr. Kraft, Mr. Rhinehart; Noes: 0; Abstaining: 2 (Chaplin, Winslow). MOTION CARRIED.

e. Calling a Public Hearing pursuant to Article 2 of the New York Eminent Domain Procedure Law prior to the consideration of the acquisition of property for the Clinton Street Sewer Improvement Project with the following Tax ID Numbers: 101-03-02.1, 101-15-02.0, 101-15-07.0, 101-15-06.0, 101-21-02.0, 101-21-03.0, 101-12-01.0, 101-12-02.2, 101-11-01.1, 101-11-01.2, 101-11-01.3, 101-11-02.0, 101-17-08.0, 096-03-02.0, 096-04-04.0

Mr. Elander explained that there is a new State rule, as the result of a recent court case, stating that prior to committing to purchase property for a project, there should be an Eminent Domain hearing. They would still attempt to do all the appraisals, attempt to purchase the property, and cooperate to everybody's advantage; but, if they can't agree, they need to have this public hearing in order to take subsequent Eminent Domain action. Mr. Elander said they are asking to have this hearing prior to the August Session. Properties involved are either permanent easements or temporary easements and takings for the Clinton project (both RTF and pipelines). In response to Mr. Whelan, Mr. Elander said the easements range from 30 ft to 50 ft.

A motion was made by Mr. Whelan, seconded by Mrs. Chaplin to approve this item. Ayes: 5 (Corbett, Kraft, Rhinehart, Whelan, Chaplin); Noes: 0; Abstained: 1 (Winslow). MOTION CARRIED.

The meeting was adjourned at 11:55 a.m.

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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COUNTY FACILITIES COMMITTEE MINUTES

JUNE 15, 2006

JAMES W. FARRELL, CHAIRMAN

MEMBERS PRESENT: Mr. Rhinehart, Mr. Kraft, Mr. Holmquist, Mr. Whelan, Mr. Kinne, Mr. Laguzza

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

Chairman Farrell called the meeting to order at 11:03 a.m.

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

1. TRANSPORTATION: Mr. Mark Lynch, Commissioner

a. Amending the 2006 County Budget to accept additional CHIPS funding as a result of the 2006-2007 adopted New York State Budget and authorizing the County Executive to enter into contracts to carry out the intent of this resolution (\$310,290)

A motion was made by Mr. Kraft, seconded by Mr. Whelan to approve this item.

Mr. Whelan asked if the number of miles based on bituminous products would change from the original Work Plan. Mr. Lynch said the plan included a \$250,000 anticipated increase; the additional \$60,000 will go into Cold Mix and Hot Mix to offset some of the inflationary costs, probably would still have to cut miles. **Mr. Whelan asked Mr. Lynch to keep the committee posted concerning what the number of miles at the next committee meeting.**

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

b. Amending the 2006 County Budget to accept additional revenue for plowing state roads during the winter of 2005-2006 and authorizing the County Executive to enter into contracts to carry out the intent of this resolution (\$308,794)

Additional funds from the State to compensate for plowing of state highways, based on the State's severity factor formula of difficulty of the winter.

A motion was made by Mr. Kraft, seconded by Mr. Whelan to approve this item.

Mr. Whelan asked how many miles the County plows for the State. Mr. Lynch replied over 200 (the mileage has not changed from the past year). **Mr. Lynch will let the committee know the exact number of miles.**

In answer to Mr. Farrell, Mr. Lynch said that \$75,000 would be put into a Capital Project Account to cover fuel tank issues (at least one tank needs to be replaced), \$171,000 would be put into Supplies and Materials Account to cover increase in fuel and \$62,794 into the Utilities Account to cover increases.

Mr. Farrell asked why it shouldn't all be put directly into snowplowing related accounts to supplement those budgets. Mr. Gottstein said the 2005 books are closed, and Mr. Farrell said, in his opinion, the money should go back into the General Fund.

Mr. Rhinehart asked about the reimbursement from the State for snowplowing compared to what the County reimburses the towns. **Mr. Lynch will supply the information to the committee.**

Mr. Whelan asked why the fuel tank issue is a Capital Project rather than maintenance. Mr. Gottstein said they have to do the work now, they don't know how much it will cost and they do not have the money budgeted in operating budget. Mr. Whelan asked where the dollars will come from if this coming fall is more severe than usual. Mr. Lynch said they would have to look at transferring money from other accounts, as they have had to do in the past.

Mr. Farrell suggested separating the need for the fuel tank project from this specific transaction, and asked why the project was not included in the 2006 Budget. Mr. Lynch replied that they did not realize there was a problem until periodic testing was done. Mr. Farrell is supportive of this project, but urged that it come back as a separate item to be discussed, and with this money going back to the appropriate accounts. Mr. Laguzza said this is money from a different fiscal year, and he is supportive of what they want to do. Mr. Whelan said he would support it because it seems to be an emergency situation - will have to move money anyway, but he doesn't like it. Mr. Kraft said he always wants to be aware whenever money goes to a 960 Account, but agrees they should allow this money for the fuel tanks.

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

c. Pulled

d. Pulled

Chairman Farrell took the agenda out of order.

3. FACILITIES MANAGEMENT: Mr. Manny Barbas, Deputy Commissioner, Ms. Colleen Julian, Carrier, Mr. Steve Balewski, Carrier, Ms. Deb Drapas, Carrier, Mr. Tom Ferrara, Facilities Engineer

A resolution authorizing \$1,506,310 in bonds of the County of Onondaga, New York, to pay for energy conservation measures for eight county sites and authorizing the County Executive to enter into contracts to implement this resolution

Mr. Barbas said this entails the last of the energy conservation measures that they will be bringing before the legislature. Payback varies from 2.2 years to 8.5 years with the average being a 5.8-year payback.

Ms. Julian presented a Power Point regarding an energy project update and the proposed 2006 projects of the Onondaga County Energy Performance Contract with Carrier Corporation (*on file with Clerk*). Regarding the guaranteed savings, Ms. Julian said they are a blend of years and are very conservative savings. Mr. Barbas said the guaranteed savings represent roughly 70% of projected savings (\$1,199,987), they are in process of verification and monitoring, and will have a more accurate figure of savings - will be a much higher number. Projected NYSERDA incentive - \$1,216,745.

Regarding the Energy Savings Update, Mr. Farrell informed the committee that he asked to have this done by kilowatt-hours saved versus the dollars saved. Mr. Farrell asked if actual savings of kilowatt-hours is a little less than the total estimated at the time the contract was put in place. Mr. Bolewski said they are finding that savings are actually creeping up. **Mr. Farrell asked to have the committee provided, periodically, with that information.**

Mr. Kinne asked why the numbers are so far apart. Mr. Farrell said the 4.6 million kilowatt hours is 70% of what was originally estimated to be the savings. Mr. Barbas said as long as we are saving more energy than was guaranteed; we are on the plus side of the equation.

Regarding 2006 Funding Request - By Site - New Project for 2006: Mr. Barbas said one big project not shown is the Van Duyn Project (\$2 million). They are holding on that until they know the future of Van Duyn. Mr. Kraft mentioned Onondaga Community College - it is usually 50% State and 50% local on capital improvements, and should get advance approval before they do a project. Mr. Petrela said they would apply for state reimbursement. Mr. Kraft said they should get commitment of the State and local support before they start the project. Mr. Barbas said they rely on OCC to go through those motions. **Mr. Kraft would like information regarding this by Ways and Means.** Mr. Whelan said they would not have to bond for the full amount at one time, but would like an answer.

Regarding Alliance Bank Stadium, Mr. Barbas said the items were recommended in a 2004 study because of their short payback. The items are relatively inexpensive to do with good payback numbers - would spend \$127,812, with a 6.9-year payback, plus a NYSERDA incentive.

Regarding Jamesville Correction Center, Mr. Laguzza asked where the occupancy sensors would be placed. Mr. Barbas replied in the offices and storage areas.

Mr. Whelan said there is no NYSERDA incentive for non-electric items such as the Steam Distribution System, but there are clearly going to be savings in heating and cooling that will positively impact the cost of fossil fuels as well.

Mr. Kraft mentioned no bid contracts - in the first round of conservation energy projects, Mr. Barbas made a considerable effort to verify pricing. Mr. Kraft asked about verification for this project. Mr. Barbas said the attractive payback numbers guarantee that it is a cost effective project. Mr. Kraft Asked to have one of these tested independently for some assurance that the pricing is in range. **Mr. Barbas said he could hire an engineer to do that, and should be able to let the committee know the result before the July Session.**

Mr. Whelan requested to be a co-sponsor for this item. Mr. Whelan said the simple payback time periods fall within what is generally accepted in the industry.

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

Chairman Farrell said they would vote on the resolution with the understanding that they are still waiting for a clear agreement on the matching funding from the State regarding the project cost for OCC and information regarding verification (cost assurance) of pricing from Mr. Barbas.

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

2. PARKS: Mr. Robert Geraci, Commissioner

a. Amending the 2006 County Budget and transferring funds from Capital Project 522675-003 Veterans Cemetery Expansion to Grants Project 770054 Veterans Cemetery Improvements to cover an unexpected increase in costs (\$2,500)

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

In answer to Mr. Rhinehart, Mr. Zelig said there have been 3,570 burials at the Veterans Cemetery since 1986. In response to Mr. Kraft, Mr. Geraci said the utility vehicle is a John Deere Gator utility vehicle that will do less damage to the turf than a pick-up truck.

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

4. Informational: Elephant Romani - stillbirth (Mr. Chuck Doyle, Director)

Giving a little history, Mr. Doyle said that due to concern of overcrowding, they stopped breeding elephants three or four years ago. About two years ago, the American Association of Zoos and Aquariums requested that they breed, and the decision was made to breed with the understanding that they would transfer some of the elephants out if they didn't have enough room.

Mr. Doyle reviewed the actions taken right before and during Romani's labor. After consultation with Dr. Dennis Schmitt, one of the two best elephant reproductive people in the world, and the zoo veterinarians from Cornell University, a team was assembled to take the calf surgically on June 8, 2006. After, it was determined that the calf kept moving in and out of the birth canal and that, at some point in time, one leg dropped and got stuck on the pelvic rim. Mr. Doyle said the good note to all of this is they reacted quickly, it was a well planned out procedure and Romani is, hopefully, on the way to recovery.

Mr. Farrell asked if this impacts future plans for the elephants. Mr. Doyle replied that he is committed to having a elephant breeding program at the zoo. Mr. Whelan asked if they have females here or do they have to bring them back (on loan in Canada). Mr. Doyle replied that he does not know if Romani will be a breeding elephant again. They do have one of Romani's daughters (a prime candidate for artificial insemination) on site. He would like to bring the two elephants back that are on loan - depends on Romani.

Mr. Geraci said we are at a crossroads concerning the elephant program; have to decide where we want to go in the future. Mr. Geraci added that Mr. Doyle and Mr. Eallonardo are researching all that will be required to continue to be a breeding institution; it will require a capital investment and some operational costs that they are not bearing right now. The other alternative is to no longer breed and phase out the elephants. Mr. Geraci said they would ask for a meeting with the County Executive and the Legislature as soon as they get all the facts regarding costs.

Mr. Laguzza asked about land acquisition to enlarge the facility. Mr. Doyle said they have talked with the zoo board about the possibility of some city property. Mr. Geraci said the land is not the driving issue; it is the cost of creating a new elephant enclosure and infrastructure that goes along with that (cannot go forward without enlarging the elephant enclosure).

Mr. Kraft supports Mr. Doyle and the experts in the field.

Mr. Sweetland asked the age range for elephants to give birth. Mr. Doyle replied that they are finding that elephants have difficulty, if not bred by the age of twenty; once an elephant is bred, can be successful into their forties. **Mr. Sweetland would like to have a conversation in the future about the relationship between the national organization and the zoo.**

Mr. Whelan asked the timeframe for deciding what they would like to do concerning the elephant program. Mr. Doyle replied in the fall.

b. Discussion: Status of Friends Agreements - No discussion

c. Discussion: Plans for each park - No discussion

d. Discussion: Interagency Marketing - No discussion

c. Informational - Highland Forest Logging Proceeds

Mr. Geraci distributed a memo regarding Highland forest Logging Proceeds to the committee (on file with Clerk) and reviewed the past years.

- * Year 2000 - proposed building Skyline Lodge at Highland Forest
- * Forestry consultant surveyed Highland forest - estimated standing timber worth \$1,5 million - potential to cut up to 50% of the property without impacting the public side
- * Presented to Legislature as part of way to pay for Skyline Lodge (\$2.5 million project)
- * On track for paying off the Skyline project
- * Also did a Spafford Forest cut - proceeds put into the operating budget.
- * Also doing a cut this year on a piece of County property off Rt. 91 tangent to the State Labrador Pond property - would like to put the money in the Skyline account.
- * Cutting is getting close to the public areas at Highland Forest - affecting aesthetic impact.

Mr. Geraci said they have been doing the right thing in terms of timber standard grooming; benefited the taxpayers who did not have to pay the entire cost for the Skyline Lodge.

Mr. Kraft - asked the timeframe on getting the bids, actual cutting and payment. Mr. Geraci said it varies; example: the RFP in 2004 (\$156,508) - logging company paid up front because they didn't want to cut right away. Mr. Kraft would like to know when to expect the money when a contract is signed. Mr. Kraft mentioned that the revenues in 2003 and 2004 were better than expected, noted that they are exceeding the forecast, but no contracts were signed in 2005. Mr. Geraci said he never committed to doing this every year - said that within fifteen years they would bring in \$1.5 million. Mr. Geraci added that weather, and

accessibility, has an effect. Mr. Kraft said the idea that they are going to do something every year is according to the memo before them. Mr. Geraci said he can make a genuine effort to do that - occasionally their forester says a certain time is not good - the market lumber is not as high as it could be. Mr. Geraci said they should have brought in \$293,971 to date, based on the commitment he made to Parks for Tomorrow; they actually brought in \$552,948 by the end of 2004.

Mr. Whelan asked if there are requirements for restoration of the land as part of the contracts concerning the treetops, etc. left by the contractors. Mr. Geraci said the proceeds would plummet if contractors were responsible - looking at a secondary market for anything left (firewood). Mr. Whelan said he would like to see it moved back into the woods, if not used for firewood. Mr. Geraci said the cost would be significant.

Mr. Sweetland asked about the County property near Labrador Pond, and understands that it is landlocked and would need a right-of-way to log it. Mr. Geraci said it is about 80 to 90 acres - purchased in 1945. Mr. Sweetland said with 2,700 acres, he believes they could do a cut every year at Highland, whether it is 100 acre cut or 20 acre cut. Mr. Sweetland said this is the taxpayers' resource, and they should maximize the taxpayers' asset by doing a cut wherever they can every year.

Mr. Farrell asked Mr. Geraci for an overall plan concerning logging to be discussed at the August committee meeting.

The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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PUBLIC SAFETY COMMITTEE MINUTES

June 15, 2006

MARTHA E. MULROY, CHAIR

MEMBERS PRESENT: Mr. Ryan, Mr. Rhinehart, Mr. Holmquist, Mr. DiBlasi, Mr. Kinne, Mr. Warner

ALSO PRESENT: *see attached list*

Chair Mulroy called the meeting to order at 9:10 a.m.

A motion was made by Mr. Rhinehart to waive the reading of the previous committee. MOTION CARRIED.

A motion was made by Mr. Ryan, seconded by Mr. Rhinehart to approve the minutes of the previous committee meeting. MOTION CARRIED.

1. EMERGENCY COMMUNICATIONS: Commissioner Stephen Wisely

a. **Approving classification of a Type I action under the State Environmental Quality Review Act; declaring lead agency status; accepting the long environmental assessment form; making and declaring a negative declaration for the construction of a radio communications tower on County property located in the Town of Manlius; and authorizing the County Executive to enter into contracts for the planning and construction of such tower**

This is to construct a new tower on Metropolitan Water Board property. The testing has been completed. It is in the location of Green Lakes State Park and the Sister of St. Francis. Chair Mulroy had concerns of it being an eyesore and if town and residents are supportive. Mr. Holmquist said that the nuns do live in the area; it is a needed facility and the Town is supportive. **Chair Mulroy asked to be provided with pictures of the area.**

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

2. SHERIFF: Chief William Peverly

a. **Create Account Clerk I @ Grade 4 \$23,957 - \$26,514 effective July 8, 2006; Abolish Cashier, Grade 6 @ \$28,022 - \$31,031 effective July 8, 2006**

The bail cashier left the position; prior to re-canvassing they asked Personnel Department if another appropriate classification was available for the job duties, and they were advised that account clerk was appropriate.

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

Chief Peveryly said that there is only one position for the job and will address the issue in the 2007 budget proposal. The majority of activity is in the day; minimal overnight and weekends. The bail cashier works days and have to fill in with community service officers, custody deputies, and custody supervisors for other times.

Passed unanimously; MOTION CARRIED.

b. Discussion: Transport Vehicles' Tires: Chief William Peveryly

Chief Peveryly explained that the sedans used for transport in Custody are equipped with a police package, which includes high-speed tires. When the tires wear, they are replaced with high-speed tires. Mr. Ryan had suggested that the department look at using standard tires instead, with the idea that there could be a cost savings and that wear may be longer. Sheriff's Dept. agreed to try standard tires on couple of transport vehicles. The Fleet Maintenance staff were supposed to do that; Mr. Wickert was part of the discussions at the time and to do it after the first of the year. Chief Peveryly said that they subsequently found out that Mr. Wickert never purchased the tires and were never put on the transport vehicles. However, Sheriff's Dept. received a response from Fleet Maintenance that the general tires(non-high speed tires) are a few pennies more expensive than high-speed tires. They have experimented with different types of general application tires and found that the high-speed tires are getting just as good of mileage; there are no unusual experiences with either tire as they relate to blow outs, flats, etc. Fleet Maintenance is comfortable that the appropriate tires are being used. In addition, Chief Peveryly explained that they have changed the types of tires used on their vehicles. The methodology with tires is that there should be matched sets or tires on vehicles. Therefore, in the winter for marked police cars, they were requiring that 4 snow tires be mounted and there was concern about excessive expense. An assessment on different tires was done they found a tire, Ultra Grip, that can be used in dry, wet, and snow. It was determined that the tire works well year round and have switched to the Ultra Grip. One set of tires used year round. The State Police switched to it also. Chief Peveryly feels they are in the best situation now, but if there is interest in further evaluation, he will accommodate. Mr. Ryan said he has not had an opportunity to check with other police departments to see what they do.

c. Update: Helicopter - Chief William Peveryly

Chair Mulroy said that Mr. Ryan sent a letter requesting additional information.

Chief Peveryly stated that in 2004 maintenance was performed on the helicopter, and it was expected to be down for a couple of weeks. It turned out to be down for 150 days (2/4-7/12), as they could not get parts. There were conflicts going on in Middle-East and military takes priority over civilian use.

In 2006 it was known that a 5,000-hour scheduled maintenance was due on the helicopter and anticipated it to be down 8-10 weeks, as it was a major service process. In anticipation of that, and the 2004 experience, they spent a good amount of time with Aviation Unit, Bell Helicopter, and their suppliers, as they did want to have the same situation as in 2004. Assessments were done for sending helicopter out vs. doing it themselves, and they determined there would be a substantial savings by doing it in-house. Also, the Sheriff's mechanic has a vested interest in it. The helicopter was brought down on Jan. 23rd and they ran into the same situation as in 2004--requested parts and military took priority. Chief Peveryly said that manufacturers don't stockpile parts, they can't afford to do it. The helicopter was down until the 3rd week in May.

Mr. Ryan felt that money would be better spent on road patrol in terms of value received from taxpayers; questioned asked why the new ship was bigger. Chief Peveryly said that the old helicopter was also a turbine and operating at maximum capacity for weight. When there was a situation where they had to bring somebody on board with a medivac or carry other people, someone would have to get off. The new ship gave the capacity for more lift off and for the observer to stay on.

Mr. Ryan said that we are doing less and less of the medivac aspect and don't need that size of a machine. Chief Peveryly stated that in 1999 there was a major task force appointed, 50-60 people with a cross representation of the Onondaga community. There were people that were not pro-helicopter as part if it and the ship was their recommendation. Sheriff's Dept. has never said that medivacs are a major part of helicopter operation and estimated that they are about 10% or less. The issue is that when there is a need, the availability of medivac operations are limited in this community.

Chair Mulroy stated that on Jan. 3, 2006 there were 5 instances where the helicopter went up and 3 were in Oswego County. The first one was a flight test with engineers from Welch Allyn. Chief Peveryly said that they made and donated the equipment and needed be sure the equipment worked in that environment. Chair Mulroy expressed concern as to whether Onondaga County is getting its money's worth. She questions what the pilots are doing when the ship is out. Chief Peveryly explained that 2 are civilians (mechanic and chief pilot, who did the overhaul); and the sworn members were shifted to patrol. With the current level of funding at 600 hrs/year, it will be 9 years that the 5,000 hr. mark is reached.

Mr. Kinne asked why the maintenance wasn't done in 2004; Chief Peveryly said that there wasn't 5,000 hrs on the helicopter---it had 2 more years of operation before it had to be taken down. Mr. Kinne asked how often was it down in 2005. Chief Peveryly didn't know, but could provide it and said there was no significant down time. Mr. Kinne asked about training for the mechanic. Chief Peveryly said that he has all certified.

Mr. Warner asked about coordination with the State Police when Sheriff's helicopter isn't available. Chief Peveryly said the State doesn't generally fly evening hours and Sheriff does. When the helicopter is going to be down for scheduled maintenance, there is coordination with State Police, other police agencies, fire services, and Mercy flight. Mr. Warner asked about Mercy flight response time records. Chief Peveryly did not know, but there are protocols in place. **Mr. Warner asked to be provided with 10 - 20 of most significant cases wherein the helicopter was vital. Mr. DiBlasi asked that the entire committee be provided with that.**

Mr. Rhinehart asked how the hours are tracked. Chief Peveryly said that they keep track of the number of incidents responded to, type of incident; hours spent by incident, and time.

Mr. Ryan said that the average flight is about 3-4 minutes. The Sheriff's helicopter is number one for medivacs between 4:00 p.m. and 2:00 a.m. and asked if the State helicopter is priority the other times. Chief Peveryly didn't know what the State protocols were. Mr. Ryan asked if the Sheriff could staff the State helicopter from 4:00 p.m. - 2:00 a.m. Chief Peveryly said that they won't do that; there has been discussion; the State has a 7 county region and not dedicated to Onondaga County.

Mr. Ryan said the Mercy had a problem being a private company in competition with taxpayer's helicopter and asked if they still do; Chief Peveryly said that he had no idea.

Mr. Ryan said that the helicopter is parked if it is windy, rainy or snowing. Chief Peveryly disagreed-they fly in rain and snow; if icy or extremely windy, they can't fly. If there is thunder and lightening, it can be an issue.

Mr. Ryan questioned the availability of volunteer medivac people; and asked to be provided with the amount of times that medivacs are used. He was answered that in 2007 it was 2,005 and is estimated to be 15 in 2,006.

Chair Mulroy asked if the helicopter is a State or Federally mandated program. Chief Peveryly replied that the Sheriff's Department would call it a mandated program: The sheriff is mandated to provide for peace in County of Onondaga. The total budget for the helicopter is \$1.312 for 2006; it was higher in 2006 due to the overhaul.

3. HUMAN RIGHTS COMMISSION: Ms. Linda Hall, Executive Director

a. Confirming reappointments to the Onondaga County/Syracuse Commission on Human Rights (Jeffrey Tamburo, Mark Spadafore, Beth Broadway)

Ms. Hall stated that all 3 members have been active and are chairs of committees.

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

b. Department Update:

Ms. Hall introduced Bridgette Owens, primary investigator; 50% of time with regular discrimination cases; 25% in jail; and 25% in diversity training. She introduced Herman Howard, who heads up the contract compliance and employment piece; he keeps track of the workforce within the city and watches over and assists in providing opportunities for minority and women-owned businesses.

They receive cases on complaints of discrimination and unfair treatment. They were set up to support Human Rights Law, established in the 1960's. They work closely with NYS Div. of Human Rights. Typically Onondaga County/Syracuse Commission on Human Rights is a much faster process than the State, resolving cases in a few days to a couple of weeks. There are no attorneys involved; try to get people to do the right thing based on the law. They do not subpoena records. If it is found that a case appears to clearly look like the law is broken, they can't help them and refer them to the State and that process often takes a year or two.

The Commission directed them to get involved with the Justice Center since the early 1990's. They work cooperatively with the Health Department and Justice Center - have made progress in getting better medical care and address jail issues that arise. They provide diversity training, which started 8 years ago.

Chair Mulroy asked if diversity training is mandated for fire and law enforcement agencies; Mr. Warner said that some agencies do, such as the State Police.

Ms. Hall stated that in the '90's they had 13 staff members and now they have 4. They are trying to provide the best service that they can; they are set up to be a watch-dog.

Mr. Warner summarized that the department is not mandated but provides a lot of expedience to cases being resolved. Ms. Hall agreed and stated that their total budget is about \$360,000.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

DEBORAH L. FICHERA, CLERK

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WAYS AND MEANS COMMITTEE MINUTES

June 16, 2006

CHAIRMAN WILLIAM H. MEYER

MEMBERS PRESENT: Mr. Corbett, Mrs. Baker, Mr. Farrell, Mr. Ryan, Mr. Kraft, Mr. Stanczyk

ALSO PRESENT: Mr. Sweetland, Mr. Whelan

Chairman Meyer called the meeting to order at 9:33 a.m.

A motion was made by Mr. Corbett, seconded by Mrs. Baker to waive the reading and approve the minutes of the previous committee meeting. MOTION CARRIED.

1. WATER ENVIRONMENT PROTECTION: Mr. Richard Elander, Commissioner

a. A resolution approving the increased cost of certain improvements for the Midland Wastewater Treatment Plant of the County of Onondaga, NY

This was discussed in detail at Env. Prot. Committee, as there has been a lot of confusion about the cost since it started. The cost has gone from \$62 million, estimated in 1992, then the ACJ happened; then design; a variety of changes during construction related to subsurface; and some delay costs.

* Using the Engineering News Record Indices (the formal construction indices used for construction projects) by May of 2007, the midpoint of overall project, with inflation would be over \$106 million.

* Have been carrying \$103 million for the total 3 phases of Midland.

* This spring EPA completed the design of Phase III, 7,000' pipeline from where Phase II leaves to Newell St. They have given a formal estimate of that activity, when that is included with inflation costs and some other changes on the job, it is \$123 million.

* The changes, since the original project, in today's dollars are worth \$47 million; and adding in the inflationary effect would bring it to over \$153 million.

* Confident, as they can be at this time without bidding Phase III, that \$123 million is a good number.

* There is not \$50 million in changes since construction started. There is now a 14-year old estimate that is indexed up, with actual changes discussed. In theory, they feel it could be higher.

* They have done all that they can do to hold cost at \$123 million.

Mr. Kraft asked about the changes. Mr. Elander said there is \$47 million worth of changes that have occurred. The way the design was done and holding costs, they have been able to mitigate it down to \$17 million. Mr. Elander reviewed some of the changes:

* original project was a 500-CFS unit facility, it has been increased to 667, which requires more building space, pumps, etc., was increased during 1-year design decision with DEC; \$16 million. Newell St. conveyance was added, which was a separate project at one time.

* Cemented gravel conditions - will add \$2 million to project - couldn't drive sheeting through it. Mr. Elander passed around a sample of a calcium deposit, which is in the area; it is a very tough material.

Mr. Ryan asked about capital costs and how they will effect operational costs, with the \$16 million increase; what is picked up on the other end for operations reduction. Mr. Elander said energy costs - right now there are large pumps, motors, more energy demand. There is a difference in maintenance activity relating to having storage tank or not (does not know if more or less); more operation & maintenance costs with 667 CFS facility vs. 500 CFS. It has been enlarged since 1992; the flow size that was designed would be the same whether all storage or all sewer concentrators, etc. They are taking on 25% more flow than was anticipated in the beginning as a result of discussions with DEC before any design work was done. On a regular basis the design average flow is 80; peak flow is 126; can put 240 through it, but it doesn't all receive treatment.

Mr. Ryan said that the increase is being stored and not let out into the creek. Mr. Elander stated they are obligated to contain all wastewater in sewer up to, and including, a one-year design storm; if storm gets over that, it is discharged into the creek. By being able to handle 667 cfs, then there is another 167 cfs that will not go into the creek under any condition; it involves closing more CSOs.

There was discussion about obtaining any federal or state money; Mr. Elander said they will try to get it. There is a commitment from the government for more money that they are trying to secure.

Sewer rate charge: Mr. Mareane said that the difference in debt service cost has changed because of the additional \$50 million; average \$2.4 million/year; debt is borrowed for over 30 years through EFC. Consumer will pay about \$13/year added to their cost. There were questions about a forecast for rates; Mr. Mareane said that they try to moderate rate growth at about 6-7% per year. The unit charge in 2015 is approximately \$500, which is a lot less than the discussion in 1997.

Mr. Ryan asked about the excess digestive gas on Hiawatha Blvd. Mr. Elander explained that it is all being used - upgrading biosolids handling system; generator will take excess sludge and general electricity of use at treatment plant, instead of buying from National Grid.

Mrs. Baker reiterated the need for outreach for any additional funding that may be available. Mr. Kraft agreed and said at this point, there is no planned Federal and State aid; this has to played out to maximum advantage financially. Mr. Elander said they constantly are trying to find additional ways to fund it. **Mr. Kraft asked for a response back from Mr. Elander and Mr. Mareane on their funding plan.** Mr. Elander explained that when the project is all said and done, they expect it to be \$508 million. If they hadn't changed a thing, in 2012 it would have been \$587 million--it shows they are trying to mitigate savings.

Mr. Corbett said that there has been a lot of discussion about the different amounts; any one of them would have proportionally risen in the same manner. Mr. Elander agreed and said once the size was decided on, everything else is relative.

Mr. Ryan asked if there is way to tie into the flow to generate electricity; Mr. Elander said there would have to be a great level of treatment before it got to the generator.

A motion was made by Chairman Meyer, seconded by Mr. Corbett to approve this item. AYES: 6 (Meyer, Corbett, Baker, Kraft, Ryan, Farrell) NOES: 0 ABSTAINING: 1 (Stanczyk). MOTION CARRIED.

b. **A resolution authorizing the issuance of an additional \$49,890,420 bonds of the County of Onondaga, NY, to pay the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for said County**

A motion was made by Mr. Meyer, seconded by Mr. Corbett to approve this item. AYES: 6 (Corbett, Baker, Kraft, Ryan, Farrell, Meyer) NOES: 0 ABSTAINING: 1 (Stanczyk). MOTION CARRIED.

c. **A resolution approving the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and the Liverpool Pump Station facilities of the County of Onondaga, NY**

* 2001 - project approved for upgrade to Wetzel Road Treatment Plant, improvements to Liverpool Pump Station to eliminate CSOs, potential future upgrades at Baldwinsville, \$49 million, set up as a total amount for all of the projects

* 2004 - bids taken after designs, realized that Wetzel Rd. and Liverpool estimates were not good compared to original estimates

* Did not come to legislature to inform that bids were higher than original estimates and may/may not have enough money for the 2 projects in the authorization. Mr. Elander sincerely apologized for that.

* Wetzel Rd. project has run into a major subsurface issue - tremendous amount of ground water; Contractor has stated that he was not aware of it and has submitted a notice of claim.

* WEP does not support claim; may have to go to court or arbitration. Have included \$5 million for claim; and additional 12 mos. worth of engineering, contract administration time, if project is extended.

* From original \$49 million, asking for approval of \$56 million will cover all estimates for Wetzel Rd., actual construction costs related to Liverpool Pump Station project. Liverpool was bid twice--\$6 million.

Mr. Farrell said that there is a notice of claim that WEP disagrees with and asked if it is appropriate to pre-fund it at a maximum amount. Mr. Elander stated that approval of authorizing the money does not mean that it all will be financed; they don't end up using the money for other projects. If they end up doing something, they have to come back to the legislature and have a public hearing. Mr. Mareane suggested that the legislature could authorize the full amount and appropriate a lesser amount; the department would have to come back to the legislature to spend the authorization; it would avoid a public hearing. Mr. Farrell said that when money is on the table and both parties know it is available, it becomes easier for the money to transfer hands. He suggested that the legislature not pre-fund it.

Mrs. Baker asked about Baldwinsville. Mr. Elander said nothing has happened with it; it is the potential changes for the Baldwinsville plant, if the State desires them. There have been no discussions with the State, but it still may be necessary. They recommend that it be treated as a separate project. The cost estimate at Baldwinsville was \$8.5 million.

Mr. Stanczyk said there is no reason to put the dollars on the table and asked about the nature of the contract. Mr. Elander said that it states that the contractor is responsible. **Mr. Stanczyk asked for an explanation on paper of the 3 projects, bids and costs.** He questioned how the 2 projects became \$15 million over. Mr. Elander explained that the facility plan estimate in 2001 wasn't accurate compared to the bid amounts; it was bid 3 years later; it was final designed after the facilities plan. Mr. Stanczyk asked how much percentage is contingency; Mr. Elander said 10%; the number that it took 10% wasn't based on anything other than conceptual design. This project does not include construction management; all done by an engineering firm. There have also been steel and concrete escalations. Mr. Stanczyk asked what the \$7 million bonding adds; Mr. Mareane said \$2.50 on rate.

Mr. Farrell made a motion to approve this item with an amendment to reduce the amount in the resolution by \$5 million; seconded by Mr. Kraft. A vote was taken on the motion to approve this item as amended. AYES: 6 (Meyer, Corbett, Baker, Kraft, Ryan, Mr. Farrell). NOES: 1 (Mr. Stanczyk); MOTION CARRIED.

d. **A resolution authorizing the issuance of an additional \$7,371,818 bonds of the County of Onondaga, NY, to pay the increased cost of certain improvements for the Wetzel Road Wastewater Treatment Plant and for the Liverpool Pump Station facilities in and for said County**

Mr. Farrell made a motion to approve this item with an amendment of reducing \$5 million in all the appropriate places, seconded by Mr. Kraft. A vote was taken on the resolution as amended. AYES: 6 (Meyer, Corbett, Baker, Kraft, Ryan, Mr. Farrell). NOES: 1 (Mr. Stanczyk); MOTION CARRIED.

2. **WAYS AND MEANS MISCELLANEOUS:**

a. **Confirming Appointments and Reappointments to the CNY Works Board of Directors (Kotz, LaGrow, McDonald, Sandle, Wilson, Brynien, DiBlasi, Rapp, Reed, Sydow, Towsley, Walter, Hill, Falcone, Watson, Colella, MacCool, Pulver, Wolgemuth, Stack)**

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

Mr. Ryan said that Louise McDonald lives in Ireland. Chairman Meyer suggested that the item be passed as is and recommend that the Co. Executive submit another name. ***Passed unanimously; MOTION CARRIED.***

b. **Adoption of Annual Budget for Onondaga Community College for the Fiscal Year September 1, 2006 to August 31, 2007, accepting the 2007-2012 Capital Program and authorizing the County Executive to enter into contracts with other governmental units in which appropriations and revenues are approved by the adoption of the 2007 Budget**

A motion was made by Mr. Kraft, seconded by Mrs. Baker to approve this item; passed unanimously; MOTION CARRIED.

c. **Amending the 2006 County Budget by appropriating \$395,000 from the Tourism Fund to offset escalating energy costs for the OnCenter/War Memorial Facility (\$395,000) - Mr. Gallagher, Mr. Marnell, Mr. DeSpirto**

Mr. Gallagher distributed a packet of information and highlighted the following:

- * Ended 2005 with \$108,000 operating loss, 1.5% of operating budget.
- * Loss due to cancelled events and dramatically increased energy costs. Are doing fewer multiple-day conventions and more local events. Attendance is up, but number of conventions and trade shows are down by a third. Have to change the building over from one-time events to another more frequently.
- * Have to prepare their budget when everyone else does; are forecasting nearly \$6 million in revenue 1.5 years out. When conventions book years in advance, it is practical; but they are now doing it with events that are speculative and booking within 30 days - there are great fluctuations in the counts.
- * Energy costs in 2006 are running approx. 24.8% over budget - will be \$281,000 over energy budget if it continues at this pace

Mr. Stanczyk asked about the hotel. Mr. Gallagher said the developer is in the process of selecting the franchise. Mr. Mareane said that they are working with the State to draw down the \$15 million. Each house and the governor have committed \$5 million. The County was asked to submit a very specific application for funding; Assembly and Senate have indicated that the Dormitory Authority will be the banker. A conference call has been set up with the Dormitory Authority for next Tuesday to talk about specific mechanics.

There were questions about a fall groundbreaking. Mr. Mareane said that it is getting late into the year and the target becomes more difficult to hit; September may not be realistic. The developer cannot design a hotel until he knows the flag, as they have specific design standards. Mrs. Baker asked if anything can be done to help facilitate this. Mr. Mareane indicated that it has been handled as well as possible. It now seems to be getting in place with the money going to State bank and talking about how to access and draw down that money.

Mrs. Baker asked what needs to happen in order to start booking conventions. Mr. Gallagher said that the flag has to be known. When the developer is comfortable with the Albany process, flag is known, and there is an agreement, then they can move forward. They have customers that are waiting and they are completely ready.

Regarding energy usage--participating enthusiastically with energy initiative performance contract; have replaced most lighting fixtures; variable speed drives and motors; converting rink compressor from electric to natural gas, and there are additional items being worked on. He said that they are saving energy, but the demand rate is high - using less, but it is costing more.

Mr. Corbett asked about spikes during peaks - get hit with charges if using it off peak. The total kilowatt-hours are down; they anticipate spikes as much as possible. They save energy by not turning on all lights at once; also phase in motors, and demand/spike goes down.

Mr. Corbett questioned the impact on money for the hotel being transferred to an authority, with the State elected officials ending session for the summer. Mr. Mareane said that it would allow for continued negotiations. It is an organization that knows how to get the State money out of Albany and into projects.

Mr. Corbett asked if there is a legal way to have the County front the money to get the test pourings done; it could save 3-months of work by having it done now. Mr. Mareane and Mr. Rivizzigno will look into it.

Mr. Stanczyk left the meeting.

A motion was made by Chairman Meyer, seconded by Mrs. Baker to approve this item.

Mr. Kraft said that for the 2006 estimate; only includes YTD; he needs that information. Mr. Kraft asked for explanation on the \$395,000 - 2006 estimate for the year. Mr. Gallagher said that there is \$281,000 estimated to be over in maintenance and utilities; also are carrying \$108,000 loss from year before. Are at \$207,000 YTD, but hope that with all measures in place, that they wouldn't track any less in areas of energy. **Mr. Kraft asked for a written forecast of expenses and revenues.**

Mr. Ryan asked if the steam plant provides heating and cooling and Mr. Ferraro agreed. Mr. Ryan asked about additional charges from National Grid - Mr. Ferraro replied that it is for lights and motors.

Mr. Whelan said that once demand is established, the number is there; the control is in the hours of operation - he asked about the change over to natural gas in the rink and was answered that the target date is September 1st. He asked what is included in

the Maintenance and utilities line: Mr. Gallagher said that it is mostly energy, water, very little natural gas; it does include plant costs for cooling and heat. **Mr. Whelan asked for an energy cost for the plant year-to-date compared to last year.**

Vote was taken on the motion. AYES: 5 (Meyer, Corbett, Baker, Kraft, Farrell) NOES: 0; Out of room: Mr. Ryan. MOTION CARRIED.

3. METROPOLITAN WATER BOARD: Mr. David Fitch, Administrative Director

a. Expressing the support of the Onondaga Co. Legislature for the provision of water to the area known as the Limeledge Water Project in the Town of Skaneateles, and confirming an amendment to the rules and regulations for the operation of the Onondaga County Water District with respect to the provision of water to said water district (Mr. Rhinehart)

The Towns of Marcellus and Skaneateles have been working together on this. It amends Water District rules to add residences into the district in Skaneateles, equivalent to what was done in the Town of Spafford previously. There is precedent established on this issue.

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

Mr. Farrell expressed concerns about the 12" water line; which is capable of serving dramatically more than 48 residences; there should be more discussion about it before it is approved.

Mr. Ryan asked about meeting codes for the fire. Mr. Fitch replied that MWB is not sizing the main; it was designed by the town's engineer - he is here to represent County Water District. The decision for 12" line was made between town engineer and OCWA. Mr. Ryan said OCWA's job is to sell water; they make money on it. The problem is that the rest of district paid the lion's share and now they want to come it. He asked what the additional charge is to come in after 30-40 years. Some people pay for water and will never get it. Mr. Fitch said that the MWB didn't like this when it happened in Spafford, but Marcellus and Otisco wanted it; have been in the district, have paid for improvements and wanted to add on Spafford. It was decided to treat Spafford as an external customer. MWB does not want to be an obstacle to the people who need water. They pay \$20/year on top of the external charge.

Mr. Ryan said in this situation, it was ratcheted up double what is needed in anticipation of it developing more. He wants to help, but this crosses a line from an external customer to a developing customer, who opted not to have anything to do with the district and it now fits their criteria so they want it. It is a slap in the face to those who have been paying and won't ever get any water. Mr. Fitch added that this is not a ringing endorsement by MWB, their resolution indicates that they resolve that they do not object to it. A precedent was established in Spafford and they cannot object to allowing the same rules to apply to Skaneateles for Limeledge District.

Mr. Corbett said 8" pipe is required for fire; and may need to feed with at 12" for the pressure. Mr. Fitch said that 12" may also be needed to get water to the tower. This will supply more than 48 homes; it will serve the Town and Village of Marcellus.

Mr. Kraft said that there are people that have paid since 1960's and will never get water; now other people want to join. There is no catch up or make-up fee to get in; they also want different rules. There is a Water Task Force that he hopes will be addressing this issue. He encouraged an evaluation on equitable fees.

Mr. Rhinehart said that this project is being driven by the Town and Village of Marcellus. The Health Dept. told the Village that their water is no longer acceptable and they need to build a filtration plant. They decided for taxpayers that this would be a better move providing it can be worked out with the town. The line will run on the Marcellus side of NW Townline Road. The felt it made sense to include the people across the street in Skaneateles. There are 250 property owners in Marcellus and 48 in Skaneateles that comprise this. The Village of Marcellus has been included in the district and paid their portion over the years, they didn't get any water either, as they had their own system. Before anyone in Onondaga County was provided water, MWB provided water to Town of Oswego. There are 48 homes that need water; the County has a chance to do something to solve their problem. Each district has to be approved. For any future use, they would have to form another district and ask for permission. The Village and Town of Marcellus will not be able to proceed without the 48 units in there; the price won't work. Public hearings were held and the people brought this forward. Feels this should be looked at in a positive way and look forward instead of looking back 30-40 years ago and at the issues then. This resolution doesn't lock us into any type of pattern. Each one of these issues needs to be taken one at a time.

Mr. Fitch said that if this moves forward, MWB will come back and ask to amend boundaries to include Zones II and III in include the new area in the Town of Marcellus to be served; initially Marcellus was only in Zone I.

Mr. Ryan asked about acres; Mr. Rhinehart said there a 48 homes and 3 vacant parcels. Mr. Ryan said that water is really needed, but the County needs to protect itself; need to be sure that only the 51 parcels get this.

A vote was taken on the motion to approve this item: AYES: 3 (Ryan, Corbett, Baker) NOES: 2 (Meyer, Farrell) Abstaining: 1 (Kraft). MOTION CARRIED.

4. SHERIFF: Chief Peverly

a. **Create Account Clerk I Gr. 4 @\$23,957-\$26,514 effective July 8, 2006; Abolish Cashier, Gr. 6 @ \$28,022 - \$31,031 effective July 8, 2006**

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

5. TRANSPORTATION: Mr. Mark Lynch, Commissioner

a. **Amending the 2006 County Budget to accept additional CHIPS funding as a result of the 2006-07 adopted NYS Budget and authorizing the County Executive to enter into contracts (\$310,290)**

A motion was made by Mr. Ryan, seconded by Mr. Farrell to approve this item. AYES: 5 (Meyer, Corbett, Baker, Ryan, Farrell) NOES: 0 Out of Room: 1 (Kraft). MOTION CARRIED.

b. **Amending the 2006 County Budget to accept additional revenue for plowing state roads during the winter of 2005-06 and authorizing the County Executive to enter into contracts (\$308,794)**

A motion was made by Mr. Ryan, seconded by Mr. Farrell to approve this item. Passed unanimously; MOTION CARRIED.

6. FACILITIES MANAGEMENT: Mr. Mannie Barbas, Deputy Commissioner; Ms. Colleen Julian, Carrier, Ms. Deb Drapas, Carrier, Mr. Steve Balewski, Carrier, Mr. Tom Ferrara, Facilities Engineer

a. **A resolution authorizing \$1,506,310 in bonds of the County of Onondaga, NY, to pay for energy conservation measures for 8 County sites and authorizing the County Executive to enter into contracts**

Mr. Barbas explained that this is 8 sites that they feel have a very good pay back, 8 sites involved.

Ms. Julian distributed an energy project update report and reviewed highlights:

* \$16,161,772 project authorization to date; anticipated \$1.2 million from NYSERDA; guaranteed savings of \$1,199,987. Mr. Barbas noted there the savings will be much more than the guaranteed amount.

* Received \$270,000 last year from NYSERDA; are working with NYSERDA to accelerate schedules

* Lighting project is complete; are in process of measuring savings--to date measured 6.2 million kWh hrs., correlates to \$846,629 savings to date.

Mr. Farrell asked about the \$522,000 for OCC. Mr. Mareane said that by law, the County incurs the debt. The benefits of lower utility costs appear in OCC budget. County benefits indirectly because presumably the college would not ask the county for as much on the operating side. Efforts need to be made to see if the State will pay for half of this; there are State reimbursements for a number of capital improvements at OCC. Typically there is a pre-approved list of projects with a 50% reimbursement from the State. This project is not on a list now, but they plan to explain the benefit to the County and State re: energy savings; tie it into the renovations that have been already approved by the State; hope to get as much as half of the money back.

Mr. Ryan discussed instantaneously heating water; it was explained that they are more for residences-they heat on demand. They sometimes make sense in bathrooms at airports, but OCC has a large hot water usage and their system is pretty efficient. They heat with electricity and it has been found that they don't pay.

A vote was taken on the motion; AYES: 5 (Meyer, Corbett, Ryan, Baker, Farrell) NOES: 0 Out of Room: 1 (Kraft). MOTION CARRIED.

7. LAW DEPARTMENT: Mr. Tony Rivizzigno, County Attorney

a. **Create Administrative Assistant, Gr. 9@ \$35,760-\$39,630 effective 7/8/06; Abolish Administrative Aide, Gr. 7 @\$30,161-\$33,408 after successful completion of incumbent's probationary period**

Mr. Rivizzigno explained that this is a \$2,000 increase in the budget; person goes above and beyond her duties and has passed the test.

A motion was made by Mr. Ryan, seconded by Mr. Corbett to approve this item. MOTION CARRIED.

b. **Settlement of Claim:** Mr. John Sharon, Deputy County Attorney

A motion was made by Mr. Corbett, seconded by Mr. Farrell to enter into executive session to discussion pending litigation with Onondaga County. Passed unanimously; MOTION CARRIED.

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

8. **PARKS DEPARTMENT:** Mr. Robert Geraci, Commissioner

a. **Amending 2006 County Budget and transferring funds from Capital Project 522675-003 Veterans Cemetery expansion to Grants Project 770054 Veterans Cemetery improvements to cover an unexpected increase in costs (\$2,500).**

A motion was made by Mr. Farrell, seconded by Mrs. Baker to approve this item. Passed unanimously; MOTION CARRIED

The meeting was adjourned.

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature