

Office of the Onondaga County Legislature

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**PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
CASEY E. JORDAN, CHAIRMAN, March 9, 2009**

MEMBERS PRESENT: Mr. DeMore, *Mr. Stott, Mrs. Rapp, Mr. Rhinehart, Mr. Stanczyk, Ms. Williams
ALSO PRESENT: and see attached list (*Attachment 1*)

Chairman Jordan called the meeting to order at 11:01 a.m. *A motion was made by Mr. Rhinehart, seconded by Mr. DeMore to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

Chairman Jordan took the agenda out of order.

2. COMMUNITY DEVELOPMENT: Ms. Linda DeFichy

a. Amending the 2009 County Budget to Accept a Grant from the N.Y.S. Housing Trust Fund Corporation for the Community Development Program and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$125,000)

Grant under the N.Y.S. RESTORE Program, funds will be used for emergency housing repairs for seniors, up to \$7,500 each home.

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

Mr. Stanczyk asked if they have a list of people or are they waiting for emergencies. Ms. DeFichy said it is a mixture, they are also applying for another round this week, hopefully will have more money. They have hired two new inspectors and one specialist.

In answer to Mr. Rhinehart, Ms. DeFichy said they have been advertising for contractors, have a batch of new ones who will be do lead training in order to become certified. Contractors go through an application procedure; they must have \$1 million worth of insurance and references.

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

b. Amending the 2009 County Budget to Accept a Grant from the N.Y.S. Housing Finance Agency for the Community Development Program, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$300,000)

Funds from this grant are used to match the lead grant, will be used to rehabilitate approximately 50 houses (plumbing, furnace, electrical, etc.) when they go into a house that needs lead work.

In answer to Mr. Rhinehart, Ms. DeFichy said they have been doing a lot of advertising for lead. They have about 400 people on the list and recently sent out an outreach to the top 200, only 50 responded. They will do commercials over the next two months to replenish the list, have enough money to do 450 houses.

Mr. Stanczyk said his concern is that they still have a list of people who haven't qualified for lead who are looking for some rehabilitation work, asked how many are on that list, asked if they could spend some of this money to reduce that list as well.

Ms. DeFichy said they did an outreach specifically for that in November and December, about 50 houses; that does take away their money for match, it is a balancing act. They try to qualify people who do childcare, foster care or who are grandparents for

rehab when they do the lead work. **Mr. Stanczyk requested statistics that would show how many people were on the list for normal community development at the beginning of the year compared to July.**

*Mr. Stott arrived at the meeting.

A motion was made by Mr. Rhinehart, seconded by Mrs. Rapp to approve this item. A vote was taken on this item; Ayes: 6; Noes: 0; Abstained: 1 (Stott); MOTION CARRIED.

1. OnCenter Complex - Update - Sandra Baker

Regarding the position of President and CEO, Ms. Baker said a search committee has been interviewing candidates and they hope to have an announcement in a short amount of time.

They continue to capture conventions despite the disadvantage of not having a connected hotel. Ms. Baker provided information (copy on file with Clerk)

Ms. Baker said they work hard to have groups continue to come back, much of that goes not only to the facility, but the incredible staff; noted that when NYS Vegetable Growers Assoc convention started coming, they had 700 people, this year had 1,400, have a verbal commitment that they will be back in 2010. Mentioned the NY District of the Assemblies of God convention - over 3,000 youth, use all three of the Oncenter Complex buildings. Ms. Baker said they have continued to maintain the number of conventions each year and anticipate holding that number this year.

Mr. Jordan asked about input concerning what groups like or dislike about coming to Syracuse. Ms. Baker said they are in constant contact; each group is assigned a sales representative and an event manager, they do a survey at the end. One of the things groups look for is more meeting space; they are being creative in dividing up the atrium, exhibit hall lobby, find they are dividing the ballroom up even more. How they grow with technology is also a big issue, groups want more high tech, they are looking at providing something like a Blackberry so that groups will have easy access to their event manager; also, all of the schedule of events can be downloaded onto their Blackberries. Mr. Jordan asked about other comments or concerns have been raised in terms of how they can make it a better venue and attract more business. Ms. Baker said technology, signage and how they do some of the marketing. Noted it does not say "Oncenter Complex" anywhere outside the Convention Center, need a campus type signage on all three buildings; also need to update the concessions and the food, they are creating more upscale concession areas, people want a bistro type setup; people want more of an experience when they come. The elevator in the Civic Center Theater and the seating in the War Memorial that are being addressed in the Capital Plan will also make a difference.

Mr. Rhinehart asked for a comment on the War Memorial roof situation and that some of the Legislators think the War Memorial should be torn down. Ms. Baker said she is open to having a conversation about the options. They do everything they can to get acts, it is an old building, Trans Siberian Orchestra is not coming back; they are competing with beautiful facilities in all the neighboring counties; they are addressing some of the issues with the Capital Plan.

Mr. Stott said there are some challenges, would like frank discussions; War Memorial is a building that honors our veterans, a lot of aspects of this building could potentially be saved and put into another building if the County found the capital to do it, have to honor the past veterans and those coming home now. Mr. Stott would like to see any numbers they have regarding ripping down and replacing the facility with local money; if it isn't fiscally possible, have to get a new roof on the facility. Ms. Baker said they continue to have success; the Disney on Ice show came in January and was the second best attended show that Disney has ever held in Syracuse, and Harlem Globetrotters in February was a record-breaking show.

Mr. Jordan asked if it is a question of the capacity or the condition of the venue. Ms. Baker said it is both, noted that the War Memorial seats 7,100, there are certain shows that will only go to bigger venues, but we have a good niche and are in a good location. Mr. Jordan said our area has the Carrier Dome for larger events and the new field house being built at OCC for additional venues. Mr. Stott said Syracuse University has restrictions and OCC is not that assessable. Ms. Baker said they have a great relationship with the Crunch, work around their game dates, and would love to be able to have Section 3 basketball played at the War Memorial. Regarding the proposed convention center hotel, Ms. Baker said it would generate economic impact to this community immediately; she has groups ready to sign. They are losing major events of 1,000 to 3,000; they are unique because they have the three facilities - Convention Center, War Memorial and Civic Center Theater, we can offer so much because of the flexibility and versatility.

Ms. Baker announced that the Oncenter Complex received a Prime Site award for facilities and destinations; there were only three in New York State.

3. Memorializing the Governor and Legislature of the State of New York in Support of Continuation of the Empire Zone Program (Sponsored By Mr. Jordan, Mrs. Rapp) - Mr. Kim Hall, Economic Development

Mr. Hall provided new marketing material entitled Onondaga County Empire Zones Available Real Estate, Winter 2008 showing a breakdown of the Empire Zones and acreage (*on file with Clerk*). Mr. Hall said the entire zone changed in January 2006, they used to have Empire Zone acreage in every municipality in Onondaga County that totaled 1,280 acres. Acreage is now put into business parks, allowed to have six that total up to 1,280 acres, companies have to move into one of these areas if they want to be certified. The only exception is a regionally significant project with 50 or more manufacturing jobs or 200 or more biotech or high tech jobs. Mr. Hall provided a handout regarding the reforms in the Empire Zone program that have taken place since 1986 (*Attachment 2*). Mr. Hall noted that when the program was created there were significant loopholes; over time the State has taken steps to try to close these loopholes. The Governor recently said he wanted to do away with the Empire Zone Program, knew that some important projects he was working on for this community would be jeopardized by those words, one company is now in Pennsylvania rather than Central New York. Since then, the Governor has said that he does not want to do away with it, but modify it. Many IDA's, Empire Zones and county legislatures are passing resolutions in support of the Empire Zone program. NYS has the second highest taxes in the country, second highest utility rates, and the second or third highest per capita union membership in the nation; this is a tool to offset disadvantages.

Mr. Jordan said one concern is a lack of provision in the current law that allows the state government to claw back the benefits either in whole or in part if companies don't obtain the benchmarks required, suggested there should be a be some type of provision in the legislation that would allow for that upon a hearing or review by a certain panel. Mr. Jordan asked about projects have been put in limbo because of the uncertainty of the program. Mr. Hall mentioned Serious Materials that visited at least five times and picked a site in Liverpool; application for Empire Zone benefits sat in Albany for six months, couldn't guarantee them Empire Zone benefits, company went to Pennsylvania. They have certified about 300 businesses since 2002, 7,248 new jobs have been created, these same companies have created \$1.45 billion in capital investment, have claimed \$176,693,104 in tax credits and gross payroll has been just under \$5 billion. Mr. Hall mentioned the following companies:

- Revonate - said they would create 56 new jobs and have already created 90, said they would invest \$650,000 and have already invested \$676,000, surpassed their goals in a year.
- Bitzer Scroll - has already created 30 new jobs, project 100 more jobs by 2010, has invested \$5 million and is projecting \$15 million in capital investment over the next three years.
- US Optical - created 20 new jobs last year, projects 56, created \$2.3 million in capital investment.
- National headquarters for Raymour and Flanigan - \$30 million capital investment, 120 new jobs.

In answer to Mr. Jordan, Mr. Hall said the City of Syracuse and the County has separate Empire Zone acreage, together they have about 1,000 businesses.

Mr. Stanczyk said the Empire Zone has collapsed in terms of confidence, concept brought out the worst in accountants and attorneys, had incredible abuses, misappropriations, misrepresentations. He is for Economic Development and the need for an economic development tool from the state, but State has to get some new vehicle, does not see where the resolution says anything about reforming the Empire Zone program. Mr. Jordan said it was his recommendation to amend the resolution to include reform. Mr. Hall referred to his handout regarding reforms that have happened between 2005 and 2008; many of the loopholes are in the past. They have an Empire Zone board that looks at each application, every application has to pass a cost benefit analysis, and laws have changed drastically. Mr. Hall said the Empire Zone program has such a stigma, suggested the Governor and Empire Zone might want to think about renaming the program.

Mrs. Rapp said she has sat on the board since Onondaga County became a part of the program; it is a different program today. Suggested they hold the resolution and rewrite it, site things that are changed and standards that need to be met.

Mr. DeMore asked if there were more recommendations. Mr. Hall referenced companies that have been in the Empire zone and have received millions of dollars in tax credits, and leave Onondaga County to make their product in another country; he wants that money back. If a company is truly struggling and has to lay off some people, he would not support a claw back.

Mr. Stanczyk said the current Empire Zone program has gone so far a field, into financial gimmickry, there has to be some type of check concerning companies that are essentially trying to double dip and triple dip this system in order to do things for their own benefit and profit; there is no claw back, can take the money and run if they want to leave. There are reforms needed, more than have been put in place so far.

Mr. Hall noted in 2005 the Governor wanted a 10:1 cost benefit analysis ratio, which means every dollar they take out in tax credits have to give 10 back in the form of capital investment and salaries, in 2007 it was 15:1, majority of companies were not meeting that when applying, in 2008 the State changed it to 20:1; 20% to 25% of the companies were meeting that. 20:1 is unrealistic, by raising the ratio, it is taking away ability to help the small to mid sized companies, suggested pushing for the 15:1 or 10:1 ratio. Mr. Jordan said currently the program requires 20:1, but has criterion whereby an individual municipality can deviate from that requirement as long as they meet certain criteria. Mr. Hall will look into that.

Mr. Jordan said the resolution would be rewritten.

4. Memorializing the Governor of New York State and the New York State Legislature to Change the Formula for Determining New York State Star Benefits to Reflect Allocations Made to School Districts (Sponsored By Mr. Jordan) - Ms. Karen Carney, Real Property Tax Director - Finance

Ms. Carney said there are five counties that currently share their sales tax with the school districts, there was some concern for property owners where that is occurring, the impact of their Star benefit is less than in the counties where sales tax is not being shared with the school districts. Tax rate would be less if sharing the sales tax with school district; they are taking their budget, they are reducing the amount of sales tax and then the net amount is what is being raised by property taxes; the tax rate is less than if the school district didn't have the benefit of that sales tax. Since the Star exemption is based on the amount of the Star exemption times the tax rate, they feel they are getting less of a benefit than the counties that do not share their sales tax.

In answer to Mr. DeMore, Ms. Carney said they have found a bill in the State Assembly that addresses this same situation.

Mr. Jordan advised that some changes needed to be made to this resolution, the numbers listed in the resolution may not be accurate for Onondaga County, would not vote on this today, but will send it to Ways and Means.

Mr. Rhinehart noted that one of the five counties, Monroe County, had considered not giving sales tax money to the school districts last year; that ended up in court.

5. Informational - Civic Strip Proposal - Jean Smiley

Ms. Smiley provided copies of the Civic Strip Proposal (*on file with Clerk*). Ms. Smiley said last year, as they looked at the issue with the hotel and as money was difficult, they were looking at ways of enhancing the streetscapes, especially relating to the area around the County buildings, want to make it a more walk able community; as they pull in more people for economic development and activities, want to enhance the downtown area. One of the categories of the State Transportation Enhancement Program provides funding for streetscapes. In talking to SMTC and going forward with the project around Columbus Circle for lighting, Ms. Smiley said she had approached them about piggybacking the lighting funding into this grant in terms of a match. Initial discussions were very positive; they put together a grant proposal and submitted it. Grants were suppose to come out in December, last week she got an inquiry from State DOT, obviously the proposal is being viewed very favorably, although no announcement yet. The idea of providing stimulus funds for the match was part of the discussion. If their proposal were to be funded, it would be just under \$2 million. In working with Syracuse University and the City the idea was to enhance what was going to be done for the Connective Corridor and Civic Strip, because they don't have enough money to do it all, to ensure that there would be funding around our buildings - State Street, Harrison, Madison, Montgomery and Jefferson streets. Ms. Smiley said it looks favorable, Syracuse University has already selected the engineering firm that will formalize some of the ideas that were put forth - to do tree planting, benches, planters, concepts that would be further refined to use special type of pavement around entrances, banners to define the Civic Strip, additional pedestrian lighting. They are meeting with Syracuse University and the City, hope to be able to come back to say that it has been accepted. State is looking to match a variety of projects with stimulus money if they can get the project going quickly, they would have three years to complete it, Syracuse University would contribute funding as well.

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Johanna H. Robb, Deputy Clerk

PUBLIC SAFETY COMMITTEE MINUTES - March 10, 2009
Chairman Richard Lesniak

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

Chairman Lesniak called the meeting to order at 9:02 a.m. ***A motion was made by Mr. Masterpole, seconded by Ms. Williams to waive the reading and approve the minutes of the previous committee meeting. Passed unanimously; CARRIED.***

* Mr. Warner arrived at the meeting.

1. SHERIFF: Chief Richard Carbery; Mary Winter, Commissioner, Probation Dept.

Chairman Lesniak distributed an informational sheet to the committee, provided by Jail Ministries (attach #1). Ms. Winter provided the following report:

Alternatives to Bail Expeditor Report

Objective: Address jail overcrowding and ensure no one remains in jail due to financial status unless there is a public safety risk.

- *Monthly population meeting with Sheriff's Department, Probation (PreTrial Release), District Attorney, Office of Court Administration Defense and Assigned Counsel Program.*
- *2 PTR staff rather than 1 weekdays (one on weekends) to ensure more thorough screening prior to arraignments*
- *Notification to Family Court that PreTrial Release is available for releases*
- *Probation Depart. liaison with Sheriff's Department for weekly bail review to ensure no one falls through the cracks*
- *Establish communication process with Traffic Court to make recommendations for release*
- *Dialogue with Judges who use Pre-Trial Release rarely or not at all*
- *Increase referrals to Assigned Counsel's program for mental health cases*
- *Probation review arrests of probationers for possible release on low level offenses*
- *District Attorney - continue appropriate release recommendations*
- *Note that families who have been paying part of bail may now just purchase bail bond*

Release Data

2008 Bails: 477

2008 PTRs: 2,341

Outstanding Bails 286

PTR Caseload: 1,000

Outstanding Bail Money: \$86,000 owed to Bail Expeditor Program and families

Ms. Winter explained that for months Ann Rooney and human services commissioners have met to discuss the \$41 million in County contracts; need to control costs, and need to reduce some of the contracts in order to meet other obligations. \$1.7 million was cut--it was not a matter of anything being a bad program--it came down to deciding to have the bail expeditor or an after school programs for at risk children on near west side.

Ms. Winter suggested that we wait until Nov. or Dec. to get past the heavy months of Aug., Sept., and Oct. to see if there has been an impact on the population.

Chairman Lesniak said that this program was started to bring the jail population down, as we were housing out-of-county. Chief Carbery said that they were still located in the PSB in 1995, and there were some inmates at Jamesville, but were under a court order to reduce the population. A daily fine was assessed to the county if it was over population. There were many plans to deal with it; one bail expeditor. Regarding capacity now, it is always lower this time of year. At 6:50 a.m. today there were 577 inmates; last year it was 595 at the exact time. Sept. and Oct. tend to be high periods. In 2007 they were higher and worked with Jamesville to move inmates there--ensure not going over capacity. It was a little better in 2008. About 3,000 less people are booked than there were 8 years ago, but their average stay is longer now. A lot has been done to keep the population down; bail expeditor being one of them. If all of the alternatives are tried, and they find out in November that it isn't enough, then something else will have to be determined. If it gets to the point where people have to be sent out of county, then it will get difficult and expensive--unsure if any counties will have the capacity to take them. If they do, it would cost over \$100 per day in transportation. They are willing to work with Probation and the DA to do whatever has to be done. If it is decided not to re-establish it now, it doesn't mean that it couldn't be later.

Chairman Lesniak asked for a definitive number for any additional costs that the County is incurring because of not bailing. Chief Carbery said that it can only be done when in an overcapacity state--very difficult to put a number on. If Jamesville and the Justice Center go over capacity and people have to be farmed out. The first thing they would do is limit the number of federal inmates--a loss in revenue of \$102.50 per day, and by contract, 40 inmates need to be kept in the system.

Chairman Lesniak said that this is really more than \$100,000; there is also \$86,000 out in bail. Ms. Winter said that it is a revolving fund--a person is bailed out, completes the court case, gets bail money back to the fund and families, then it goes for the next person. There are replacement funds because people skip out and bail has to be forfeited--about \$14,000 per year. In answer to Chairman Lesniak, Chief Carbery said that the program ended Feb. 28th. Ms. Winter said that several weeks prior to that date, they stopped taking people. They are in the process of chasing bail money, which is complicated. Catholic Charities continues to be funded to set it up, turn it over to the County, and get bail money back.

Mr. Holmquist asked about the final RESOLVED clause " ...report back in 45 days...". Chairman Lesniak said that he would like to see in a short period of time (2 weeks already) of a total of 60 days, what the impact on jail population is, additional cost

factors, and have an indication prior to Sept./Oct. as to what the impact is.

Mr. Buckel asked about overtime in the jail budget. Chief Carbery said that the overtime last year was about \$3 million; about \$400,000 was holiday pay. The largest driver of overtime is constant supervision. If an inmate is constituted by Mental Health Dept. to need constant supervision, then a deputy must sit in front of the cell 24/7. The State Commission of Correction only allows them to watch two inmates with one deputy. In the last month, the highest number has been 14 inmates on constant supervision. The normal staffing pattern provides for one deputy for constant supervision, which means that the first two inmates are part of the normal staffing pattern. Outside of normal staffing, there is overtime. In answer to Mr. Buckel, he said the constant supervision has to do with who is in there, not how many. The facility is rated by the State for 677 inmates, however they have to separate by male, female, minor and adult.

Mr. Buckel asked what \$100,000 is used for in this program; Ms. Winter said "staffing and supplies". They are recovering 85% of bails.

Chairman Lesniak said that items 1b and 6 would be considered:

b. **Requesting the County Executive or Her Designee to Review the Fiscal Impact of Suspending the Bail Expeditor Program** (Sponsored by Mr. Lesniak)

A motion was made by Mr. Holmquist, seconded by Mr. DeMore to approve this item. AYES: 4 (Holmquist, DeMore, Warner, Lesniak); NOES: 0; ABSTAINED: 3 (Buckel, Williams, Masterpole). CARRIED.

6. **Requesting County Executive to Restore the Bail Expeditor Program** (Sponsored By Mr. Stanczyk)

A motion was made by Mr. Masterpole, seconded by Mr. Buckel, to approve this item. AYES: 3 (Masterpole, Buckel, Williams); NOES: 4 (Holmquist, Warner, Mr. DeMore, Lesniak). MOTION DEFEATED.

2. **EMERGENCY MANAGEMENT:** Peter Alberti, Commissioner

a. **Amend 2009 Budget to Accept Homeland Security Funds from the Interoperable Emergency Communications Grant Program for the Onondaga Co. Department of Emergency Management and Authorize County Executive to Enter into Contracts to Implement this Resolution** (\$500,000)

This is a grant program available to Onondaga, Oswego, Madison Counties, and City of Syracuse as participants in Urban Area Security Initiative.

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

Chairman Lesniak asked if this further enhances our regional concept. Mr. Alberti said that it definitely does; it also enhances the local interoperable radio project.

Passed unanimously; MOTION CARRIED.

b. **Amend 2009 Budget to Accept Homeland Security Funds from the Urban Area Security Initiative Grant Program for the Onondaga Co. Department. of Emergency Management and Authorize the County Executive to Enter into Contracts to Implement this Resolution** (\$1,280,800)

This is the actual 2008 Urban Area Security program, which involves the same jurisdictions (as in item 1a). It is used for interoperable communications, implementation for assessment, radiological response planning and preparation, response training and exercise.

Mr. Warner asked if when the funds end, will any positions carry on. Mr. Alberti said "no" - there are positions that are grant funded, when the grants run out, the positions runs out.

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

Mr. Masterpole asked if people would be laid off or absorbed into the County budget. Mr. Alberti explained that the positions are grant funded; if the grant funds go, the positions go.

Mr. Holmquist seconded the motion. AYES: 5 (Warner, Holmquist, Buckel, DeMore, Lesniak); NOES: 0; ABSTAINING: 2 (Williams, Masterpole). MOTION CARRIED.

3. EMERGENCY COMMUNICATIONS: Carl Loerzel, Supervisor

a. **Memorialize Governor and Legislature of State of NY to Enact and Sign into Law Legislation Amending Sec. 303 of County Law to Allow Onon. Co. to Increase its Access Line Surcharge to Pay for the Costs of Maintaining and Operating an Emergency 911 Communications System**

Mr. Warner said that this was done before. Mr. Lesniak agreed; there are new bill numbers in this resolution. The prior legislation was vetoed; subsequently there have been further discussions. Senators Velasky and Magnarelli have sponsored the two bills.

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

Mr. Masterpole said this is going after the most vulnerable citizens. Cell phones are already surcharged and the County doesn't receive any of the revenues. He can't support this, as it the elderly and financially disadvantaged that will pay for this. Chairman Lesniak said if the State originally had set up the surcharge, \$1.20 on cell phones for the statewide radio network, which has since gone defunct, it would have been the way to fund that system. Mr. Masterpole said that rather than memorialize the Governor and Legislature to release that money that would be best suited for a communications system; this is attacking the most vulnerable citizens. Chairman Lesniak said that it is spread over the broadest base. In answer to Mr. DeMore, Chairman Lesniak said that the cost per month on a phone line is an additional \$.65.

Mr. Holmquist said that the most vulnerable people are the property tax payers, and that is who will pay for this if the surcharge doesn't go through. This is a broad way to do it; it has wide support and should have been done a long time ago. Mr. Masterpole said that if people are renters, the property owners are going to pass that property tax onto the renter.

Mr. Buckel said that this is a service that benefits all residents of the County. He is concerned that with the diminishing use of landlines over time, it is ultimately going to be assessed to lower income people. It is important to spread burdens like this across the spectrum of those that use the service.

Chairman Lesniak said that no one at the table wants to increase any fees. There was an FCC mandate put on the county to do by 2013. It has already been bonded for; this was the original concept.

Mr. Masterpole asked to make a motion in concept that a memorializing resolution be put together to ask the State for the exact dollars from the cell phone surcharges. Chairman Lesniak said that he would not accept that motion or entertain the proposal until the next committee meeting.

Mr. Loerzel said that Commissioner Balloni asked him to pass on that this resolution is asking the Governor and State Legislature to re-look at this and at a later time it would have to be passed. Also, they are seeking alternative funding to try to avoid this. Chairman Lesniak said that it has to be paid for one way or another. Mr. Buckel asked if it has to come back to the Legislature. Ms. Tarolli said that at the very least, it will have to come back for a home rule message--she will check to see if the Co. Legislature has to take an additional step.

Mr. Masterpole said that at the last session there was lengthy discussion about timeliness and things not being presented at committee. He is attempting to bring it to committee, and is not being allowed to do so.

AYES: 6 (Warner, Holmquist, DeMore, Buckel, Williams, Lesniak); NOES: 1 (Masterpole). CARRIED.

4. HUMAN RIGHTS COMMISSION:

a. **Confirming Appointment to the Human Rights Commission** - Chairman Meyer

Chairman Meyer said that he is offering the name of Patricia Best for this appointment. She had a business in the City of Syracuse for a number of years, and he urged her support.

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

5. A Local Law of the County of Onondaga, New York, Prohibiting the Use of Wireless Handsets to Compose, Read, or Send Text Messages While Operating a Motor Vehicle (Sponsored By Mr. Kilmartin)

Mr. Kilmartin said that this local law prohibits text messaging and emailing while driving. He referred to Section 3a. *No person shall use a wireless handset to compose, read, receive or send text messages while operating a motor vehicle on any public highway within the County of Onondaga.* He noted that the definition of text message is defined in Section 2b.*process by which users send, read, receive messages on a wireless handset, including but not limited to, text message, instant message, electronic message, email, in order to communicate with any person or device.* The intent is two-fold--to deter and discourage

certain conduct and if there is a violation, punish those who commit a violation of the vehicle and traffic law or criminal law. The strongest point of the legislation is to deter and discourage conduct on the roadways, which would decrease public safety and increase the probability with accidents on the roadways. Public safety, road safety, and traffic safety are the primary issues at hand with this legislation. Westchester, Suffolk, Nassau, Rockland and Schuyler Counties have adopted similar local laws. Oneida County has voted in favor at committee--has not had a full vote yet. Legislation has been pending at the State for over 2 years. The DA and Sheriff support the legislation. Irene Scruton, Pres., CNY and Western NY Chapter of National Safety Council, contacted him and expressed very strong support for it. She provided many support papers, which endorse this type of legislation.

Interesting comments regarding legislation that has been put forth in Albany:

- Texting while driving increases the chance of getting into an accident
- A person simply cannot drive attentively while searching for the needed letters or symbols for texting
- Concentrating on text messages rather than the road leads to swerving, lane drifting, tailgating, cutting off another driver, or hitting another car
- Per studies done by AAA, any activity that takes the driver's attention off the road for more than 2 seconds can double the driver's risk for a crash
- Per a Zogby poll, 66% of people between the ages of 18 and 24 send text messages while behind the wheel
- 91% of Americans feel that driving while texting is as dangerous as drunk driving; 89% of those polled supported a ban on the use of text messaging and email while driving.

Undersheriff Darby stated that the Sheriff's office supports this legislation - anything that takes eyes off of looking down the road will be a potential hazard. Since the State passed the legislation regarding cell phone usage, they have had 3 fatalities in the county while persons were on the cell phone.

Mr. Kilmartin said that punishment and prosecution is a big part of any criminal law. Deterrents are an enormous fact in any criminal law.

Chairman Lesniak asked if a laptop falls into the definition category of a wireless handset. Mr. Kilmartin said that it would be included and referred to Section 3b--specific and narrowly tailored presumptions for law enforcement officers and emergency services who have to undertake such action in the performance of their duties. It does not exempt them or give them carte blanche to text message while driving anytime that they would like.

Chairman Lesniak asked how the fine of \$150 was determined. Mr. Kilmartin said that it was a defined amount set for the in some of the other pieces of legislation. He wanted to make it a significant amount in order to discourage people and deter people from this action.

Chairman Lesniak asked to be listed as a co-sponsor on the local law.

Mr. Masterpole referred to police officers who use their cell phone while driving and ticket others for the same thing. The exemption should not be there. Laws should not be put in place that exclude the enforcers of the law. Mr. Kilmartin said that Mr. Masterpole's is well taken. The fine line with the exemption is not to be put in a position where a police officer has an emergency situation, has to take immediate action; has to use a PDA or cell phone, and because of a law is prohibited from carrying out his/her duties. On the other hand, what Mr. Masterpole is saying makes perfect sense--law enforcement officers, police officers, emergency personnel, should not have carte blanche to be exempt from this. That is why this is very narrowly tailored that they can only indulge in this kind of conduct in the course of their duties. Mr. Masterpole said that no one will probably enforce the law on law enforcement personnel. They have the hardwired laptops and computers that are there, they have some government issued cell phones, he believes that most of these people are on personal use with cell phones--the exclusions give carte blanche.

Chairman Lesniak said that many times a police officer has to communicate with someone and doesn't want to do it over a frequency that everyone is listening to. The authorization of the cell phones keeps the conversations within the limits of law enforcement.

Undersheriff Darby agrees that it sends the wrong message to the public. There is policy within the Sheriff's Dept., and within many departments that says, "except for emergency use, they should pull over and stop to use the phone". In parts of the county, the cell phone gets them to where they need to be in emergent situations; it is in the process of being fixed with the new radio system; so he doesn't want to take those exemptions out. Most departments are putting out policies. He noted that seat belts are exempt also, but it makes no sense not to be seat belted while in pursuit or any other time. It was exempted initially because of discussion that officers needed to duck if there were a sniper situation. Today most departments require officers when operating to use seatbelts. He noted that if there is a complaint regarding personal use of cell phones, they will look at it. They can subpoena cell phone records. Most departments have an internal complaint process that allows them to

keep people informed of the policies. He agrees that if the public shouldn't be doing it because it is a hazard, then law enforcement shouldn't be doing it because it is a hazard.

Mr. Buckel asked if there is any course in an officers duty where he would be texting. Mr. Darby said that he couldn't think of anything. Chairman Lesniak said he has seen it used so that the phone is not ringing or is on vibrate and two officers are texting back and forth who are working a scene, not necessarily in a car.

Mr. Kilmartin said that the National Safety Council has brought up not only a need for tough laws, but also an educational component to make certain that non law enforcement people and law enforcement people are complying with the law. Mr. Warner asked why the State law isn't good enough; Mr. Kilmartin said that there isn't one. There is a law that prohibits making calls on cell phone while driving, but has nothing to do with emailing or text messaging. Mr. Warner asked why this failed in other counties. Mr. Kilmartin said that he didn't know if it has failed in another county. It hasn't failed in the State; it has gone through the committee process, which has taken about two years. **Mr. Warner asked the Law Department to draft a memorializing resolution to the State to add texting language to the law on cell phones.**

Mr. DeMore referred to Section 2b--if someone receives a message, is it a passive activity on the drivers part. Mr. Kilmartin said that he would be happy to strike that from the local law. Mr. DeMore referred to Section 2c - deactivating, turning it off - should that be encouraged; Mr. Kilmartin said he would strike it from the legislation. Mr. DeMore asked if there has been any conversation with the State regarding the status of the legislation. Mr. Kilmartin said that he has not spoken to anyone, but there are a number of updates on the State Assembly website--he will be happy to contact the sponsor.

Mr. Holmquist said that Legislator Kilmartin did a lot of work on this. He cannot support it--feels that government cannot legislate everything. He agrees with many of the things that have been said; there are a lot of activities that happen in cars that take attention off of the road - shaving, applying makeup, singing to the radio, etc. The government cannot legislate all personal behavior; does not want to take away another freedom albeit very well intended. He appreciates all of Mr. Kilmartin's efforts. Mr. Kilmartin said the goal is to put reasonable, rational and minimal intrusions into people lives - the higher goal is public safety, traffic safety and trying to reduce the number of accidents.

Mr. Masterpole asked if there is consideration of striking Section 3b(i) - to not prohibit law enforcement. Mr. Kilmartin said that he will consider it; will defer to the Sheriff and other police agencies and get their insights. Mr. Masterpole said that he will support the local law and will consider co-sponsoring if that section were excluded. Mr. Kilmartin said that he will report back to everyone prior to session.

Chairman Lesniak said that the vehicles have laptop computers and asked Mr. Masterpole if he feels they would be an exclusion. Mr. Masterpole said that he agrees they should be allowed to use their laptops because it is pertinent in their duties. He is concerned with "hand held". Mr. Kilmartin said that he will reach out to emergency personnel and get data back to the committee.

Mr. Warner referred to Mr. Holmquist's point regarding government and laws, and said that if an idea is good, generally government is the only organization that can get it done. Regarding police officers, Mr. Darby already stated that there are internal controls with penalties of sorts.

7. **SHERIFF/PROBATION** - Mary Winter, Commissioner, Warren Darby, Undersheriff
b. **Informational - Diversion of Onondaga County Community Service Program**

Ms. Winter reported that the Community Service contract has been cut; there have been concerns, mainly from the courts. This is a service for the courts and something that they could use; feels it would be best and most appropriately funded by them. The local office of Court Administration is interested, but didn't get anywhere state wide. The Center for Court Innovations is applying for a grant, which has been signed by herself and the county executive, to fund a program called Central New York Community Solutions-to pick up the Community Service Program and well some education components. In the meantime, Ann Rooney, Ray Bazari, Executive Director, Cayuga Counseling Services, Undersheriff Darby, Judge Merrill and herself have a meeting scheduled to discuss if there is sufficient stimulus money, how the program could be revised in some way--either funded somewhat by the County, by someone else, streamlining the program, increasing fees, etc. Judge Merrill is working on increasing the community service portion of the Community Court Program in making it available for city court defendants. A couple larger community agencies are trying to get Community Services sent to them. This is in the planning stage, would like to come back in a month to update the committee.

Chairman Lesniak asked what the dollar amount is. Mr. Darby said the contract was \$84,000. He said that this is a program that goes back 30 years--done originally with the volunteer Center and United Way. The Volunteer Center merged into United Way, and at that point it needed to be funded outside of them. It was put out for RFP. He has chaired the Legal Services Advisory Board for over 20 years--this is a service to the community. In 2008 - put 2,199 clients through it; 991 of them were city court.

It also includes family court, towns and village courts. It is county project--over 61,000 hours were performed in community service. It is being done with 314 work sites Cayuga Counseling Services checks, monitors and insures. issue. They also do background checks on the people going out to do community service. Prior to this program, a court would just let someone out to find something to do. Many times it was a sham, a letter came back saying that the person did community service; there was no oversight or direction. He provided a history sheet (on file with Clerk). He said the program is working and would hate to see it go away.

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

SOCIAL SERVICES COMMITTEE - March 10, 2009
CHAIRMAN SAM LAGUZZA

MEMBERS PRESENT: Mr. DeMore, Mr. Lesniak, Mr. Stott, Mr. Buckel, Mr. Holmquist, Mr. Warner
ALSO PRESENT: Chairman Meyer, see also attached list

Chairman Laguzza called the meeting to order at 10:32 a.m. A motion was made by Mr. Lesniak, seconded by Mr. Warner to waive the reading and approve the proceedings of the previous committee meeting.

- 2. AGING AND YOUTH - Chris Flynn, Youth Bureau Administrator**
a. Amend '09 Budget to Accept Aid for a Partnership for Youth - WIA Grant and Authorize the County Executive to enter into contracts to implement this resolution (\$119,000).

This continues funding from the Partnership for Youth grant--federal money from the Dept. of Labor to the NYS Office of Children & Family Services. It is for hard to serve, 17-20 year olds, to get them employed or employable. They are hard to serve by virtue of being homeless, involved in the justice system, aging out of foster care, or dropouts.

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

Andrea Schnobrich, Manager, Youth Department, CNY Works, said that overall CNY Works is federally funded, serves youth, adults, and dislocated workers. They provide a variety of training and educational components--get them back into workforce, increase employability. Specifically to assist the hard to serve youth with building skills, connecting them to an employer, getting them a job, help them sustain a job. They help obtaining interviewing clothes, driving lessons, etc. CNYWorks serves approximately 300 youth, approximately 200 are in the 14-21 age range.

In answer to Mr. Buckel, Ms. Flynn said that there are no new positions associated with this grant.

Mr. Warner asked if when the grant runs out, will the positions runs out. Ms. Flynn said that the positions are fulltime with CNYWorks; they are existing positions. If the grants were pulled for any reason, the youth would go into the year-round programming; they would continue to be served.

Mr. Buckel asked about reporting back on the accomplishments with the grant. **Chairman Laguzza asked Ms. Schnobrich to report back in 6 months regarding program success, number of youth served, etc.**

Passed unanimously; MOTION CARRIED.

- 1. SOCIAL SERVICES**
a. Update on West Side Strategy: Sarah Merrick, David Sutkowy, Commissioner

Ms. Merrick said that the program was launched in Sept. 2006; hired a director in Jan. 2007, first school year was Sept. 2007 - 08; are-now in second year of implementation.

Six components of strategy:

- To ensure free and affordable access to health and dental care in each school

- Mental health services
- Academic intervention
- Youth development
- Connecting younger siblings into early childhood education system
- Family Supports - built by West Side Strategy by contracting with Huntington Family Services

Three Infrastructure Aspects:

- Coordinators in each school - run Centralized Linkage Team
- Ongoing Professional Development Training - working with teachers
- Developed strategic database with the school district using their new E-School system.

Focus on 3 important outcomes:

- Improving student attendance
- Improving student behavior
- Improving academic performance with long term goal to increase graduation rate in Fowler

The 6 schools (Seymour Dual Language Acad. Bellevue Elem. & Middle, Delaware Acad., Blodgett K-8, Fowler HS)

- represent a population of 3,050 kids
- 18% are ELS
- 90% of kids have free or reduced lunch

Accomplishments:

- hired director, coordinators, stability with coordinators staying in schools
- hired 12 family support workers
- all schools have centralized linkage teams
- created a evaluation system that is easy - rates each child on attendance, behavior, academics
- target interventions to identify high risk student to develop a plan and potentially refer to family support
- Professional training with teachers and administrators - Discipline with Dignity, Bridges out of Poverty
- data base using E-School

First year:

- 14% kids identified as being high risk
- 27% at risk
- 38% at low risk
- 11% at no risk

High-risk kids are missing minimally 1 day of school every 2 weeks; failing minimally 3 classes or more.

In answer to Chair Laguzza Ms. Merrick said that a discipline referral when the student is taken out of the classroom for 45 minutes min.; taken to the principal's office for some type of action. They miss a lot of class time--can lead to temporary or long-term dismissal from a classroom and sent to home school, which results in 3 hrs. of academic work vs. 6 hrs. received in a school day. It is critical to keep kids in the classroom.

In the first year ('07-'08)

- 455 plans were developed - 188 of those need additional family support

In answer to Mr. Laguzza, Ms. Merrick said that the 455 plans are per student; in working with 180 families, it represents 622 children. When dealing with one child, they are really dealing with the whole family.

Of the 188 kids/families able to reduce risk level from high risk to 60% - went from high-risk to at risk.

- For at risk kids, they reduced to 51% for no risk.

This year focusing on (half year data):

- 206 student plans that the coordinators are monitoring
- Family support--currently working with 150 families, 709 students
- Continue professional development with teachers
- Working with the Brownell Center to get more mental health services in the schools

- Working with Girl Scouts to bring youth development into some elementary schools
- Working with Say Yes to Education--currently working on the south quadrant of the city; will be moving to the west quadrant. Discussions about integrating their strengths, which is entirely focused on academics, after school tutoring, after school youth development, essentially focused on elementary schools.

Ms. Merrick noted that in July '09 there will be a statistical report, a certified statistician will look at their data; will be able to come back to committee and let the public know that the needle is moving in the right direction on attendance, behavior, and academics.

Chair Laguzza asked to be provided with data for '07-08 for a baseline and go from there. Ms. Merrick said that the information is in the report--will have reports sent to committee members. Chair Laguzza said that he is primarily concerned about graduation rate; asked that the information be broken down by age and he referred to statistics in the report. Ms. Merrick said that a quick summary is that 50% (of 3,000), 1500 kids, fell into the at-risk and high-risk categories.

Mr. Stott said that it is interesting that there is a reduction in families but an increase in children in the program and asked what is done from a family planning standpoint. Ms. Merrick said that the family support specialist do an assessment of need and start working on parenting skills and choice management. There is not a particular direction or ideology on family planning, but they try to help them understand their situation and guide them into making healthier choices. They are seeing larger families. Mr. Stott asked if there could be a focus on family planning - he knows everything is on a case by case basis, but it seems there should be some blunt conversations with the families when they get into the program--there needs to be a real strong emphasis on family planning. Ms. Merrick said that it would have to be a policy decision that the board would have to discuss. Chairman Laguzza said that he is not sure it is the place of government to say how many kids people can or can't have. Regarding what the program is and what their focus is, there isn't a thread running through the program that involves family planning. Ms. Merrick said that the family support specialists do an assessment of need, try to work with the family as to where they are at, dealing with crisis situations first and then try to work on how to make sure the child goes to school regularly, address why there are behavior issues, help with parenting skills, line them up with mental health and health care, etc. Chairman Laguzza said that within the program 65% of the population's income level is less than \$10,000-\$15,000. It is an incredibly needy population. In one school 100% of the kids are in the lunch program. It gives a real appearance of who these kids are and what they are dealing with in their lives.

Mr. DeMore asked what can be done to help the parents be better parents. Ms. Merrick noted that it is one of the key aspects that they are discussing with Say Yes to Education. Say Yes focuses on much of the student; and West Side Strategy believes that there should be focus on the student as well as support for the family. There are 12 family support workers, who go into the home - they assess what it will take to get the child into school regularly, ask what is happening with the child to have him/her act out in class, and what can they do to support the parent to make sure the student does his/her work. They make sure that they have adequately signed up for food stamps, Medicaid, are accessing parenting skills and training. If there is an identified mental health or substance abuse issue, they make sure they are linked to appropriate community services and there is follow up. There are mostly single parents, but are seeing a lot of grandmothers raising the kids, a lot of older siblings raising kids. In most cases the family is not traditionally mom and dad.

Mr. Lesniak asked what happens if the family does not accept the assistance. Ms. Merrick said that it is their option, and they can't force it on them. Mr. Sutkowy said that there is a lot of follow up; parents do care about their kids but are overwhelmed, and the intervention is taking some of the stresses off of them. Right now schools are reporting that parents and children are responding to it.

Chairman Laguzza asked about private sector funding. Ms. Merrick said that Community Foundation, Gifford Foundation and Allyn Foundation supported them in the first year.

Mr. Stott said that he wanted to clarify that he wasn't advocating that government tell people how many children they should or shouldn't have; his concern is that, per the numbers he has heard, we are paying this program in one way, shape or form, and there are sub-par numbers that are not a great success--serving less families but the number of children are up. He said it looks like a bailout situation; he wants to make sure that we are doing all we can to help these families. Maybe one of those things is having a difficult discussion with them. Ms. Merrick said that the family support services job is to help the caregiver make positive choices, to improve their situation. It helps to move the mindset about if the crisis is under control, then they can start embedding that educational success is important, and it is truly the only proven way to move people out of poverty. They try to do their best to make the caregiver make positive choices.

Chair Laguzza asked if this is under COPS; Ms. Merrick said that it is. Chair Laguzza referenced the dollars: \$700,000--City of Syr. (total of 2 yrs), \$900,000--NYS Office Children & Family Svcs. with a match. Ms. Merrick said that all of city and foundation dollars ended up being 35%--able to draw down 65% in State dollars. Chair Laguzza asked how much is invested by local county tax dollars. Ms. Merrick said "nothing".

Mr. Buckel said that this affects everything we do as a government; it is phenomenal program and applauded the innovation.

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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

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

Chairman Kraft called the meeting to order at 11:37 a.m. ***A motion was made by Mr. Lesniak, seconded by Mr. Laguzza to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.***

1. FACILITIES MANAGEMENT:

a. Correction Roof Update - Manny Barbas, Deputy Commissioner - Facilities Management

Mr. Barbas provided the committee with a handout regarding the Department of Correction masonry repairs, roof replacement and green technology (*on file with Clerk*). Mr. Barbas noted the following:

- Project was authorized 3-8-08 for \$2.3 million.
- Solicited RFP's from architects in the community, hired Ashley McGraw to do the design and additional analysis.
- Found they had asbestos and more masonry issues than originally anticipated
- Administration wanted to explore the idea of using some sustainable design concepts.

Mr. Barbas explained that the roof has four housing modules that are small in size and identical in shape and orientation that gives them the opportunity to experiment with different roofing types and see what the payback is; when they do other roofing projects, they will be better educated to know what to use. The four sections are designed the following way:

1. Baseline black EPDM roof with 4" polyiso insulation
2. Same construction with white 60-mil TPO (thinking the reflectivity would cut down on need fro cooling costs)
3. Green roof (not only hope it will add to the longevity of the membrane, but help with control of water runoff)
4. Double insulation using a white membrane.

Devices will be installed to understand temperatures above, in and below the entire roof, will use that data to analyze the four different types of roofs. Estimates done by Ashley McGraw showed that they were going to be short almost \$1 million, actual cost of roofing had gone up, plus there was asbestos and additional masonry work; Mr. Barbas advised Public Safety Committee of that when they were going out to bid. Mr. Barbas provided a handout showing the budget approved a year ago compared to February 2009 bids (*on file with Clerk*). Bids are below the original authorization by about \$220,000. Not only will they implement, on a small scale, the idea of sustainable design, but will learn something that will help them with future roofing projects.

Mr. Laguzza asked about opportunities within the roofing industry; the County would have a controlled laboratory, would be testing four identical size roofs with different systems that will show what the benefits are from an energy, environmental and longevity standpoint, has to be some type of benefit to the County to allow this to happen. Mr. Barbas said every manufacturer has the different roofs; it is how you put the system together and how they work comparatively to each other. Testing of the roofs is \$8,500; they qualify and will apply for 50% of the testing from NYSERDA. Mr. Laguzza suggested pursuing the other 50% from the industry. Mr. Barbas said once they know the vendor and the product they are going to use, he would write a letter and ask. **Mr. Kraft asked Mr. Barbas to let the committee know how he makes out regarding this revenue opportunity.**

2. PARKS AND RECREATION: Mr. Robert Geraci, Commissioner

a. 2009 Bassmaster Event - Update

Mr. Geraci advised that there is approximately \$9,000 left over from the last two years of the Bassmaster fishing tournament that they would like to apply to this year's event. The allocation this year is \$67,000 (spent \$81,000 last year); this would bring them

up to \$76,000. Additional money would be used to widen the docking at Oneida Shores to accommodate television crews, hire two additional 103 people for the event, continue the beautification project and support the NYS Bass championships.

b. Amending the 2009 County Budget to Enable the Establishment of a Project Account for an Onondaga County Parks Development Program

Mr. Geraci reviewed that there is \$50,000 in the 2009 Budget in a contingency account to create a development office in County Parks. A person would be hired on a contractual basis to do fundraising, would go after corporations and businesses, but most of the money will come from individuals and some from grants. Mr. Geraci said 3,000,000 people come to County parks each year, knows from the limited amount of work that has been done selling benches and trees that people look for ways to support their parks.

Mr. Kraft asked about the term of the contract. Mr. Geraci said it would be done on an annual basis; with philanthropy or fundraising, you have to build a foundation, expects that it will take more than a couple of months to create a platform. Mr. Kraft asked if there is a way out of the contract, if they are not satisfied with the reports. Ms. Smiley said it is normally 30 days notice to get out of a contract, with cause sooner.

In answer to Mr. Lesniak, Mr. Geraci said it is not unreasonable to expect to see a return in the first year of somewhere between \$50,000 and \$100,000, but can't promise that. Mr. Lesniak asked if he is basing any dollars into this figure that have already been pledged from companies such as Wegmans; Mr. Geraci said "no". Mr. Lesniak asked if they are bidding this out. Mr. Geraci said he would propose to put an ad in the paper, Ms. Smiley said they would then follow up with an RFP for those who respond.

Mr. Kinne requested information regarding the timetable on how they plan to proceed with the Loop Around the Lake trail. Mr. Kinne noted that DEC said it is imperative to keep motorized vehicles off the trail, asked how they are going to do that. Mr. Geraci said they do not allow them; they are good at policing the east shore and west shore trails.

A motion was made by Mr. Laguzza to approve item 2.b, seconded by Mr. Lesniak; a vote was taken and passed unanimously; MOTION CARRIED.

Chairman Kraft took the agenda out of order.

4. CNY REGIONAL TRANSPORTATION AUTHORITY:

Mr. Kraft said the next two items would be discussed together.

a. Recommending Appointments to the Central New York Regional Transportation Authority (Sponsored By Mr. Meyer)

b. Recommending Appointments to the Central New York Regional Transportation Authority (Sponsored By Mr. Stanczyk)

Mr. Meyer said that there are two positions open, and the State statute calls for two names per position. Mr. Stanczyk said he would like to see the two resolutions merge, and see a vote out of this legislature unanimously supporting the appointments. There was discussion about putting four candidates (2 from each caucus) or six candidates (2 from the Democratic caucus and 4 from the Republican caucus).

Mr. Kraft said he spoke with both sponsors, it is obvious that they have a situation that is not going to get resolved in this committee, there have been suggestions of compromise that have not been accepted, leaves it for the sponsors to work out. Mr. Kraft said there would not be a vote on these items today, would move them on to session.

Mr. Meyer said he is willing to have further discussions, agrees with Mr. Kraft that they need to come up with a resolution and bring it to the floor for a vote. Mr. Meyer explained that the State statute lays out the criteria; the latest information says the State wants two names per vacancy, and the most they can submit is four, not six. Mr. Laguzza asked Mr. Meyer to yield two names. Mr. Meyer said he is looking to have four names that everybody can agree upon, said three of the names have already been voted on and approved by this body and have been submitted in previous years.

A motion was made by Mr. Kinne to vote on both items today, seconded by Mr. Laguzza. Mr. Kraft noted that there is a motion to overrule the Chairman and vote on them today. ***Mr. Laguzza withdrew his second.*** Mr. Stanczyk said his intention for 4.b is to amend it to include two Republican names. ***Mr. Kinne withdrew his motion.***

A motion was made by Mr. Kinne to change 4b, sever two names from 4a and put them on 4b, seconded by Mr. Laguzza. Mr. Kraft said the motion is to overrule the Chairman.

Mr. Stanczyk expressed concern about mixing politics here before it goes to Albany, and not voting in committee.

Mr. Kraft asked for a vote on Mr. Kinne's motion to overrule the Chair.

A vote was taken on Mr. Kinne's motion; Ayes: 3 (Kinne, Laguzza, Masterpole); Noes: 4 (Kilmartin, Lesniak, Jordan, Kraft); MOTION FAILED.

Mr. Kilmartin asked for clarification of when the names were submitted. Mr. Meyer said he submitted his names a few months ago to this committee. He has offered numerous times to match up names, this time he has come through with different names. Mr. Meyer said he has tried to respond to suggestions, be flexible, agreeable, and open to ideas. Mr. Kilmartin said the bottom line is once these matters are presented to the Legislature, the Legislature will have to vote on them. If there are resolutions at the April or May sessions, the majority rules, whether one side submits four names or two names.

3. WAR MEMORIAL:

a. A Resolution Authorizing the Issuance of as Additional \$1,289,900 Bonds of the County of Onondaga, New York, to Pay Costs Related to the Reconstruction and Construction of Improvements to the OnCenter Complex in and for said County (Sponsored By Mr. Kraft)

b. A Resolution Authorizing the Issuance of as Additional \$1,739,200 Bonds of the County of Onondaga, New York, to Pay Costs Related to the Reconstruction and Construction of Improvements to the OnCenter Complex in and for said County (Sponsored By Mr. Kraft)

Mr. Kraft said items 3.a and b are concurrent with prior considered resolutions, except the numbers have slightly changed; items 3.c-f are informational (sponsor will have opportunity to discuss them); item 3.g is informational (clarifying what was put in the budget last fall, that they do have a surcharge, the amount and some of the terms).

Mr. Kochian urged the committee to come to a consensus on one of the options for the War Memorial roof so that they can direct the architect to begin design work. There is a fairly long design and bidding process, lowest cost option is to get it done this season. There would be additional damage and damage control if the work were not done this season. Mr. Kochian highly recommended the 30-year roof (3.a); amount for item 3.a has been reduced by \$50,000 and 3.b by \$100,000.

Mr. Kraft said he is not in favor of a new building, but asked what would happen to the property if they did not put a new roof on for 4 to 5 years while they look into that. Mr. Barbas said there are active leaks now, masonry above the roofline needs to be reappointed, damage will get worse every year. The barrel vault insulation is still dry, they will salvage that and save money; if the insulation gets wet, it would affect the price. Mr. Kochian reviewed that they have flat elements in the main roof with one drain in each section; if there is a clog on one of those drains causing substantial water, they run the risk of potential collapse of part of the roof; also, there are some code compliance issues in regard to safety.

Mr. Kinne asked how they could be so off on the negative side regarding pricing with this roof when the county is saving money on the roof for Corrections. Mr. Kochian said the estimate for Corrections was done by an architect; the War Memorial roof estimate was done by a manufacturers rep who only looked at replacement of rubber membrane for rubber membrane, missed some sq. footage, missed the masonry repairs and the code compliance issue. Mr. Barbas said Bell & Spina did an analysis of the roof, had to confirm whether there was asbestos, PCB and how much insulation was wet. Mr. Barbas reminded the committee that they had a \$700,000 contingency in the original bonding resolution to cover any changes; the Legislature took that out. They are also doing preliminary reports and analysis on seating, locker room renovations and the elevator at the Civic Center Theater; he will come back to the committee with those numbers. Mr. Kinne asked what the planned expenditures were for the next five to ten years. Mr. Kochian said he did not have that information with him.

Mr. Masterpole asked what was spent on damage and damage control in 2008. Ms. Baker said she did not have the specific costs with her. Mr. Masterpole asked about using the existing bonding to repair the low roofs that are damaged instead of spending a lot of money on a barrel vault that is still dry, said there is no plan moving forward concerning maintenance costs and the long-term goal for the facility. Mr. Kochian suggested looking in the Capital Plan, there will be ongoing things; that list has to be weighed against all the other things that this government needs to spend money on and all the other capital projects. Mr. Kochian said it never hurts to protect an investment whatever the eventual use of that is.

Mr. Kilmartin said he understands that approximately two years ago they found leak problems with the roof system at the War Memorial, came forward last August with a proposal for a substantial capital project for the War Memorial that included substantial work to the roofs with an estimate supplied by a manufacturers rep. Mr. Barbas said the estimate was \$2 million with 5% a year for inflation, and had a design contingency. Mr. Kilmartin understands that after a through analysis, they discovered that the initial estimate of sq. footage was incorrect, a different roof might be better (possibly a 30-year roof), there was an incremental cost with the proposed new roof structure that would double the longevity of the roof system from 15 years to 30 years. Mr. Barbas mentioned the unique design of the barrel vault with a 3-inch thick concrete membrane supported by the ribs,

they shoot spikes into that concrete when they put a new roof on. The fewer roofs they put on the barrel vault, the better the integrity of the barrel is, that is another reason why they are advising the 30-year roof. In answer to Mr. Kilmartin, Mr. Kochian said he favors item 3a. Mr. Kraft said he brought both resolutions to the committee to accommodate all the legislators with different viewpoints, he does not intend to support 3.b.

Mr. Kilmartin noted they obviously have the five year capital plan that comes out annually regarding long term plans for the facility; in addition to that, he is guessing that the resolution back in September is part of a long term mechanical and infrastructure capital improvement plan. Mr. Barbas said that was correct.

Mr. Jordan said Section 1 of the resolutions makes reference to the object or purpose of the increased costs including original furnishings, equipment machinery or apparatus; the language doesn't make it clear that the additional monies are strictly relative to the roof replacement. Ms. Tarolli said she would discuss it with bond counsel.

Mr. Laguzza said that original bond resolution considered last August included a scoreboard and \$740,000 in contingency; they are paying the consequences of removing the \$740,000 contingency now, and could lose their major tenant, if they don't invest more money in the facility. Mr. Lesniak said item 3.a would give them 15 more years on the roof and additional work; the County Executive's office is working on the scoreboard issue and how it would be financed, also, the Legislature put a surcharge in the Budget to do things like the scoreboard.

In answer to Mr. Masterpole, Mr. Barbas said there have been two roofs on the building for the past 60 years, the original roof lasted about 40 years. Mr. Masterpole questioned putting a \$3 million roof on a substructure that may be damaged. Mr. Barbas advised that they have done some roof cuts, made an educated evaluation that the vault is fine. Mr. Masterpole noted that 3.b might be the better option, if they think this might be the last roof before it has to be completely redone. Mr. Barbas said the designer put it out there as an option knowing the barrel vault is the most critical part of the building, but no one can guess the longevity of the building, how long it will fit the community's needs, whether it will last 30 or 100 years. Mr. Kinne said there are two different issues here, said it is a beautiful building that needs to be fixed, but it doesn't fit the community needs.

c. Informational - A Resolution Authorizing the Issuance of an Additional \$2,589,200 Bonds of the County of Onondaga, New York, to Pay Costs Related to the Reconstruction and Construction of Improvements to the OnCenter Complex in and for Said County (Sponsored By Mr. Laguzza)

d. Informational - A Resolution Authorizing the Issuance of an Additional \$2,089,900 Bonds of the County of Onondaga, New York, to Pay Costs Related to the Reconstruction and Construction of Improvements to the OnCenter Complex in and for Said County (Sponsored By Mr. Laguzza)

e. Informational - A Resolution Authorizing the Issuance of an Additional \$1,227,900 Bonds of the County of Onondaga, New York, to Pay Costs Related to the Reconstruction and Construction of Improvements to the OnCenter Complex in and for Said County (Sponsored By Mr. Laguzza)

f. Informational - Requesting the OnCenter to Procure an Increase in Ticket Prices for Professional Hockey Games and Allocated a Portion of those Ticket Revenues to Pay for a New Scoreboard at the Onondaga County War Memorial (Sponsored By Mr. Laguzza)

Mr. Laguzza said his goal is economic development and tourism; the Legislature has a responsibility to this community, whether it is veterans, taxpayers or conventioners, to do what is right; in August, this committee said it was right to invest in a new scoreboard. Mr. Laguzza referred to his resolution that was not on the agenda, but stamped in, requesting the County Executive's office to look at the fund balance and ROT tax for the scoreboard, to bring the facility up to speed so that their major tenant stays. Mr. Laguzza also referred to his other resolution that says they need to start a discussion about investigating and redoing the architectural design of the Convention Center Hotel so that the subbasement and basement is a 15,000 to 20,000-seat arena (similar to Bradley Center). Mr. Kochian noted that there is not the capacity to build something like that on that site, wants to protect the house they have.

Mr. Kraft said there are substantial revenues by having scoreboard advertising, in the past those revenues were shared, somewhere along the way the County has lost its share; they are trying to work things out, but it is going to take time; for the taxpayers to pay for the scoreboard and someone else to get the revenues seems to be the issue at hand.

Mr. Kilmartin noted that just last week Mr. Laguzza's entire caucus voted against an investment in infrastructure for this facility, which was on the heels of a vote in September to support and invest in our facilities, seems to be inherently contradictory. Mr. Kilmartin said we have professionals who have engineered the roof, have done very specific estimates; we are looking at doubling the longevity of our facility for incremental dollars, it would be a very good return on investment, can't see the logic of tagging on additional things at this instant to this roof matter.

Mr. Laguzza said he believes they are the stewards and the landlords, doesn't think a landlord should go in and piecemeal his investment. In August of 2008, they didn't piecemeal; the money for the scoreboard was removed on the floor of the legislature.

Mr. Kinne said he would like to vote for 3.b., should put one roof on that will last 90 to 105 years. Mr. Kochian said they could ask the architect to consider the metal barrel vault as part of the bid specs, have it bid both ways; if they are able to get 3.a pricing for 3.b, then they would move ahead with it. Mr. Kinne said he would not vote for 3.a.

In answer to Mr. Kilmartin, Mr. Barbas said a metal was recommended for the barrel vault because it safeguards the structural integrity of the concrete vault. Mr. Barbas advised that the metal roof hasn't been approved by SHIPO, but he doesn't anticipate they would object, a decision by SHIPO would probably coincide with when they are ready to go to bid.

Mr. Lesniak asked what is the difference in the yearly debt service would be between the two roofs. Mr. Kochian will supply that information.

Mr. Kinne asked if the barrel vault would have to be replaced with the next roof, if they go with the thirty-year roof now. Mr. Barbas said it may require repair, guessed that the next roof would need a total tear-off to inspect the concrete. Mr. Kraft said he anticipates that once they do the roof, seats, etc. that they will be back with ideas of how to fix the facility so that it is more aesthetically acceptable to our community.

Mr. Masterpole requested that they consider Mr. Laguzza's resolution regarding the Convention Center Hotel for a future committee meeting.

A motion was made by Mr. Jordan, seconded by Mr. Lesniak to approve item 3.a; Ayes: 4 (Kilmartin, Lesniak, Jordan, Kraft); Noes: 2 (Kinne, Laguzza); abstained: 1 (Masterpole); MOTION CARRIED.

A motion was made by Mr. Jordan, seconded by Mr. Kinne to approve item 3.b; Ayes: 6; Noes: 1 (Kraft); MOTION CARRIED.

Mr. Lesniak requested that the architect look at bidding the metal barrel vault as an alternate if resolution 3.a passes at session.

Mr. Kraft said taking the contingency out last September was appropriate; the roof was 10,000 sq. feet bigger than the original estimate, there were more things that needed to be done, and it is proper that it is back at the Legislature.

g. Informational - Requesting the OnCenter to Procure and Increase in Ticket Prices for Events at the Onondaga County Convention Center Complex and allocate those Revenues to Pay for Capital Improvements at the OnCenter Complex (Sponsored by Mr. Holmquist)

Mr. Kraft said \$200,000 of expected revenue was put in the budget last year (nothing as yet has been done), some legislators did not anticipate that it would be for a scoreboard, they thought revenues from the scoreboard would take care of that. Mr. Kraft suggested that the committee members take the resolution back to their respective caucus for discussion concerning what they are going to do about the surcharge. Mr. Kraft requested Mr. Kochian to come next month to advise the committee of what the Executive side thinks.

Mr. Kinne said it is wrong to pick on a few groups regarding a surcharge, suggested they review the report that was done in 1996. Mr. Lesniak said that they only have control over County entities; all other venues would require State legislation.

Mr. Meyer said there has been a great deal of discussion about upgrading and maintaining the War Memorial, reminded the committee that the Oncenter staff did their job during budget, they outlined a lot of these things concerning the War Memorial, the Oncenter Convention Center and the theaters, they have been telling the Legislature about these needs, he has been in contact with the Oncenter board.

The meeting was adjourned at 1:32 p.m.

Respectfully submitted,
Johanna H. Robb, Deputy Clerk

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

Chairman Warner called the meeting to order at 9:00 a.m.

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

1. HOMEBOUND PROGRAM: Dr. Cynthia Morrow, Commissioner - Health Department

a. Requesting the County Executive or her Designee to Review and Provide this Legislature with Information on the Homebound Program (Sponsored By Mr. Warner)

Mr. Warner explained that this resolution is asking for facts, figures and breakdown of the Homebound Program in order to have a better understanding it.

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

In answer to Mr. Lesniak's question about a timetable to get this information, Mr. Warner said he would amend the resolution to request the information before the next meeting of the Health Committee.

Mr. Laguzza stated that he did not want to be a co-sponsor of resolution 1.b, because of the income limitations.

Mrs. Rapp requested to be a co-sponsor of item 1.a. ***Mr. Lesniak's motion was seconded by Mrs. Rapp; Ayes: 5; Opposed: 0; Abstained: 1 (Mr. Buckel); MOTION CARRIED.***

*Mrs. Winslow arrived at the meeting.

b. Requesting the Onondaga County Commissioner of Health and Commissioner of Social Services to Coordinate with the County Executive to Revise and Implement a Homebound Program for Medical Transportation for Persons with Limited Income (Sponsored By Mr. Stanczyk, Mr. Laguzza)

c. Requesting the Onondaga County Commissioner of Health and Commissioner of Social Services to Coordinate with the County Executive to Revise and Implement a Homebound Program with Persons of Limited Income (Sponsored By Mr. Kinne)

Mr. Laguzza said his support is for more than medical transport, the Homebound Program was for day-to-day situations and events that everyone takes for granted.

In answer to Mr. Lesniak, Dr. Morrow said right now there are no income eligibility requirements. Dr. Morrow said the County Executive's staff, the Commissioner of Social Services, advocates and she have already started discussions on how they can refine this program. Mr. Sutkowy has been asked for input regarding income limitations, they are not at a point where they can say what they would be. This program has not required or requested any information about individuals' income. Homebound Program requirements are:

- Physician's statement saying that there is a medical reason why the individual is not able to be transported curb to curb and needs assistance door through door
- Limitation of 4 visits per month, no restrictions on those visits.
- Trip is not by mileage, and the participants and County share the cost of a trip.
- Program was developed in 1993, initial inception was for social purposes; over the years it has changed and is now being used for medical purposes as well.

Mr. Buckel said under the Charter, the Legislature is the policy determining, policy setting body of this county; they have the authority to set this policy and tell the people of this county that this program is worthy to do or not as they choose. The Legislature has the authority and power to do it on their own accord by holding a hearing through committee and demanding this information; if it is not brought forward, to subpoena it, and get what they need to make an intelligent decision. If this program is important enough to the taxpayers of this county and to the people they serve to maintain it, it is up to the Legislature to do it.

Mr. Warner said it would be much faster, at this point, to tell them to get the information back to the committee rather than hold hearings and go through the process. Mr. Buckel said it is always his preference to work collaboratively, non-partisan, but at some point, if they have things that are essential to serve their constituents, they have to take a stand. Mr. Warner agreed that the legislature has the control and the authority, but in extreme circumstances, the County Executive has to try to do something to bring the financial situation under control. Mr. Buckel said he understands that, and the Charter provides for that, his strict

reading is if something the Legislature has approved is not going to be implemented, the County Executive must come back to the Legislature. Mr. Warner said the no income limitation issue should be looked at.

Mr. Laguzza said the program should be reinstated as it is in the budget; he is not saying they shouldn't look at it and tweak it for the 2010 budget. Many of the participants do not have the means to pick up the County contribution to continue with their activities.

Mrs. Rapp said if they were to limit this just for medical, there already is a Medicaid transport program. Dr. Morrow said the Medicaid transport covers people who are on Medicaid. One issue is whether there should be a different income status for those people who are disabled and don't meet the Medicaid level, the biggest issue is that when the program was implemented, it was for social visits.

Ms. Agnes McCray said she has used the transportation service since its inception. Reiterated that it wasn't meant for medical transportation, it was to give an opportunity for persons with certain types of limitations, who had no other transportation recourse, to get out in the community and to get to jobs. She used it for college and now uses it for events and meetings regarding her three children, work and activities in the community; there is no transportation service to replace the Homebound Program. Ms. McCray said she doesn't believe Homebound should be used by nursing homes and medical facilities, noted that over 40% is used for medical trips. Ms. McCray said there are 293 people who are served by the Homebound Program; they need something now until this is worked out with the County Executive's staff.

Mrs. Winslow noted that until you are a client of some type of service to help you get around, you don't know what a struggle it is, does not want to see the rug pulled out from people who are struggling to maintain some sort of decent life in this county. Mr. Bernie Ellis said he is an advocate for the disabled, and belongs to the Disabled in Action organization. Of the 2,900 trips in 2008 for the Homebound Program, nursing homes used 300 of those trips to take their clients to medical appointments. Mr. Ellis suggested reenacting the program with the limitation that residents of nursing homes would only be eligible to use it for social visits. Currently, there are 285 people who have not means of transportation.

Mrs. Rapp asked how much they are spending on the program now. Dr. Morrow said \$129,600 (\$69,600 local dollars).

Mr. Lesniak said he couldn't support 1.b at this time because the resolution doesn't set any income limitation. Dr. Morrow clarified that she would not be able to provide information on whether or not there are people of higher means using the transportation, they do not ask the question, and there has never been any income eligibility criteria.

In answer to Mr. Warner, Dr. Morrow said she was not aware that nursing homes were using Homebound transportation. Dr. Morrow said they do not have great data regarding this program, that is one reason why they considered eliminating it; she feels there is ample opportunity to refine the program in a way that meets everybody's needs. Mrs. Rapp suggested that from here on, data could be recorded and income eligibility verified for those using the program, the same as they do for other programs.

Mr. Laguzza asked if the nursing homes are subsidized through Social Service for transport. Ms. Sprague said not necessarily, it depends on what is included in their rate; if a person is living there, that is their residence, if they need to go some place that is not included in their rate, then they need to have transportation also. Mr. Laguzza said the Legislature passed the Budget inclusive of the program, asked how they can take the rug out from those who use it. Mr. Laguzza wants this program reinstated completely.

In answer to Mr. Warner, Dr. Morrow said this program was cut off in the end of February. Mr. Warner suggested a new resolution to restore the program until they have all the information, 1.a will tell them that. In answer to Mr. Laguzza, Ms. Tarolli said the committee could take a vote to suspend the rules and then could put the resolution out verbally for a vote. Mr. Laguzza said he would like to waive the rules. Mr. Warner said he would like to see it in writing; it could then go to Ways & Means. Mr. Buckel read the following quote from the Budget document to clarify for the record: "if it appears at any time during the fiscal year that anticipated revenues may fall short of the amounts appropriated, the County Executive must report to the Legislature the estimated amount of the deficit, the remedial action taken by the County Executive, and recommendations as to further action. The County Legislature will take any action it deems appropriate to prevent or minimize the deficit." Mr. Buckel said it goes on to say that the County Legislature could reduce the program if it chooses, could even authorize borrowing to fund the program; the fundamental point is that the County Executive did not have the power to simply say she was not going to fund a program this legislature passed, it is up to the Legislature to do this. Mr. Buckel thinks a resolution pleading, requesting is wrong; it is in the Legislature's hands, if this program is part of their budget, they are the ones who say yes or no regarding cutting a program.

Mr. Warner said they would have the resolution to restore the program for Ways and Means.

Regarding income eligibility. Dr. Morrow said she has limited data that is difficult to interpret, they don't ask people for the purpose of the transportation. By looking at the addresses, 40% of the visits were transportations to or from long term care facilities or assisted living facilities, 280 to 300 of those were to medical addresses. There is nothing in their information that will say a person went to meet family or friends. The only information available is what transportation was approved, where the person was picked up and where the person was transported.

In answer to Mr. Kinne, Dr. Morrow said the maximum is four visits per month, regardless of where and income; two individuals were grand fathered in for more than four visits when they transitioned to the Homebound program.

Mr. Warner said there would be no vote on b and c.

2. VAN DUYN: Ms. Roberta Sprague, Commissioner

a. A Resolution Authorizing Capital Improvements at the Van Duyn Home and Hospital in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$5,401,835, and Authorizing the Issuance of \$4,528,247 Bonds of said County to Pay the Cost Thereof (Sponsored By Mr. Warner)

Mr. Warner noted that there were additional problems at Van Duyn since last session when the bonding resolution did not pass. The new bonding resolution includes \$200,000 for a new commercial oven. Ms. Sprague said their old oven couldn't be repaired.

Mr. Buckel, Mr. Laguzza and Mrs. Winslow requested to be co-sponsors for this item.

Regarding the resolution voted down at the last session, Mr. Buckel said he did not understand that the shift in the monies that are available from the State were tied to the funding of these additional programs; he has since reviewed the contracts with Ms. Sprague. Mr. Lesniak noted that it was explained to them at the last Health Committee meeting that this was all tied together, all incumbent on having it done in a timely fashion by September 30th to get the grant money. Mr. Buckel said he didn't have the contracts in front of him then.

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

The meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Johanna H. Robb, Deputy Clerk

**EDUCATION & LIBRARIES COMMITTEE MINUTES
PATRICK M. KILMARTIN, CHAIRMAN
March 12, 2009**

**MEMBERS PRESENT: Mr. Corbett, Mr. Stott, Mr. Holmquist, Mr. DeMore, Mr. Kinne, Mrs. Winslow
ALSO PRESENT: see attached list (Attachment 1)**

Chairman Kilmartin called the meeting to order at 10:31 a.m. A motion was made by Mr. Corbett, seconded by Mr. Stott to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.

**1. PAUL ROBESON PERFORMING ARTS COMPANY: Ms. Annette Adams-Brown
a. Request Release of Contingent Funds**

Mr. Kilmartin explained that this line item was passed in the 2009 Budget. Ms. Adams-Brown was present to describe their program and activities.

Ms. Adams-Brown said that Paul Robeson Performing Arts Company (PRPAC) is in its 28th year. The company is the community outreach component of the African American Studies Department of Syracuse University. They are a theatre company that provides an opportunity for minority artists, performers and technicians to exhibit their talents. They try to integrate professional and university artists with the community artists. They offer adult and youth theatre, have a summer camp and theatre workshops. They do between 11 to 12 shows a year; season runs from September to August. They are located at 805 E.

Genesee St in the heart of the Cultural Corridor, theatre seats about 100, space can be designed and set up in any configuration they want; they also tour to community colleges, churches and hospitals.

Mr. Kilmartin asked about their proposed schedule for 2009. Ms. Adams-Brown said most of their plays deal with issues that address the black community. They started their season out with two one-act plays - Blue Vein Society and Sweat. Also did Ma Rainey After Hours Cabaret at Syracuse Stage, and then went into a long run of Black Nativity (44 members in the cast, 12 technical people from the professional arena as well as the community and university). For Black History month, they presented Celebrating the Black Church's Impact, toured to OCC's Arts Across Campus, Crouse Hospital and some churches. In April they will have performances of Invisible Women Melting and June 16th - both written by a grad students at Syracuse University. In May, if they have enough funds, they are planning to present The Dolls (plan to invite children, will discuss self esteem issues). They are also working on another piece - The Storyteller Series that would feature local Syracuse icons.

Mr. Stott asked how many people attend during a season, and whether they have a good mix of local and professional artists and technicians. Ms. Adams-Brown said they probably have an audience of about 11,000 annually, about 60% representing the African American community and 25% the Caucasian community. Their artists and technicians are about 85% local. Mr. Stott asked how their budget has been affected by state and federal cuts. Ms. Adams-Brown said they had a \$56,000 cut from NYSCA (approximately ¼ of their budget). They were fortunate to receive an award from the Holland School of the Arts Technical Assistance Program; they provide a consultant to help with fundraising.

Mr. Winslow said she has been a patron for most of the past 20 years that PRPAC has been in existence. All plays and performances are professionally presented, very well done, well attended and appreciated by African American community. They have never been fairly funded when compared to the funding the County contributes to other organizations similar to this.

Dr. Sydow said Onondaga Community College has enjoyed a long-standing partnership with PRPAC.

There was no vote, because it was under \$7,500, money was already allocated in the Budget.

2. ONONDAGA COMMUNITY COLLEGE:

a. Amending the 2007-2008 Onondaga Community College Budget

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

Mr. Emm said this resolution would close out the 2007-2008 fiscal year. Actual budget total came in \$191,017 higher than what was originally budgeted, a result of higher than expected enrollment. Additional revenue went toward student services, adjunct salaries, etc. Mr. Kilmartin said he understands this is more of an internal budget adjustment. Mr. Emm said there is no impact to the County Budget.

A vote was taken and passed unanimously; MOTION CARRIED.

b. Confirming Reappointment to the Onondaga Community College Board of Trustees (Donald Mawhinney, Jr.)

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

Dr. Sydow reviewed that Mr. Mawhinney was on the Legislature that took action to establish Onondaga Community College in 1961, he was also a founding Board of Trustees member, and has been a loyal and faithful board member for 48 years. Dr. Sydow noted that Mr. Mawhinney has not only provided excellent guidance, but has also been at almost every college event, has provided encouragement to her and her staff and has provided outstanding leadership on the Board of Trustees.

All committee members requested to be added as co-sponsors of this resolution.

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

The meeting was adjourned at 10:50 a.m.

Respectfully submitted,

Johanna Robb, Deputy Clerk

ENVIRONMENTAL PROTECTION COMMITTEE - March 12, 2009
CHAIRMAN JAMES CORBETT

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

Chairman Corbett called the meeting to order at 11:32 a.m. A motion was made by Mr. Rhinehart, seconded by Mr. Jordan to waive the reading and approve the minutes of the proceedings of the previous committee. Passed unanimously; MOTION CARRIED.

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

Mrs. Miller displayed various samples of porous pavement - aggregate of small stones and recycled tires, held together with polyurethane. She also showed members samples of porous material used with tree pits. The pit is made deeper, more cobles are put in for drainage and holding, and the porous product is placed on top.

She noted that they have met with the City on a number of issues, including porous pavement. The City is very interested in the tree pit porous product. Mr. Corbett said that porous sidewalks have been installed with the new housing initiatives on the near west side (Tully Street). He asked if every project must go through the Common Council to use that type of material. Ms. Miller said that they do--every time there is a request to use something other than concrete impervious. In answer to Mr. Masterpole, Mrs. Miller said that they are working with the City on how they can best introduce and offer the option of using porous pavement in the City on sidewalks. They are looking at the Clinton sewer shed to see if porous materials could be used there. They are working with DPW and City officials for the possibility of setting up a demonstration area on the near west side. It would still need to be approved, but possibly from the DPW Commissioner and not the Common Council for every individual property.

Clinton Phase 1 - completed

Clinton Phase 2 - pipeline- working on dewatering behind the MOST

Sewer Separation

- Construction is done
- Parkway/Rockland project - some restoration/tree planting is all that is left to be done

Harbor Brook Floatables Control Facility

- studying to see what needs to be done to repair or rehab in terms of erosion control to be more effective. It was damaged as a result of large storms. It becomes more important now because there are discussions going on regarding the ACJ.
- Will be some changes--green will be done in Harbor Brook. Catching floatables was in interim project until completion in 2012. However, it will not be completed in 2012 and will need to continue on longer.

Meetings with City

- Focusing on use of porous in the demonstration area - Clinton sewer shed
- Working with the City regarding the Creek Walk - slated for construction this Spring, working on what can be done to add in green betterments and help fund green infrastructure for the creek walk - looking to have examples of rain gardens, retention basins, tree pits, use of porous pavement

Mr. Jordan asked if there can be conversation with some the manufactures about possibly donating product or getting a break in cost, as the products would be in an exhibition type of environment. Mrs. Miller said that they can ask. Mr. Jordan said that it would be to their benefit to have an example; there is a marketing component to it. Mrs. Miller said that they do promote places where people can see their products. It also relates to generating green jobs. Mrs. Miller noted that the City is looking at producing porous asphalt for parking lots, sidewalks, etc., not for the replacement of roads.

Mr. Masterpole said that the Mayor mentioned, at the State of the City address, an agreement between the Mayor and County Executive regarding mitigation money for the Skunk City/Sackett Track areas. Mrs. Miller said was unaware of it, but will look into it. She said that regarding the Midland area, it is moving along well.

Mr. Rhinehart referred to the proposed amendments to the ACJ and asked if all parties are in agreement. Mrs. Miller said that they received a draft revision from the State. Internal meetings need to be held to discuss the proposals. The State will be setting up a meeting within in the next few weeks to discuss the revisions.

Chairman Corbett asked who the parties are to the ACJ that continue to meet regularly. Mrs. Miller explained that there is a Policy Committee: Sam Sage, Atlantic States; DEC, and the County. Additionally, Joe Health, Onondaga Nation, is involved in the Policy Committee discussion, but is not a party to the ACJ. Also, when just the ACJ parties meet, it includes the Policy Committee and EPA; Joe Health is not included.

Chair Corbett said that only construction going on, other than remediation, are conveyances behind the MOST. Mrs. Miller agreed--hope to start the final sewer separation project on the south side, Calvin St., this year.

Mr. Kraft asked about Clinton St.-pipes in the ground going to nowhere. Mrs. Miller explained that under the revisions of the ACJ, one of things that will have to be done is putting together the gray plan and what structures will be put in. Within it, the State will tell the County how much to capture. That is dependant on what will be put underground in the Trolley lot for storage. It would take a year for design and a couple of years for construction. As soon as there is a signed ACJ with the State, the County will know the size. The draft receive this week from the State will spell out how much the State expects the County to capture. Mrs. Miller said that the figure used was 3.7 million gallons additional capture through gray. The question is if the 3.7 million gallons is appropriate to use, and after the ACJ is signed, how will it be done. Mr. Kraft said that it would be nice if this committee and the legislature had some sense of where it is going, as the taxpayers will end up paying for it in the end. Mrs. Miller said the 3.7 million gallons came from what was going to be able to be stored at the Clinton RTF as previously designed. Mr. Kraft said that on Midland there is someplace to go with no pipeline to get there. Mrs. Miller said that three CSOs are tied in now; and there are 7 to be determined as to what will be done with them. It will be written into the ACJ as to what the State wants the County to look at. There seems to be an agreement of all of the parties that 044 would tie in, the next CSO up the pipe--another 300-400 ft. Mr. Kraft said that the plant cost \$120 million; it is oversized as it turns out. Mrs. Miller said that it is being used; it was designed to bring in all 10 of the CSOs; it is bringing in over 50% of the volume should all 10 come in. The 3 in are the largest. The State wants the County to pursue green, minus 044 at this time.

Mr. Rhinehart asked if there are any benchmarks; how does the County determine green technology; are there standards. Mrs. Miller said that there are figures on it; need to continue to work on an agreement with which figure to use--there is not an EPA approved measure at this time.

Chairman Corbett said that from the beginning, before this was put on hold, the Clinton project was set up to hold 3.7 million gallons. Right now we still have to be able to do it until the green catches up to what the gray does, it will take approximately 5 years. A little at a time there will be less of the gray and more of the green. Until then, there needs to be the ability to capture "x" amount. Mrs. Miller said that under the ACJ and according to national EPA requirements, the County is trying to achieve at least 85% volume capture of combined sewage of the whole system. With the 3.7 million gallons of storage, the County would meet the 85% capture, which was a big part of the ACJ. Basically EPA is saying they want the County to achieve the 85% capture as soon as it can, and the way to do that is the 3.7 million gallons as planned at Clinton. Mrs. Miller said the 85% of all combined sewage in the system has to come to Metro to meet the national requirements for CSOs. They are looking at meeting those by doing the 3.7 million gallons and whatever is beyond that can be achieved through green-EPA will give a timeframe for that.

Mr. Kraft said that the project started out at \$120 million for County share, and now is around \$300 million. He has begged for an effort to get more out of the feds and state-has any progress been made. Mrs. Miller said that they continue to get the allocation of \$10 million from the State and hope there will be another allocation in the State budget in April. They are working very hard at trying to get stimulus money. Regarding gray -- possible stimulus money for Harbor Brook interceptor sewer replacement. Other stimulus monies have to do with the green projects.

2. ONONDAGA COUNTY WATER AUTHORITY - Mike Hooker, Executive Director

a. Update - Water Tank Bids/Project

Chairman Corbett said that the bids for covered storage came in less than expected. Mr. Hooker distributed a handout (attachment #1). He noted that there was a per diem rate and a multiplier from 3.5 to 4.0; Tony Geiss, OCWA engineer, negotiated the contract with Malcolm Pirnie and kept the multiplier at 3.22, which saved a considerable amount of money. There was 6% pre-year escalator in there for the term of the contract, which was around 5 years, and it was eliminated. The subcontractor costs were basically the same.

Regarding bids; Mr. Hooker provided details from the 2006 estimate to 2008 estimate to OCWA before any design. There were pre-bid estimates before design and actual estimates. The total number in 2006 was \$56,220,000, which did not include the cost of debt service issuance, reserve, contingencies, etc. The original estimate that they started with in July was \$66 million. With the direction of Mr. Geiss, and Mr. Miller, Executive Engineer, the mid point of Malcolm Pirnie's estimates was picked for bonding purposes--\$55 million cap on bond for the projection for the first two tanks. With 3 tanks it was up to \$77,500,000. They talked to each of the manufactures that bid when the City tanks went in to look at any issues that they had. OCWA tried to level the playing field. By doing so, they received 3 competitive bids for Western and Eastern reservoirs. Natgun won the bid for Eastern

reservoir, total price or \$13.8 million, considerably lower than where they started out in 2006. The cost of the tank along is \$6.7 million. Western Reservoir is comparable to what is being done in the City--building a tank inside of a tank. At the Eastern Reservoir, the first tank has to be built outside of the existing tank; a second tank can't be built until the original one can be taken out of service. There is a lot of excavation. Because of the construction method used by DYK, their footprint is much smaller--they build up. They are working with the Sisters of St. Francis that live up the hill; DYK will build a berm for them and will not have to haul any dirt off site. A re-estimate was done on the 3rd tank, to give a total estimated cost - they believe the estimate is high for the 3rd tank.

In answer to Mr. Rhinehart, Mr. Geiss said that there were 3 bidders; Mr. Hooker noted that there are really only 3 manufacturers.

Mr. Hooker said that they are an AA-3 rated utility--looked at doing work with EFC without a subsidized interest rate; looked at how they would do it on their own. OCWA started talking to EFC and Dept. of Health in late Nov., early Dec. There is a new program--NYC is looking to go out for a very large bond issue, AAA rated bond, and they are looking to tack OCWA onto it. EFC would borrow money, buy the bonds for OCWA and NYC at an AAA rate. Right now OCWA is pursuing the NYC option, and will know in the next 60 days. In the interim, a 1% interest rate has been locked in for the next year. It saves about \$700,000 in interest the first year alone. The savings between going out on their own or going with the new program--about \$8 million in interest savings over a 30-yr. loan. OCWA is working on the stimulus money; it is on the list, and on the State revolving fund, which could be a \$6-\$8 million savings.

Mr. Rhinehart asked if OCWA will have to do any UV lighting; Mr. Hooker said "no", all of their water is filtered and don't have that issue. In the Westhill area, OCWA gets water from the City, and OCWA is looking at an option of treating the water from the City or provide a feed from Otisco Lake. They are looking at what will be most cost effective. Mr. Rhinehart said that the City, Jordan, and Elbridge have issues going with the UV guidelines--he asked if OCWA can help them. Mr. Hooker said that they are at very preliminary discussions with them; can't do anything until they make a formal request for it. Anything that is done with the towns or villages, has to be discretely bid. It has to start with the towns and villages. Mr. Rhinehart said that at some point there has to be regional thinking with the water system.

Mr. Hooker said that there are green aspects built into the projects--at Western Reservoir all of the fill material will be provided to the berms. Asphalt from the part of the tank being removed will be taken to a plant to be recycled for roads. They are looking at different types of energy--photocells, vertical turbines, solar operated mixers, etc. The stimulus package money has 20% set aside for green activities, and OCWA submitted for it.

Chairman Corbett noted that there is a lot of information in the OCRRA newsletter. Next month there may be a resolution for Site 31 in VanBuren.

The meeting was adjourned at 12:33 p.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

WAYS AND MEANS COMMITTEE MINUTES - March 31, 2009 Chairman James M. Rhinehart

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

MEMBERS ABSENT: Mrs. Rapp

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

The meeting was called to order at 9:35 a.m. ***A motion was made by Mr. Corbett, seconded by Mr. Warner to approve the minutes of the previous meeting; MOTION CARRIED. A motion was made by Mr. Warner, seconded by Mr. Corbett to waive the reading and approve the proceedings of the previous committee. MOTION CARRIED.***

1. FINANCE: Karen Campbell

a. **Approving and Directing the correction of certain errors on tax bills**

A motion by Mr. Kraft, second by Mr. Warner to approve this item; Passed Unanimously. CARRIED

b. **Authorizing refunds on Erroneous Assessment**

A motion by Mr. Kraft, second by Mr. Warner to approve this item; Passed Unanimously. CARRIED

2. **Requesting the County Executive or her designee to review and provide this Legislature with information on the Homebound Program** (Sponsored by Mr. Warner)

Mr. Warner stated that at the last meeting there was not enough information provided.

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

3. **Request Onon. Co. Commissioner of Health and the Commissioner of Social Services to Coordinate with the Co. Exec. and Restore the Homebound Program** (Sponsored by Mr. Laguzza, Mr. Warner, Mrs. Rapp)

Mr. Warner said that he understands that the Executive branch is in favor of this.

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

Ms. Rooney said that they are working to re-kraft the program and it will be brought back within the next month. A proposal is being put together now; there have been a series of meetings and it is moving forward.

Mr. Stanczyk seconded the motion.

Mr. Holmquist asked why the committee would vote before the discussion takes place. Chair Rhinehart said that this resolution is a request of the Commissioner and the Co. Executive; not an actual vote to restore it.

Passed unanimously; MOTION CARRIED.

4. **COMMUNITY DEVELOPMENT:** Nina Andon-McLane, Admin., Planning & Funding Coordinator

a. **Amend 2009 Co. Budget to accept a Grant from the NYS Housing Trust Fund Corporation for the Community Development Prog. and Authorize the County Executive to enter into contracts** (\$125,000)

This accepts a grant for \$125,000; which will enable rehabilitation of about 16 houses for low-income elderly for emergency repairs.

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

Mr. Stanczyk asked for a recap of the items that are being applied for with the stimulus money. Ms. Andon-McLane said that the only money that they are aware of for housing rehab is the Neighborhood Stabilization Program--applying for about \$1.2 million--mostly for subsidies and home ownership. Part of the money would enable rehabbing houses that are in worse shape than usual. It is through the State--are awaiting additional information--will be submitting additional applications. **Mr. Stanczyk asked that the committee be provided with a list of programs that Community Development is applying for.**

A vote was taken on the motion: Out of Room: 1 (Warner); Passed unanimously; MOTION CARRIED.

b. **Amend 2009 Co. Budget to Accept a grant from the NYS Housing Finance Agency for the Community Development Prog and Authorize the County Executive to enter into contracts** (\$300,000)

This is intended to rehab about 50 houses at about \$6,000 per house; it is matched with Community Development and Block Grant funds for the Lead Grant. It is the 20th grant from Affordable Housing.

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

Mr. Stanczyk said that he wants to make sure that time and effort is spent on getting through the backlog.

A vote was taken on the motion: Out of room: 1 (Warner); Passed unanimously; MOTION CARRIED.

5. **OCC:** William Emm, CFO, OCC

a. **Amending the 2007-2008 Onondaga Community College Budget**

This closes out the 2007-2008 fiscal year; the actual revenues came in at \$191,017 higher than budgeted. There is no impact on the county budget. The \$191,000 was a result of additional tuition revenues, less a deduction in State aid revenue (\$581,000) because they had budgeted higher FTEs than anticipated. Tuition revenue went up by \$772,027. Mr. Stanczyk said that the numbers were lower than projected to the State, but there was an increase in tuition and an increase in the budget. Mr. Emm agreed.

In answer to Chairman Rhinehart, the money will be used for student services and adjunct salaries.

A motion was made by Mr. Kinne, seconded by Mr. Kilmartin to approve this item. Out of room: 1 (Warner); Passed unanimously; CARRIED.

6. PARKS: Robert Geraci, Commissioner

a. **Amending the 2009 County Budget to enable the Establishment of a Project Account for an Onondaga County Parks Development Program**

\$50,000 was put in the 2009 budget to create a development office; the legislature put the money in contingency and asked the department to come in to discuss it further. Mr. Geraci said that they would like to create a development office by hiring a development director to go out and find money that is not tax supported from Onondaga County. The proposal is to hire someone on a contractual basis to do this work.

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

In answer to Mr. Stanczyk, Mr. Geraci said that once this is passed at session a job description will be sent out to trade publications, Syracuse Newspapers, and Syracuse.com. It will have to be done as an RFP. He hopes that by the end of April/early May someone will be on board. Mr. Geraci said that it will be full time work; the person will have to produce and he will be reviewing the level of production on an ongoing basis.

Chairman Rhinehart asked if there is a goal to be achieved. Mr. Geraci said that they hoping in the first year that the person can find somewhere between \$50,000-\$100,000 of new money. It is already being done at the zoo, but not being done effectively in the other parks. They will go after companies, businesses, but the real money is in personal contributions. Most of the money that comes in to the zoo is from private contributions. About 60%-80% of the giving in the country is from private individuals, not corporations.

Mr. Stanczyk asked for some background information before session. The person will do a lot of phoning, mailing, personal visits - things that will trigger expenses. Mr. Geraci said that he will come back with a budget-estimated it will cost from \$5,000-\$8,000 for mail, travel, and postage. Existing phones and computers will be used where the person will work at County Parks. Mr. Geraci said he would dismiss this as a permanent employee. **Mr. Stanczyk asked to be provided with detail as to why it makes sense to have a contracted person vs. an employee, including a cost benefit analysis.**

A vote was taken on the motion: AYES: 7 (Corbett, Kraft, Holmquist, Kilmartin, Warner, Kinne, Rhinehart); NOES: 0; ABSTENTIONS: 1 (Stanczyk). MOTION CARRIED.

7. AGING AND YOUTH: Lisa Alford, Commissioner

a. **Amending the 2009 County Budget to accept State Aid for a Partnership for Youth-WIA Grant and authorizing the County Executive to enter into contracts** (\$119,000)

The purpose of the grant is to serve 16 hard to serve youth, ages 17-20; to increase literacy and workforce and employability skills. There are no local dollars.

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

8. EMERGENCY MANAGEMENT: Peter Alberti, Commissioner

a. **Amend '09 Budget to Accept Homeland Security Funds from Interoperable Emerg. Communications Grant Prog. for Dept. of Emergency Management and Authorize Co. Exec. to enter into contracts** (\$500,000)

This grant became available last year for interoperable emergency communications planning/

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

b. **Amend '09 Budget to Accept Homeland Security funds from the Urban Area Security Initiative Grant Prog. for the Dept. of Emergency Mngmt. and Authorize Co. Exec. to enter into Contracts** (\$1,280,800)

This grant is part of the Homeland Security Grant Program; it involves the urban area of City of Syracuse, Onondaga County, Madison County and Oswego Counties.

Mr. Corbett made a motion to approve this item, seconded by Mr. Warner.

Mr. Corbett asked about the parameters; Mr. Alberti said that there are grant guidelines that have to be followed; have to spend so much in certain areas. Mr. Corbett asked if this money is specific to our county or all of the counties. Mr. Alberti said that it is for the urban area, as defined by Federal Government, as the Syracuse metropolitan statistical area. Onondaga County will be the lead. The money will be used for various work plans in place for interoperable communications, critical infrastructure protection, citizen preparedness, health related medical surge, access, etc.

Mr. Kinne would like to have the department come back to report with detail on the amount of money spent on each project and where it is going.

Passed unanimously; MOTION CARRIED.

9. **WAR MEMORIAL:** Edward Kochian, Deputy Co. Executive

a. **Authorize Issuance of an Addl. \$1,289,900 Bonds of the Co. of Onon. to pay Costs Related to Reconstruction & Construction of Improvements to the OnCenter Complex in and for said County**

b. **Authorize Issuance of an additional \$1,739,200 Bonds of the Co. of Onon. to pay costs Related to the Reconstruction & Construction of Improvements to the OnCenterComplex in andforsaid County**

Mr. Kochian said that two resolutions passed at the County Facilities Committee meeting - one for a 30-yr. replacement roof, and one for a 30-yr. replacement roof for about half of the roof and a metal roof above the barrel vault, expect to have useful life of 100 years. The bidding climate is good, and if this can be advanced there is the potential, that it could be bid with a 30-yr. roof and an addendum to add the metal on the barrel vault. If the funds were sufficient, they would go forward with it, unless there was an objection to it.

Mr. Kochian said that he has been asked to prepare comparative data amongst AHL arenas and teams and distributed a copy of "AHL Arenas Comparative Data (*copy on file with Clerk*).

Mr. Warner questioned Section 3. in the resolution noting 25 years; Mrs. Tarolli noted that it is a legal term and has nothing to do with how long it is expected to last - length that the State law prescribes can be bonded for.

Mr. Stanczyk said that the presentation is that the climate is so good for bidding right now that the provision for putting the 100 yr roof should be kept on even if it isn't approved. Mr. Kochian disagreed - he said "providing you don't object to adding the addendum". Mr. Stanczyk said that if we vote to put a 30 yr. roof on and the bids come in \$500,000 less, we would save \$500,000, rather than if we voted that we don't want a 100 yr. roof and vote for a 30-yr. roof, and it cost \$500,000 less; so a 100 yr. roof is put on even though the legislature didn't vote for it. Mr. Kochian said that he was explicit. Mr. Stanczyk said that he objected to the way the presentation was put out. Mr. Kochian said that if the legislature votes for a 30 yr. roof; doesn't want the addendum for the barrel vault, then they would not put it on; he is giving the option. Mr. Stanczyk said that last year \$2.2 million was approved to fix a roof; now have discovered that all types of mistakes were made. It makes sense to approve a 30 yr roof or a 100 yr roof. If bids come in less for a 30 yr roof, then money is saved.

Mr. Kochian explained that the design contingency was eliminated last year, \$740,000. With it not eliminated, even with the report that was relied on, which turned out to be a manufactures rep and a number of things were missed, it was insufficient money. Mr. Stanczyk said that we didn't double check; Mr. Barbas disagreed and explained that once the authorization was given, a firm was hired to do a study--that's the double check. Mr. Kochian said that a firm was paid to design the roof. Mr. Kilmartin felt the County went about this is the right way - originally a manufactures rep came in to do an estimate, they did not have to hire or pay someone for that. A bond resolution was passed. Once there was authorization and monies to go out and hire an expert to give an expert opinion it was done. They did all the specifications, exact measurements, and determined in a scientific way what he cost for the roof improvement would be. The cost was higher than what was passed in Sept., however when they came back to the Legislature their projection was to double the useful life of the roof. If the cost was backed out and also taken into consideration the doubling the useful life of the roof, there is a lot of bang for the buck. This is a creative way to go about saving dollars. At Co. Facilities Committee, Mr. Kochian presented that if the quotes come in competitive enough, and if the environment is good enough, that the cost is low enough there may be ability for \$1.289 million to go not only from a 15 yr. roof to a 30 year roof, but from a 30 yr. roof to 105 year roof. If the resolution needs to be amended to provide the flexibility, he fully supports it.

Mr. Warner asked why it can't come back to the legislature for additional authorization. Mr. Kochian said that they would want to design it. It is not a huge cost to design, because roughly half has to be a 30 yr. roof anyway. Mr. Barbas said that design firms

typically get 6%. If they are asked to provide a design that isn't used, they are entitled to the 6%.

Mr. Kinne said that if the theory is correct that this is a great time but bid, why wouldn't the committee adopt 9a, forget about 9b. and save money if it comes in lower. Mr. Kochian said time is of the essence in moving this forward, will dramatically save what would have to be paid next year. Mr. Kinne said that he is not prepared to vote for 9a; will vote for 9b, but is very unhappy with the way this came down. He has not gotten an answer to a question that he has asked for 2.5 months-what are the projected expenses for the next 4-10 years for the memorial. The ice system will be another major expense. The estimates weren't even close for this project. It has been said repeatedly that they want to do as little damage to the barrel roof as possible, then if that is the premise it should be a 100 yr roof and take care of it. Discussion continued about other facility needs, i.e. chairs, scoreboard.

Mr. Kraft said that the concept of passing 2 resolutions at Co. Facility was deliberate. There were people firmly entrenched on 30 years, others entrenched on 100 years.

Mr. Kraft made a motion to approve items 9a and 9b, seconded by Mr. Holmquist.

Chairman Rhinehart noted that further down the agenda, there will be discussion about a scoreboard and other items, but before any of that is done, the building needs a new roof. The urgency is understood; the legislature needs to work to come to some sort of a consensus to get 13 votes for a bonding resolution and move forward with putting a new roof on as quickly as possible. He asked the committee to not use other concerns, i.e. scoreboard, to hold up roof repair.

Mr. Corbett asked when an addendum is put on, isn't it more cost effective then having them go back and provide a cost for the roof for the extra. Mr. Barbas said "absolutely"; it would be done ad an add all and would have both prices at that time. It would be a 30 - 35 yr roof base bid with an alternate to put metal on the barrel vault and would get both prices.

Mr. Stanczyk said that the legislature should decide if it wants a 30 or 100 yr roof; it should be one vote or the other.

Chairman Meyer said that during budget review he asked the OnCenter staff for information regarding facility needs - he was told yesterday by OnCenter staff that that list of information was sent to Mr. Corcoran. Mr. Stanczyk said that he has asked Mr. Kochian for information, and was told to look at the capital plan, but there is nothing in the capital plan for the OnCenter. There is a wish list from OnCenter. The information that has been asked for, hasn't been offered.

A vote was taken on item 9a. AYES: 7 (Corbett, Kraft, Rhinehart, Holmquist, Kilmartin, Warner, Stanczyk); NOES: 1 (Kinne); CARRIED.

A vote was taken on item 9b. AYES: 7 (Corbett, Kraft, Rhinehart, Holmquist, Kilmartin, Warner, Kinne); NOES: 1 (Stanczyk). CARRIED.

c. Requesting the OnCenter to Procure a Facility Use Fee for Events at the Onondaga County Convention Center Complex, Including Civic Center Theatres, and Allocate those Revenues to pay for Capital Improvements at the OnCenter Complex (Sponsored by Mr. Holmquist)

Mr. Holmquist said that there is an endless list of maintenance and capital improvements needed at the OnCenter Complex. This item was put as a revenue item in the budget last year. The idea is that there would be a facility use fee implemented and assessed at the OnCenter Complex. The money raised from it would be used for capital improvements and ongoing maintenance. The facility use fee is a user fee--\$9.1 million was passed last year, it went to property taxpayers. His objective of this is to see that it not go to property taxpayers first to pay for ongoing capital improvements and more appropriately use a facility use fee. The money collected can come back to the legislature in a capital fund and would be able to assess at that time what the priority list. Many things could be eligible including a scoreboard at the complex. He spoke to Mr. Laguzza this a.m. and said he would like to be a co-sponsor on the resolution as to right now. His intention is not to make this a fee exclusively on Crunch tickets. There are many events that take place at the complex which are very diverse - concerts, Crunch, trade shows, Symphony--wants input from all of them. The Legislature can come up with a schedule of fees-see what is appropriate. This happens all across the country; it is very common to use facility use fees. It is most appropriate to have the people using the faculties to help pay for the very expensive ongoing maintenance fees. If this were done 20 years ago, the roof would be paid for by a facility use fee.

Chairman Rhinehart said that he understand the new director would have input and bring experience from other parts of the country as to how this would be implemented. Mr. Holmquist agreed and said that she is absolutely someone that should be consulted. All of the team players and those that have an interest in the OnCenter complex should have input. This should be the way to pay for ongoing maintenance and capital improvements; the property tax payer should be the last place that we have to go to.

Mr. Stanczyk said he also spoke with Mr. Laguzza, who did indicate that he wanted to co-sponsor Mr. Holmquist's resolution, but also wanted to present his resolution, and take to the floor if desired.

Mr. Stanczyk asked how many potential tickets are there in years. Mr. Holmquist said that there are a lot of details; the experts will have to tell us about some of those events. Perhaps some of the events shouldn't have a user fee, some should have nominal fees. He does not want to lose a single trade show do to user facility fees, but the analysis has to come from the people that operate the OnCenter Complex and all of the parties that use the facility. There has been a lot of discussion about the details, but it depends on how they will be defined. Trade shows have large groups of people, but it may not be appropriate for a fee there. It may be a negotiation item when they are applying, but doesn't want to handcuff the OnCenter when negotiating bringing the tradeshows in. At the same time, he doesn't want to handcuff the Legislature in saying that a portion of the revenue stream is for something specific.

Mr. Stanczyk believes that a fee is a tax and it is difficult to justify. If there is a justification for it - it is more in line with Mr. Laguzza's resolution where there is a tangible, pointed thing that it is paying for. This is a new tax, a new fee is a new tax, which historically becomes a new addendum to more taxes. There are no numbers now. When they come in, and this legislature approves something, he is concerned that government will balloon up to take on new revenues in addendum to what is done. Mr. Kinne asked why this is just for the OnCenter Complex, and why not at the stadium. In 1996 there was a blue ribbon commission studying entertaining in the community and recommended a user fee on all entertainment. If the user fee should be used for county facilities, then the whole picture should be looked at. He could go along with the fee if it was guaranteed 100% that it would go towards what it was meant for. He feels that both of the resolutions are too exclusive and are not looking at the whole picture. Mr. Holmquist said that the bill will then be sent to property taxpayers.

Mr. Warner asked if studies have been done where there is a user fee, and if there is a drop in attendance because of it; if it has a strong effect on the sales tax, which would be generated from those attending events. Mr. Holmquist said that is why a schedule is not attached to the resolution--wants to hear from the new director, who has access to those studies. The intention is not to lose sales tax; have it done in such a way that has been proven elsewhere; give property tax relief, and not look at ROT every time. This is one of the few cases where it is a generally accepted practice to have a revenue stream that can pay for the ongoing maintenance and capital improvements. If it is done right, it will give direct dollar for dollar relief to the property tax payers.

Mr. Stanczyk said that he does not need empirical evidence to know that it will tamp back people that attend things when the price is raised. When the price is lowered, it makes it more convenient for them to attend; if the price is raised, it is a barrier for them attending. This increases taxes and hurts the ability for people to participate in the things being offered.

A motion was made by Mr. Holmquist, seconded by Mr. Corbett. AYES: 5 (Holmquist, Kilmartin, Corbett, Kraft, Rhinehart); NOES: 2 (Kinne, Stanczyk); ABSTENTIONS: 1 (Warner). CARRIED.

d. Requesting the OnCenter to Procure an Increase in Ticket Prices for Professional Hockey Games and Allocate a Portion of those Ticket Revenues to Pay for a New Scoreboard at the Onondaga County War Memorial (Sponsored by Mr. Laguzza)

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

Chairman Rhinehart asked why there is discussion about a scoreboard when there is a leaky roof; it makes sense to deal with the roof first.

Mr. Kilmartin asked if the crux of this an increase in the fee exclusively on hockey games and no other users of the facility. Mr. Stanczyk said that Mr. Laguzza wanted to draw a direct link between the need to have a new scoreboard and the need to derive revenue from somewhere - felt most appropriated to derive from hockey tickets. Mr. Kilmartin asked if there is any projected dollars on projected tickets. Mr. Stanczyk said that Mr. Laguzza projected \$120,000 per year--could be paid off in 7 years or so, used an estimated cost of \$750,000 for the scoreboard. Mr. Kilmartin said that this might be a penalty to the Crunch fans, and impose a 100% fee on them. Mr. Stanczyk agreed; that is why Mr. Laguzza has been in discussion with Mr. Holmquist.

Mr. Corbett said that Mr. Holmquist's resolution does not address a fee schedule until those that are affected can be conferenced. He referred to an article in the newspaper that indicted that the owner of the Crunch would absorb the cost because the cost of ticket would not be increased. Mr. Corbett did not think that was fair and it would be more prudent to get everyone involved, including the new director.

Mr. Kilmartin asked that a vote be called on the item. ***Mr. Kraft moved to refer the item to session, seconded by Mr. Stanczyk. AYES: 2 (Stanczyk, Kinne); NOES: 5 (Corbett, Kilmartin, Warner, Holmquist, Rhinehart); ABSTENTIONS: 1 (Kraft). MOTION FAILED.***

A vote was taken on the resolution. AYES: 0; NOES: 4 (Kilmartin, Holmquist, Rhinehart, Kraft); ABSTENTIONS: 4 (Corbett, Warner, Kinne, Stanczyk). MOTION FAILED.

e. Requesting that Representatives from the County Executive's Office, the County Facilities Committee, and the OnCenter Complex Management Corporation Report to the Legislature regarding the Status of Acquiring and Financing a New War Memorial Scoreboard and the Status of a Lease Extension with the Syracuse Crunch
(Sponsored by Mr. Kilmartin)

Mr. Kilmartin said that the concept is to take a comprehensive look at the issues involving capital improvements, roof improvements, contemplation of scoreboard, etc. It is easy to put out a resolution to buy a scoreboard, but there are cost issues, brand, models, engineering, debt service, type of debt service, how it will be paid for, etc. This is a request that the relevant parties that have been working on this, critical to it-- Executive's Office Legislature, and OnCenter Complex Management Corp., be intimately involved in any review and discussion, especially involving any capital improvement and the lease extension. This requests the parties to report back to the legislature in approximately 60 days on status--financing, costs, and lease negotiations for an extension with the Crunch. It is putting the cart before the horse to go buy a near \$1 million scoreboard and not have a tenant in place to use it for the near long term.

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

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

10. VAN DUYN: Roberta Sprague, Commissioner

a. **A resolution Authorizing Capital Improvements at the Van Duyn Home and Hospital in and for the County of Onondaga, New York at a Maximum Estimated Cost of \$ 5,767,435 and Authorizing the Issuance of \$4,893,847 bonds of said County to pay the cost thereof (\$4,893,847).**

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

11. WAYS AND MEANS MISC.:

a. **Establishing a Committee to Review Issues in County Government Under the Onondaga County Charter and Administrative Code** (Sponsored by Mr. DeMore)

Mr. DeMore said that this has been worked on for 8 - 9 months; will form a committee review all times that have come to the Legislature about the Charter, redistricting, etc.; it will consist of 7 people.

Mr. Stanczyk asked if Mr. Buckel has a resolution to form a Charter Commission. Mr. DeMore said "no"--his amends the Charter for certain items. Chairman Rhinehart referred to item 11g and noted that Mr. Buckel informed him that he will be here today. Mr. Stanczyk said that Mr. Buckel cannot be here do to job requirements. Mr. Stanczyk asked what the difference in the two resolutions is. Mr. DeMore explained that Mr. Buckel's resolution is for smaller items that could be reviewed by the Charter and Administrative Code Committee. The items could be one of many. Mr. Stanczyk asked what the committee would do. Mr. DeMore explained that it would look at times such as those noted in Mr. Buckel's resolution, term limits, modern government, budget review; etc. This committee would look at the entire Charter and Code.

In answer to Mr. Warner, Mr. DeMore said that the last time there was a review was in 1994.

Mr. Kilmartin said that 11g is focused on the Legislature and the legislative branch, wherein Mr. DeMore's resolution is all encompassing of all branches of government.

Mr. Holmquist said that he felt this was long overdue and noted that over the years a variety of issues have come up within all branches of government.

Mr. Kinne said that one of the major differences is the committee itself--Mr. DeMore's committee is centered on a certain group of people and Mr. Buckel's is more outreaching to the community. He feels that the community should include them more.

Mr. DeMore explained that Mr. Buckel's item is a small part of the Charter; which would come to this committee, and give a report to the legislature.

Mr. Corbett said when this was brought up a couple of months ago, he started to look at the Code and Charter. There are references to all the powers in the Board of Supervisors, which were very broad powers. There have been changes over the years but they are difficult to pick out because of the language - hopes that that the language would be corrected.

Mr. Stanczyk asked if the recommendations of this committee were approved by the Legislature, would they then go to the voters. Mr. DeMore said that it depends on what it is - some have to be voted on and some don't. Mr. Stanczyk said that this opens up a Pandora's box - agrees that certain things need to be clarified in the language, but this is recommending a group to take a look at a delineation of powers in this government and concerned that there is equal representation. The way it is written, there are six people put on by the majority of the legislature and one by the minority; it is blatantly unfair to the minority. Mr. DeMore said that he doesn't believe that it is; Mr. Stanczyk is assuming that the people that are chosen because of political background. Mr. DeMore said that they wouldn't be; he won't check their party registration and doesn't care what party they are. Mr. Stanczyk said that Chairman Meyer is appointing 5 members.

Mr. Stanczyk made a motion to amend the resolution so there is an equal opportunity of both majority and minority sides--equal number of people of 8 or 10, bipartisan selection, seconded by Mr. Kinne. AYES: 2 (Stanczyk, Kinne); NOES: 6 (Corbett, Kilmartin, Kraft, Holmquist, Warner, Rhinehart); FAILED.

A motion was made by Mr. Holmquist, seconded by Mr. Kilmartin to approve item 11a. AYES: 6 (Corbett, Kilmartin, Kraft, Holmquist, Warner, Rhinehart); NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

b. Memorializing the Governor and Legislature of the State of New York in Support of continuation of the Empire Zone Program (Sponsored by Mr. Jordan, Mrs. Rapp)

Mr. Jordan said that the Governor has indicated that he is looking to scrap the Empire Zone program, which is very concerning to him. As far as Onondaga County and the Economic Development office is concerned, the Empire Zone is really the only tool they have to try to draw and retain business in the area. NYS is one of the most business unfriendly states in the Nation. A report was prepared by NYSAC, which highlighted the fact that businesses across the nation view NYS as a poor state to do business in--high tax rates, high utility rates, etc. In Onondaga County roughly 300 businesses have been certified to qualify for Empire Zone benefits. By virtue of their certification as an empire zone qualified business, they received about \$177 million in tax credits. In return for those credits, businesses invested approximately \$1.5 billion in the local community; generating almost \$5 billion in gross wages for new and existing employees.

Because of the talk in Albany about eliminating Empire Zone benefits, business have put their plans on hold. He referred to Serious Materials--because of the backlog in Albany and the failure to act on applications, Serious Materials decided to open up in Pennsylvania. They immediately hired 35 employees and are looking to have 150 by the end of the year; it is business that could have located here and was lost.

The State is looking for the program to sunset in June 2010, with nothing else in its place. It is an enormous concern that a signal is being sent to presidents of companies and businesses that the State of New York can't be relied upon in terms of economic incentives. A number of businesses have made it clear that they would not have located or expanded here if it weren't for the Empire Zone benefits that they received. This resolution asks Albany to continue the Empire Zone Program as amended, with suggestions. He suggested that a committee or commission be created that would review companies that are not meeting certain benchmarks and they would determine if benefits should be continued or not depending on the circumstance.

Mr. Stanczyk said that he agrees that the State should clarify its position - whatever reforms they will put in place should be done immediately so that people know what to expect long term. The program has to be completely revised and should be renamed - the Empire Zone Program will forever be affiliated with flagrant and abusive practices. He wants the State to be involved in economic development and to forcefully and strongly come forth with reforms of the existing program that has been an embarrassment. Mr. Jordan said that a lot of the significant abuse occurred when the program was in its infancy, and many, if not most of them, have already been addressed in prior reformations. The program has been refined and bettered for 8-9 years--doesn't agree that it should be scrapped without anything new in its place; has no problem with changing the name of it.

A motion by Chair Rhinehart, seconded by Mr. Warner to approve this item. AYES: 5 (Kilmartin, Kraft, Holmquist, Warner, Rhinehart); NOES: 0; ABSTENTIONS: 2 (Stanczyk, Kinne); Out of Room: 1 (Corbett). CARRIED.

c. Memorializing the Governor of New York State and the NYS Legislature to Change the Formula for Determining NYS Star Benefits to reflect Allocations Made to School Districts (Sponsored by Mr. Jordan)

Kathy Campbell stated that each the County provides part of its sales tax revenue to each of the school districts--helps to reduce the school tax levy. When it reaches the school tax levy, it reduces the school tax rates. When the State calculates the STAR exemption reimbursement to the schools, it uses the school tax rate and the STAR exemption amount. Because the STAR exemption amount is already reduced because of the sales tax revenue, Onondaga County loses STAR reimbursement for the school districts.

Mr. Kilmartin asked what percentage of sales tax is moved to the school districts from the County. Mrs. Campbell provided a spreadsheet (*attachment #1*).

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

d. **Memorializing the Governor and the Legislature of the State of New York to Eliminate the Proposed Increase in the Beer Excise Tax** (Sponsored by Mr. Lesniak)

Mr. Warner said that a short time ago the Budweiser plant in Baldwinsville was bought by the InBev Corporation, which has several plants throughout the U.S. It would not take much for them to close the Baldwinsville plant and produce their beer somewhere else, where it could be done less costly. History has shown that essentially when the excise tax is raised on beer, it produces the loss of several jobs. In this case, there are thousands of jobs at stake - branching out to the trucking, bottling industries, etc. We cannot afford to lose this facility in Central New York. This resolution asks the Governor and State Legislature to remove the excise tax on beer, which only affects the Budweiser facility in Baldwinsville; the other microbreweries in NYS are exempt.

Chairman Rhinehart said that the excise tax singles out Budweiser as the only facility in the state that would pay the excise fee--every other brewery in the state is exempt--it was targeted at one facility. A facility that is a major employer in CNY and a big taxpayer. Mr. Warner said that they produce 2.2 million barrels with 35 gallons per barrel. He added that when their contract was negotiated, it was only good if there was no tax increase on beer--now could be a renegotiation of contract and a tremendous mess.

Mr. Holmquist said that this is a Baldwinsville/Anheuser Busch tax; it is nothing less than outrageous.

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

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

e. **Memorializing NYS Housing and Community Renewal Agency to Approve Funding for the Village of North Syr. in the Co. of Onon. to Build Affordable Senior Housing** (Sponsored by Mrs. Rapp, Mr. Jordan)

Mr. Jordan explained that the legislature previously approved a resolution allowing the Toll Road Park in the Village of North Syracuse to be removed from the list of State parks to be used to build affordable senior housing, which there is need for in North Syracuse. This resolution asks for approval of the funding.

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

f. **Res. on the Spending of Federal Economic Renewal Grant to Onon. Co.** (Sponsored by Mr. Corbett)

Mr. Corbett said that in the federal stimulus packages that are coming out, including those for Onondaga County, there is language called the Buy American Act, which entails that goods and services for all intents and purposes be provided by American providers. He has looked into it with the legal department, and the resolution encompasses everything in the Buy American Act. He has a lot of information that he can provide to legislators.

All committee members asked to be listed as co-sponsors.

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

g. **Establish Onondaga County Legislature 21st Century Commission** (Sponsored by Mr. Buckel)

This item was discussed in conjunction with item 11a. Mr. Warner asked if this is something that would go to the Charter Committee; Mr. DeMore said that it could. It was suggested that the resolution may need more discussion at committee. Chairman Rhinehart agreed. Mr. Stanczyk said that he is hopeful that Mr. Buckel and Mr. DeMore can get together and put something out before Session.

A motion was made by Mr. Stanczyk, seconded by Mr. Kinne to approve this item. AYES: 2 (Stanczyk, Kinne); NOES: 4 (Corbett, Holmquist, Kilmartin, Rhinehart); ABSTENTIONS: 1 (Warner); ABSENT: 1 (Kraft). Motion DEFEATED.

h. **Recommending Appointments to CNY Regional Transportation Authority** (Sponsored by Mr. Meyer)

Chairman Meyer said that there are 2 vacancies presently on the CNYRTA Board. At Co. Facilities Committee there were a number of resolutions presented. There has to be 2 names per vacancy, and he included a name provided by Mr. Stanczyk on this resolution.

Mr. Stanczyk said that he has four versions of this resolution; he would like to work this out with the Chairman. He would co-sponsor this resolution, if it can be moved to the floor without a vote today. He has not had his versions presented to committee, but should he want them brought to a vote on the floor, he would like to know that they won't be stopped by procedural mechanisms.

Mr. Stanczyk made a motion to move this item to the floor, seconded by Mr. Kinne. A vote was taken on the motion: AYES: 2 (Kinne, Stanczyk); NOES: 6 (Kraft, Corbett, Holmquist, Kilmartin, Warner, Rhinehart). MOTION CARRIED.

In answer to Mr. Corbett; Chairman Meyer said that the vacancies have existed at least a year. In answer to Mr. Warner, Chairman Meyer said that legislators do not serve on the board; appointments are for multiple years.

A motion by Mr. Warner, seconded by Mr. Holmquist to approve this item. AYES: 6 (Warner, Holmquist, Kilmartin, Kraft, Corbett, Rhinehart); NOES: 0; ABSTENTIONS: 2 (Warner, Stanczyk). CARRIED.

12. **LAW DEPARTMENT**

a. **Settlement of Claim**

A motion was made by Mr. Corbett to exit regular session and enter into executive session to discuss a pending lawsuit entitled "State Farm Fire and Casual Company as Subrogee of John J. and Joan Middleton V. the County of Onondaga". Passed unanimously. MOTION CARRIED.

A motion was made by Mr. Corbett to exit executive session and enter into executive session, seconded by Chairman Rhinehart. AYES: 6 (Kinne, Warner, Kraft, Kilmartin, Corbett, Rhinehart, Holmquist); NOES: 0; Out or Room: 1 (Stanczyk). CARRIED.

A motion was made by Mr. Corbett, seconded by Chairman Rhinehart to approve a resolution entitled "AUTHORIZING THE SETTLEMENT OF THE COURT ACTION OF STATE FARM FIRE AND CASUALTY COMPANY AS SUBROGEE OF JOHN J. AND JOAN M. MIDDLETON V. THE COUNTY OF ONONDAGA". AYES: 6 (Kinne, Warner, Kraft, Kilmartin, Corbett, Rhinehart, Holmquist); NOES: 0; Out or Room: 1 (Stanczyk). CARRIED.

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature
