

Office of the Onondaga County Legislature

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PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
CASEY E. JORDAN, CHAIRMAN
May 11, 2009

MEMBERS PRESENT: Mr. DeMore, Mr. Stott, Mrs. Rapp, Mr. Stanczyk, Ms. Williams

MEMBERS ABSENT: Mr. Rhinehart

Chairman Jordan called the meeting to order at 11:00 a.m. *A motion was made by Mr. Stott, seconded by Mrs. Rapp to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

1. Economic Development: Mr. Kim Hall

a. A Local Law Amending a Previously Designated Regionally Significant Project Within the Onondaga County Empire Zone

Renovate, remanufactures computers; the company projected 73 new jobs, has created 160 new jobs after one year. The average salary is about \$13 an hour, they offer 401K, health and dental insurance. They are asking to revise the local law already passed by the Legislature to approve a second building (108,00 sq ft.) that the company wants to expand into.

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

In answer to Mrs. Rapp, Mr. Hall said the company is ready to hire 20 additional people next month.

A vote was taken and passed unanimously; MOTION CARRIED.

b. A Local Law Designating a Boundary Revision Within the Onondaga County Empire Zone

Proposing the inclusion of 101.45 acres located in the Town of Van Buren as the 6th distinct and separate contiguous area within the Onondaga County Empire Zone (currently have 400 acres that are not utilized). Mr. Hall said presently there is nothing in the northwest quadrant of Onondaga County. This area includes a business park, Quaker Steak and Lube and a hotel at this time. New York State approved their application.

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

2. SOCPA: Mr. Don Jordan, Director

a. Calling for a Public Hearing on the Proposed Inclusion of Viable Agricultural Lands Within Certified Agricultural Districts Pursuant to Section 303-b of the New York State Agriculture and Markets Law

The month of January is the open period for people to request to add their properties to the Agricultural Districts. There will be additions in the Town of Skaneateles, Village of Elbridge and Town of Elbridge.

Chairman Jordan asked what the benefits are when included in an agricultural district. Mr. Jordan said there are tax breaks for being an active farm within the district, also rating the farms; there is criteria they have to meet, these properties do.

Mr. Stanczyk asked what the agricultural assessment is compared to regular assessment. Ms. Harrison said it is a sliding scale; difference between the two is possibly one third of the tax.

Mrs. Rapp asked if it precludes any development on those lands, Mr. Jordan said it does not; the land could be removed from an agricultural district. Mr. DeMore said if somebody sold land in a district, the town could get back the credits, the reduction in

assessment; a new owner might have to pay that back, although he hasn't seen that happen. Also, it makes it more difficult for the town to add certain zoning restrictions on farms if in an agricultural district.

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

3. Central New York Regional Market Authority:

a. Confirming Reappointment of Maria Mahar to the Central New York Regional Market Authority

Ms. Stanczyk said this is the Legislature's reappointment. Mr. Jordan said Ms. Mahar was appointed last year, she is employed by Onondaga County Department of Aging & Youth as a Nutrition Services Coordinator, was instrumental in implementing a farm fresh mobile market that goes into lower income areas, she has an impressive background.

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

4. INDUSTRIAL DEVELOPMENT AGENCY:

a. Confirming Reappointment and Appointment to the Onondaga County Industrial Development Agency (Karen Kitney, Donna DeSiato)

Ms. Stanczyk said Ms. Kitney was appointed last December to fill a vacancy, and she is now up for reappointment to serve another three years. Ms. DeSiato is the current Superintendent of Schools for East Syracuse-Minoa Central School District, would fill that capacity where they ask for a representative of a school board or school district. It would be a three-year term.

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

5. COMMUNITY DEVELOPMENT: Ms. Linda DeFichy, Director

a. American Recovery and Reinvestment Act - Application for Additional Community Development Block Grant Funds (\$663,619) - Informational

Ms. DeFichy said they were notified in February that they would get \$663,619 in stimulus funds for community development type activities. There was no guidance until last Wednesday, May 6th, and on Friday, June 8th, they were notified that they had to submit their tentative projects by the end of the day. It is a formula allocation - 27% of what they got in 2008 to be used for infrastructure, job creation. Final proposal for projects is due to HUD by June 5, 2009. Projects are expected to be bid, awarded, ready to start and ready to expend within days of funds being approved, probably some time in July. Ms. DeFichy said they are looking at projects that will already be underway this summer from last year's funding, will ask for another phase for a few of these projects instead of waiting to next year.

In answer to Mr. DeMore, Ms. DeFichy said when they sent applications out to the towns and villages in January, they were told that they may have additional money from the stimulus plan and to keep that in mind when they apply. There are four or five projects that have applied for an additional phase.

Mr. Jordan said he feels uncomfortable with being given thirty days to determine how to spend the money, seems like it is an invitation for abuse and inefficiencies with taxpayer dollars. Ms. DeFichy said the Steering Committee is already in the process of reviewing those projects, and the staff has reviewed all projects. They already know which projects will have an additional phase, those phases probably would have been approved anyway, but not until next summer. Ms. DeFichy noted that project costs will be kept down by continuing the project with the second phase, they wouldn't have to re-bid for the second phase and residents wouldn't be inconvenienced again next summer. They are looking for projects that may be able to be done as change orders to the existing contract. The projects would have been approved shortly, and then would have been brought to June committee; they just had to speed it up a month.

Mrs. Rapp mentioned an idea that she heard about that could triple this money for them - takes the money and directs it to small business throughout the county. This was done in California; it is an opportunity to reduce energy costs by using a software where they can go into a business, with very little training, and check the heating and cooling systems, lights, etc. - all the places where businesses are leaking energy. National Grid has received a \$4.5 million grant to help reduce energy costs. In California they partnered with Block Grant money (Block Grant paid 30%), there was not cost to the businesses. The vision is to do it like a citizens campaign for the environment - go out block by block in the neighborhoods. The utility company would pay the capital costs and the Block Grant would pay the soft costs. A computerized system would measure the reduction in energy used by the community, it could be up and going within two months, it would be tied to local contractors. This would create a seamless system - the money would go to the people it is suppose to go to, and it can be tracked. Ms. DeFichy said they don't have much time, had to submit tentative plan last Friday, have to start the public comment period and come to committees, it also has to meet the requirement of being in a low income area. Ms. DeFichy said it could be used with other community development funds. Mrs. Rapp said it had a 98% approval rating in California, according to reviews she read.

Mr. Stott asked if the projects chosen for this stimulus money would come back to the Legislature. Ms. DeFichy said they would bring it to Ways and Means after selection by their board and after the public comment period.

Mr. Stanczyk asked how much money was spent for community development projects last year and how many were not funded. Ms. DeFichy said on any given year they get about \$3 million in applications and they fund about \$1.2 million. Mr. Stanczyk asked how much was requested this year with the extra stimulus money. Ms. DeFichy said they didn't get much more.

Mr. Jordan said he just got a call regarding the stimulus money on Friday; the committee needs more information, more detail on what is being done. Mr. Stanczyk said **he would like to have a list of the projects submitted last year that they approved and a list of the projects being submitted right now, wants to make sure that the money is being spread around all the different communities.** Mr. Stanczyk said he is intrigued by what Ms. Rapp said, have been doling out money for sewer, water, schools, senior housing projects in the community for years in the Community Development Block Grant. If there were a way to use some of this money to do something that saves energy, helps business, develops jobs, it would be much better spent than adding \$150,000 to a pipe project. With the stimulus money coming down, thinks they would want to develop different scenarios, try different things rather than just doing what they always do. Ms. DeFichy said this is a small allocation with an emphasis for infrastructure, but there is a lot of money coming for energy. **Mr. Stanczyk said he wants to know precisely where this money is going, how it is adding to contracts from last year and how it is going to effect what they are doing next year.** Ms. DeFichy said it would be ready for Ways and Means.

Mr. Stott said he is frustrated that our local government has an agenda being pushed from the federal government. If told two days ago that they have 30 days to spend this money, they don't have the time, it is money that will be spent on a project that is going to be done anyway, whether this year or next that will benefit the community. Mr. Stanczyk said if they spend the time anticipating that we might get more money, they don't have to react in 30 days, have already pre-planned.

In answer to Mr. DeMore, Ms. DeFichy said they didn't have any guidance on how this money should be spent until last Wednesday and had to submit tentative projects on Friday. Mr. DeMore noted that they have certain restrictions on how they can spend that money; Ms. DeFichy agreed.

The meeting was adjourned at 11:36 a.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

PUBLIC SAFETY COMMITTEE MINUTES - May 12, 2009
CHAIRMAN RICHARD LESNIAK

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

MEMBERS ABSENT: Mr. Masterpole

ALSO PRESENT: see attached list

*Chairman Lesniak called the meeting to order at 10:05 a.m. **A motion was made by Mr. DeMore, seconded by Ms. Williams, to waive the reading and approve the minutes of proceeding of the previous committee. CARRIED.***

1. Sheriff: Chief William Peverly

a. **Authorizing an Agreement With the Town of Lafayette for the Provision of Enhanced Police Services and Amending the 2009 County Budget (\$2,500)**

Through an enhanced service contract, the Sheriff's Dept. provides primarily vehicle and traffic enforcement services over and above what normal patrols that would be done in an area, a maximum 46 hours. Overtime hourly costs are built into the contract, including administrative and vehicle charges. A breakdown of charges was reported: \$39.70 deputies overtime; \$3.04 FICA; \$1.68 Workers Comp; \$4.57 unemployment; \$.06 shift differential; \$3.70 vehicle cost; \$1.54 administrative, Total = \$54.29. Mr. Lesniak asked how the 46 hours are tracked. Chief Peverly said that the officers are assigned and submit overtime slips, which is tracked through the fiscal office.

In answer to Mr. Buckel, Chief Peverly said that the difference between enhanced and routine is that with enhanced the officers work targeted traffic enforcement areas at targeted dates and times, based on the request of the town. If a municipality has local traffic laws, the Sheriff's Dept. enforces under those traffic laws, and the revenue generated goes back to the municipality.

It is an offset for the enhanced services that they get. There are other enhanced services contracts with other municipalities, i.e. the Town of Salina has two--one for traffic and one just for parks patrol. Mr. DeMore noted that the Town of Fabius had it when there were problems in the village with trucks going through in the summer; it worked out well and paid for itself.

In answer to Mr. Warner, Chief Peverly indicated that there is a State Police station in Lafayette. Mr. Warner questioned if they provide these services. Chief Peverly said that the difference is that the town is looking for dedicated patrols, specifically at certain times, in certain areas, in certain seasons to do enforcement work. On regular patrols there can't be concentration on a focused area. In the southern part of the county there isn't a great deployment of staff because the volume and frequency of calls isn't that great.

Mr. DeMore asked to be a co-sponsor.

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

b. **Amend '09 Budget to Accept State Homeland Security Funds for the Sheriff's Office (\$200,500)**

These funds are dedicated to law enforcement for the prevention and response to terrorist activities. This requires equipment acquisitions and training requirements for IEDs, explosive devices, etc. Experts will be brought in to provide the training for all law enforcement officers, not just Sheriff's office. The second component is information sharing--5 town police departments (Geddes, Liverpool, Camillus, Manlius, and Dewitt) and Syracuse Police Dept. Each town will purchase one plate reader and the SPD will purchase two.

Regarding the plate readers, a central server has been set up where data will be captured and stored. There has been a great deal of success with them. They can go back into the server, and based on the data retrieved from the plate readers, vehicles can be identified by plate numbers of suspects that were in the area, which helps to build a case. In some instances, it helps to identify suspects in criminal cases. He said plate readers are being set up on a regional basis to operate off of one server so that in addition to the Sheriff's Dept., all town and village agencies, SPD will be sharing the same data base of information.

The Sheriff's Office currently has 6 plate readers; they also buy extended warrantees because the service and maintenance on them is expensive. Plate readers cost about \$17,000-\$18,000 ea.; replacement of some of the components can be \$6,000 - \$7,000. He noted that if there is sufficient funding after the final cost is known for the 7 plate readers and extended warrantees, then one would also be purchased for the Sheriff's Office.

Mr. Warner asked what kind of security system is in place--how is someone locked out from accessing the system. Chief Peverly said that they have a code system with levels of security on it; there is only one server and it is not connected to the County mainframe. The device has to be programmed into the server.

Mr. Holmquist asked about a goal to obtain a certain amount of the plate readers. Chief Peverly said that they would like a few more, but do not want a lot more because of the cost and maintenance on them. Once the maintenance agreements expire, they become the County's financial responsibility. Also, the systems are only a few years old and the life expectancy is unknown--don't have enough experience with them at this stage.

Mr. Buckel asked how the plate readers are deployed and connected to other devices. Chief Peverly said that they are connected to the vehicles; a wireless system, and they have access directly to DMV information. DMV downloads the information daily to the central server, which reads and interprets it. They are used for routine patrol. Some are fixed mounts, which are done in traffic enforcement cars, and the others can be removed and placed on other cars. There may also be an application where they can be fixed-mounted to a public area.

Mr. Buckel asked if the evidence obtained through these systems has been ruled as admissible in a case. Chief Peverly did not know.

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

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

Respectfully submitted,
DEBORAH L. MATURO, Clerk

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

ALSO ATTENDING: *see attached list*

Chairman Laguzza called the meeting to order at 11:00 a.m. ***A motion was made by Mr. Warner, seconded by Chair Laguzza to waive the reading and approve the minutes of proceedings of the previous committee. CARRIED.***

1. Aging and Youth: Lisa Alford, Commissioner

a. **Amend '09 Budget to Accept American Recovery and Reinvestment Act Funds for Congregate Meals Prog., Home Delivered Meals Prog., and Senior Community Service Employment Prog. (\$178,283)**

This accepts an additional \$53,885 for the Senior Employment Program, which assists low-income seniors with 20 hrs. of paid training and work experience; helps develop work skills and lead to unsubsidized employment. There are currently 15 slots in the program; this allows 6 more.

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

Mr. Mathews, Director for Senior Employment Program, noted that the average stay in the program is about 9 months. A 30 and 90 day check is done on the people who exit the program for employment; it has shown an 80% success rate. At the point they leave the program, the County is given credit from the State for placing someone. Last year Onondaga County was the only large county in the stat that met all of its employment goals, and only one of only 3 total in the state that met all employment goals.

Mr. Lesniak asked if the participants are funded through the County. Mr. Mathews said that the money comes from U.S. Dept. of Labor, through NYS Office of Aging and participants receive a check from the County. Ms. Alford confirmed that if the funding ends, the positions will end. Mr. Mathews said that it is a 1-year grant-anticipates that if there are people sitting in that particular funding stream, they will be able to move over to the regular ongoing employment program. The one-year ends June 30, 2010. Positions are a choice of the seniors; they come in with their background; people are placed in positions that match their skills.

* Mr. Stott arrived at the meeting.

Other additional funding is for congregate meals--increases the number of meals provided to seniors; it will provide emergency meal kits. The kits will be provided to people that are part of the Meals on Wheels Program as well as to persons who come to congregate sites. It was noted that low income people will be prioritized; 900 emergency kits will be purchased, which contains 2 meals in each kit. The products do not expire for 2 years. Mrs. Schmidt showed a sample of an emergency kit to the committee.

Mr. Lesniak asked if this is stimulus money; Ms. Alford said that it is. He asked what is being done to find out if there are areas that aren't being reached. It was explained that an outreach worker will go out to rural areas and visit local churches, and other agencies.

Ms. Alford pointed out that this money allows an additional 22,000 meals, 20,000 lunches, 2,000 breakfast meals, increases home delivered meals by an additional 13,000.

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

Mr. Lesniak said that he was part of a fundraiser for a fire department over the weekend and it was noted that many of places don't have readily available phone numbers or locations to drop off left over food. He asked if the County could send the fire departments, church groups, etc. contact information in their areas so that they can drop of the extra food and provide additional meals. Ms. Alford said that they could do that. Mr. Stott noted that there might be Health Dept. restrictions; Mr. Lesniak said that these would be events that are working under Health Dept restrictions -

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

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

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

ALSO PRESENT: see attached list

Chairman Rhinehart called the meeting to order at 1:00 p.m. ***A motion was made by Mr. Corbett, seconded by Mr. Warner to waive the reading and approve the minutes of proceedings of the previous committee meeting.***
MOTION CARRIED.

1. MANAGEMENT AND BUDGET

a. First Quarter Report - James Rowley, CFO

Mr. Rowley provided copies of "Key Economic and Fiscal Indicators" First Quarter 2009 (*attachment #1*).

To summarize: a steep and profound decline in revenues, most notably sales tax, off set by Federal stimulus money, FMAP.

Projections:

- Sales tax down \$24 million - based on severe recession and cash collection; 6% below last year. The deficit is projected on 4%, as within the 6% there is about a \$2 million swing in audit adjustments last year and this year. Also, there is a hold harmless agreement in sharing formula with other municipalities and school districts

Mr. Stanczyk asked to be provided with a breakdown of the shared formula and the cost to the County. Mr. Rowley said that if sales tax goes down 4%, it is a \$4.8 million piece that the County absorbs to keep everyone whole.

- Deferred & Uncollected - collection are downs
- Interest & Earnings - 3 month T-bill rate as of this morning was 1.7%
- All Other Revenues - decline in Clerk's fees - mortgage tax apportionment down over 20%; decline in both State and Federal prisoner revenue - 2009/2010 State budget eliminated reimbursement for local jails for State ready inmates as of April 1st; Federal inmates are averaging 10
- Salary & Wages - 4,483 funded budget positions, salary saved 159; have 4,324 net funded positions on average; 4,240 filled in the first quarter; saving \$1.4 million gross
- Employee Benefits - using \$2 million in fund balance to keep the premium equivalent rate flat
- Maint & Utilities - savings from renegotiated commodity contracts
- DSS Admin - Change in funding stream from State to Federal Block Grant, expect to lose \$2.4 million

Chairman Rhinehart asked if there is any discussion about eliminating positions to adjust to the loss of \$2.4 million; Mr. Rowley said "not in 2009". They expect to do more with salary savings, fuel savings, and increased utility savings, still working on the \$4.1 million shortfall-expect to close it.

Chairman Rhinehart said that last week more responsibility was taken on for administration in DSS; today the committee is told that \$2.4 million is expected to be lost. He understands that there are programs proposed contributing to more DSS administration. Mr. Rowley said that it is a change in the funding stream, as a result of the State budget. These are normal dollars, not over and above for other programs. There was reference to the Homeless Grant from Community Development, and Chairman Rhinehart said that the committee was told that DSS would administer it. Ms. Gile said that it should help in the long run regarding how much the County is spending on shelters; it will not help or hurt employees.

- IGT - local match to pull down Federal funds at Van Duyn - there is \$1.7 million in retro funds; \$9 million available this year; because of FMAP the County has to contribute 38%. To get \$10.7 million, the County has to come up with \$4.1 million match; there is \$1.5 million in the budget

Mr. Stanczyk asked if there is an ongoing subsidy to Van Duyn. Ms. Hahn explained that \$1.5 million is the subsidy, but it is only to draw down the IGT funds, which goes to general operations at Van Duyn

- Family Assistance - case load costs down slightly; caseload is up overall-up in gross costs, down in local costs

Mr. Corbett asked if for a total on the funding streams that have been taken away as a result to the State Budget. Mr. Rowley said that he would provide a summary.

Mr. Kraft asked if the local dollars, which are put up to get for a match for IGT funds, go to Van Duyn. Mr. Rowley said that they do - \$4 million put up to get \$10 million. Van Duyn gets \$10 million for operations. Mr. Hahn explained that IGT came at the expense of severe State cuts to Medicaid reimbursement. If IGT was not claimed, Van Duyn would be in a large deficit. Mr. Kilmartin asked if the IGT process wasn't pursued, what might the County have to put up to help Van Duyn plug the gap considering what they have in their surplus. Mr. Rowley said that Van Duyn is fine for 2009. Ms. Hahn said the cuts for 2009

would be about \$5 million to Van Duyn; they do have fund balance. However, by 2010 the new methodology rate will be implemented and the estimated cost to Van Duyn is about \$10 million. The deficit at Van Duyn in 2010 will be very large and would consume all of their fund balance. Van Duyn presently has approximately \$12 million in fund balance. Mr. Kilmartin asked if that surplus is expected to increase; Ms. Hahn said that they are projecting an increase of approximately \$1 million in 2009.

Chairman Rhinehart said that originally \$1.5 million was budgeted from County General to Van Duyn to draw down the IGT money; today \$4.1 million is expected to be put up. Ms. Hahn explained that the cap on IGT was \$150 million for the State; the State budget changed it to allow claiming up to \$300 million; basically doubling the amount that can be claimed. When budgeting last year, \$1.5 million was needed to get the IGT money; now with an increased pot, it allows the ability to claim more. Chairman Rhinehart said that the County then has to increase a pledge of \$2.6 million to Van Duyn that wasn't budgeted for last year. He asked if the \$2.6 million is part of the \$4.1 million projected deficit; Mr. Rowley said that it is. Chairman Rhinehart asked how the \$2.6 million can get back to County general; Mr. Rowley said that it can't. Ms. Hahn said that once IGT funds are expended, they must remain with the facility. Mr. Kilmartin asked if the claw back contaminates the whole pool of surplus that prevents the County from clawing back anything from the surplus funds at Van Duyn. Ms. Hahn explained that at this point all of the surplus at Van Duyn comes from IGT.

Mrs. Rapp asked if the same kind of IGT payment is expected next year; Mr. Rowley said that it is; there is an opportunity to put \$4.6 million in 2010 budget to get \$12 million into Van Duyn. Mrs. Rapp asked about an offer to change the reimbursement rates. Ms. Hahn said that there was a new reimbursement methodology, part of the Berger Report. They delayed implementation until January 1, 2009 and then they took it out.

Mr. Kinne asked when a decision will be made about Van Duyn--when will it be put forth and discussed. Mr. Rowley said that they are working on it. It is at the top of the list for the administration. Things are being done to protect the asset, make it more valuable, so that no matter what decision is made, there is a good asset going forward.

- Foster Care down \$1.2 million attributable to the reduced number of kids in institutional placements
- Pre School Handicapped - last year had a big case load increase; the case loads have stabilized, but the cost of services has driven the costs up
- DSS Purchase of Services - reduction in the contracts
- Sheriffs Overtime - Sheriffs Dept. working hard on controlling, but still seems to be under budgeted
- Corrections Overtime - being addressed
- Other - Highway Dept - reduced transfer to Road Machinery Acct and County Road fund

Mr. Rowley said that \$7.6 million is the projected shortfall; however, the City has proposed a tax lien sale, which will net about \$3.5 million; and bring the total projected shortfall to \$4.1 million. Chairman Rhinehart asked how the \$4.1 million is being addressed. Mr. Rowley said that there is still a hiring freeze on; expect to squeeze more money from 101, more savings in utilities, continue austerity measures.

Mr. Stanczyk said that this budget may balance at the end of the year because of \$20 million Federal stimulus. Next year there is \$15 million stimulus; and said that if all stayed the same, it seems there would be \$5 million problem next year. Mr. Rowley disagreed.

Mrs. Rapp asked if the \$4.1 million deficit takes into account if a retiree health plan goes into effect. Mr. Rowley said that it does not; this year if it went into effect it would be \$225,000, which is a conservative number. Mrs. Rapp asked if that is solely salary savings; Mr. Rowley indicated that it is.

Mr. Kilmartin asked if the stimulus money is all contained in FMAP revenue and FMAP reduction of expenditure. Mr. Rowley said that there are a couple of pieces in foster care and DSS administration, which are accounted for also. FMAP is unrestricted funds; it is reimbursement of our contributions to Medicaid. The \$12.7 million is a credit to the bill; the \$7.3 million is cash that came into the County.

Mrs. Rapp asked how much was anticipated to be received for Medicaid reimbursement that is not now being received at Van Duyn. Ms. Hahn said that for 2009 they are looking at about \$5 million; in 2010 about \$10 million.

Mr. Kilmartin referred to sales tax adopted for 2009, a significant jump to \$157.7 million, and asked how that projection was arrived at. Mr. Rowley said that at the time of adopting the budget, gas was at \$4/gallon; the cap was lifted on gasoline tax. Mr. Kilmartin asked if there was any other criteria that gave rise to that increase. Mr. Seitz said that it was \$2 million in growth and approximately \$12 million for gas cap.

Mr. Stanczyk referred to 2010 budget with \$15 million in stimulus, which should be a \$9.1 million problem to take care of and asked for an explanation. Mr. Rowley said that they expect a 1% growth in sales tax, projecting \$133.7 million; relative to 2009 they are off \$1 million in 2010 budget. Mr. Stanczyk said that if sales tax revenues are going up for 2010 then there is reduction

in the problem. Mr. Rowley said that the proper way to think about it is from budget to budget - tax to support a 2009 budget; the assumptions they had in the 2009 budget are gone; and new assumptions are made for 2010. The biggest assumption is on sales tax; it is down for 2009 because \$158 million was budgeted in sales tax. In the 2010 budget they project being down \$22.6 million. In fund balance, \$3.7 million was allocated in 2009, which has to be made up; have salary increases, FICA, ERS contribution of about \$7.7 million; radio debt of \$2.9 million for interoperable; there are net mandated programs of \$1.4 million. After accounting for FMAP money; there is a \$38.3 million projected hole for 2010. Mr. Stanczyk said that the projection should be taken from the 2009 forecast. Mr. Rowley said that it can't be done that way - the 2009 budget was constructed in a manner to support operations-supporting salaries, programs, etc. Mr. Stanczyk and Mr. Rowley disagreed on the way the 2010 budget should be forecast.

Chairman Rhinehart said that pushing to 2011, stimulus is substituting County money for 2 years; in 2011 it is done as of now. Federal money is being used to plug the budget now for 2 years, where are we in 2011. Mr. Rowley said that they are just starting the 2010 budget. Hopefully there was enough cut backs in 2010 to cover the \$38 million hole so that the problem in 2011 isn't as bad; hopefully the economy turns around and sales tax will start climbing again. Sales tax negotiations are coming up in 2010, which is part of his strategy.

Mr. Stanczyk said that every budget in the last 13 years or so has finished in the black; he is confident that it will this year also. When budgeting for next year, it takes into account what was done this year. To turn around and say that we will re-budget back for when times were good is ludicrous. He does not see a big problem. Mr. Rowley said looking at it imperially, the City is taking \$25 million from fund balance to balance their budget; the City of Rochester has \$35 million hole; every metropolitan area in the country has had massive deficits. The national economy may turn it around, but municipal budgets are a big problem, and Onondaga County is no exception.

Mr. Stanczyk said that he takes exception to the way the budget is being projected for next year; there is not a \$38 million problem; there is \$5 million problem. Mr. Rowley said that they did a projection for 2010, which basically took 2009 BAM, which is the plan to spend, tax and make assumptions relative to revenue to support 2009 BAM. They assumed salary increases of 3%; assumed a factor for fuel and energy increases, put in the increased mandates and debt service that was known, and projected a 2010 budget of about \$795 million general budget compared to the adopted gross budget of \$780 million. In order to close the gap, they would have to get much below that projected number.

Mr. Kilmartin referred to 2010 budget and asked if the \$38 million projection is after taking account for \$15 million. Mr. Rowley said that it is. Mr. Kilmartin said that if everything were to stay the same in 2009/2010 and pull out the \$15 million in stimulus for 2010, and add to \$38 million to it, it is a ballpark \$53 million deficit for 2011. Mr. Stanczyk said that the expenditure has not been set in place and it is erroneous to put that number out there.

Chairman Rhinehart pointed out that of the \$4.1 million shortfall this year, \$2.6 million is because of Van Duyn and needs to be a topic of discussion at the Health Committee.

b. **Memorializing the NYS Legislature to Enact Senate Bill No. S.05121 and Assembly Bill No. A.08034A Entitled "An Act to Amend the Tax Law in Relation to Extending the Authorization of the County of Onondaga to Impose and Additional Rate of Sales and Compensating Use Taxes" and Concurring in the Preparation of a Home Rule Request**

Mr. Warner asked what this means in dollars if this isn't passed; Mr. Rowley said that it is about \$70 million.

A motion was made by Mr. Warner, seconded by Mr. Corbett to approve this item. AYES: 6 (Corbett, Holmquist, Rapp, Kilmartin, Warner, Rhinehart); NOES: 1 (Stanczyk); ABSTENTIONS: 1 (Kinne); Out of Room: 1 (Kraft). MOTION CARRIED.

Mr. Rowley noted that the County portion is about \$50 million; the City gets about \$11 million.

2. COMPTROLLER

a. Comprehensive Annual Financial Report - Robert Antonacci, Jr., Comptroller

Mr. Antonacci reported that the full CAFR has been issued to legislators alone with the following narrative. He said that he didn't expect the committee to digest the document all at once--wanted to give a guide to understanding the CAFR and how it can be used in everyday duties as legislators serve the taxpayers.

Today our office hereby releases Onondaga County's Comprehensive Annual Financial Report (CAFR) for the year ending December 31, 2008. The release of this report in such a timely fashion is essential to the maintenance of our bond rating and continues to add to our reputation of sound fiscal management.

The CAFR was prepared under the direction of Deputy Comptroller James Maturo and Chief Governmental Accountant Anthony Calogero. In addition, my audit staff, led by Deputy Comptroller Tom Squires, provided much of the underlying audit

work. With both divisions working together we again lead all counties in New York by becoming one of the first to release our financial statements. I respectfully recognize the efforts of all my staff as their hard work has contributed greatly to the financial stability of this county.

This committee of the Onondaga County legislature is the first to enjoy the release of our financial statements. Since we do not expect the full comprehension of such a voluminous document at first read we respectfully offer the following comments as your review this document.

Once again the county has received an unqualified opinion from the independent auditing firm. In non-accounting jargon we have received a "clean" opinion, which means among other things the county is fairly stating its financial position in all material respects.

This opinion is important for many reasons. First as a sitting legislator and taxpayer take comfort the county is diligent in reporting financial data accurately and timely. This allows all, bond-rating agencies, taxpayers, vendors and any with an interest to use this financial "tool" to make informed, reasoned decisions involving Onondaga County.

As a leader in government financial reporting, our county issues a CAFR as opposed to basic financial statements. We go beyond the minimum standards for financial reporting by issuing such a comprehensive report. We believe this entire report can and should be used in your legislative capacities when reviewing any financial issue requiring your attention.

The CAFR consist of the following sections:

1. Letter of transmittal- pages iii-vii
2. Opinion Letter from independent auditor-pages viii-ix
3. Management Discussion and Analysis-pages x-xx
4. Basic Financial Statements consisting of :
 - a. Government Wide Financial Statements- pages 1-4
 - b. Fund Financial Statements-pages 5-17
 - c. Notes to the Financial Statements- pages 18-41

We respectfully suggest the Required Supplementary Information consisting of budgetary information on major and non-major funds (pages 42-60) would be of tremendous use during budget sessions. These statements reflect budget to actual financial figures and assess our variance from the budget.

The Statistical Section, beginning on page 61 is another useful financial tool providing historical perspective on many key financial conditions.

In closing, no one single measure of financial condition can fully capture the financial stability of our government. Each of your constituents may gauge financial success differently. However, the discussion must begin with and be based on sound financial data. The issuance of timely financial statements begins the discussion and we are proud to submit this Comprehensive Annual Financial Report for the year ending December 31, 2008, to help you serve the taxpayers of Onondaga County.

In the weeks ahead we will provide more detailed analysis of key parts of the CAFR. Expect these briefings to center around several major topics including but not limited to GASB 45- Other Post Employment Benefits and Sales Tax Revenue.

As we know, our County Executive and Chief Fiscal Officer have already commenced budget preparation and have signaled some of the difficulty we are facing. This CAFR will help you understand the past but more importantly help understand the recommendations being proposed by the County Executive.

Mr. Antonacci pointed out that page 42 is a tool to be used to look at the 2008 budget as adopted and compare to actual results of operations. The historical data might be useful in determining the 2009 budget. The CAFR will also help to understand current proposals. He noted that one current proposal, which is in front of the Legislature from the County Executive, has to do with OPEB, health insurance proposal. He referred to Note 10 of the financial statement. He noted that GASB 45 is an intimate part of the financial statements and will help legislators understand the dilemma the County is facing from the rising cost of health care. The FMAP funds are displayed in Note 16.

Mr. Antonacci noted that the following are four policies dealing with the financial structure. He said that all four policies are in compliance; they have to do with debt ratios and fund balance.

Supplemental Information

Analysis of Key Financial Policies of Onondaga County

General Fund debt service below 5% of General Fund Revenue:

Revenue \$598,629,607

5% 29,931,480

Debt Service 14,437,636

Net direct indebtedness to remain below \$500 per capita:

Net direct debt \$119,427,000

2008 Population 457,714

Per capita \$261

At least 65% of outstanding debt will be retired within 10 years:

Outstanding Debt \$164,447,335

Amount retired in 10 years 124,042,335

Percentage 75.4%

Undesignated General Fund - fund balance 10% of revenues:

Revenue \$598,629,607

10% 59,862,961

2008 Undesignated 65,874,512

Amount over 10% 6,011,551

Appropriated in the 2009 budget 3,684,844

Designated for tax relief and debt avoidance 2,326,709

Chairman Rhinehart referred to 65% of outstanding debt being retired in 10 years and asked if there was a benchmark standard of the industry. Mr. Antonacci said that he did not know if there is a benchmark; this is the County's internal policy. Mr. Maturo said that the longer the debt is run out, the more will be paid in interest. Chairman Rhinehart asked if the limits to when debt is retired carries any weight with the bonding agencies. Ms. Ferrara said that it does; they look for rapid payment on debt; the maximum they want is 75%.

Mr. Stanczyk said that when the policy was set for the 10% fund balance, it was a policy of the Legislature and has been misinterpreted by members of the Legislature. The policy was that once the 10% was in place, anything above the 10% were monies that could be used to reduce the burden of taxes. The burden was reduced in the '09 budget; there are still additional monies to reduce the burden as it is well in excess of 10%.

Chairman Rhinehart noted that two weeks ago the *Kiplinger Letter* talked about our President who is initiating some type of program or policy to back municipalities who have issues with bonding and guarantee them to get better bonding rates. All of these years that the county has struggled to maintain that fund balance and maintain a good bond rating, may end up being for not, as those that didn't or couldn't are able to get the same rating that is guaranteed by Federal government.

Mr. Kilmartin referred to the 10% of revenues - 2008 undesignated was \$65 million and \$3.6 was drawn down; presently there is \$2.3 million which is above the 10%; Mr. Antonacci agreed. Mr. Kilmartin asked if there has been any accrual of interest on it. Mr. Antonacci said that it is above and beyond the 10% goal for debt avoidance and tax relief. Mr. Stanczyk said that is an actual snapshot at the end of the year date. Mr. Antonacci agreed. Mr. Seitz cautioned, based on 1st quarter forecast, that revenues could dip to less than 2008 actual; sales tax could be less than received in 2008; interest and earnings have plummeted; the total revenue could be less in the 2009 actual than they were in 2008, which would affect the 10%. Mr. Antonacci said that if revenues are down for 2009 then there may not be a 10.05%, it might be 11%, 12% or 13%. Mr. Seitz said that they don't know; it depends on how FMAP comes in: a credit to expense, reduces revenue, additional revenue. Mr. Antonacci said that as revenues come down, it will eat up the fund balance, because of a deficit situation.

Mr. Kraft noted that the total budget is advertised as being over \$1 billion; this is general fund only; all other accounts are out as is the double accounting. Mr. Antonacci agreed. Mr. Kraft said that this is real; \$598 million is a real number. Mr. Antonacci

agreed. He explained that regarding sales tax, about 4 years ago the NYS Comptroller required a gross up of sales tax. In the past the sales tax wasn't disclosed for what was passed onto other municipalities. It is not accounted for in the 10% number.

Mr. Stanczyk said that 2008 was closed positively in fund balance; Mr. Antonacci agreed. Mr. Stanczyk asked what the net increase to fund balance is. Mr. Antonacci said it depends on how ratios are looked at, but in general the use of fund balance was exceeded by \$40,000, which can be found on page 43 of the CAFR.

Mr. Antonacci referred to Van Duyn and said that he doesn't personally think it is whether or not the County wants to be in the nursing home business; it is whether or not the State wants the County in the nursing home business. If allowed to rebase, or if there is a transfer of the Van Duyn asset, all of a sudden the cost reimbursement goes up and now there is a profitable nursing home. It is the same facility, same bricks and mortar and now it is profitable. Mr. Corbett added that at Community General Hospital, they are already gutting out the 6th floor, which will become more of a physical therapy, and are saying that those that are there are going over to Van Duyn.

The meeting was adjourned at 2:05 p.m.

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

EDUCATION & LIBRARIES COMMITTEE MINUTES
PATRICK M. KILMARTIN, CHAIRMAN
May 14, 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 10:36 a.m. A motion was made by Mr. Corbett, 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.

1. Onondaga County Public Library: Ms. Sally Carmer

a. Amending the 2009 County Budget to Accept State Construction Funds for the Onondaga County Public Library (\$221,750).

This is the third year of New York State's Library Construction Fund program.

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

In answer to Mr. Kilmartin, Ms. Carmer said they had to apply for specific projects with this grant; Onondaga County system-wide is eligible for about \$446,000; through OCPL, the member libraries applied for their own projects. OCPL has procured \$221,750, which is a 50% match for these projects. Funds will be used to replace the HVAC at Hazard Branch and Paine Branches and air-handling units at White Branch; these are part of a larger plan for capital improvements. Ms. Carmer said the County will match 50% of the construction work and will also have design work expenses; will use the \$270,000 line item in the branch libraries budget for capital improvements for the match.

**Ms. Winslow arrived at the meeting.*

In answer to Mr. Corbett, Ms. Carmer said they have maintenance staff to do the smaller scale projects, they contract out for some projects, depending on the size and scope, and they also work with Facilities Management. Mr. Corbett noted that Facilities Management's staff has been upgraded; they have a good mix of different fields of expertise.

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

b. Amending the 2009 County Budget to Appropriate Library Fund Balance for the Onondaga County Public Library for Electronic Controls for Compact Shelving

Ms. Carmer said the compact shelving was installed twenty years ago when the Central Library was built. The number of breakdowns with the electronic controls has increased over the last few years. The equipment is getting obsolete and it is getting more difficult to find parts for repair. They are requesting to appropriate \$200,000 to replace the electronic controls. The

estimate for the components is \$281,000, but OCPL would get a contract discount of 52%. With design work and labor installation, the total cost to replace the electronic controls will be \$199,743. Ms. Carmer said the shelving and the tracks would be retained. Mr. Kilmartin asked if they would be comfortable with the residual amount left for other proposed uses for the rest of the year. Ms. Carmer said "yes".

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

Mr. Corbett asked if there is a mechanical override when the electronics fail. Ms. Carmer said there is, but if you have to move six stacks, it becomes difficult.

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

2. Onondaga Community College:

a. Calling for a Public Hearing on the Tentative 2009 - 2010 Budget of the Onondaga Community College

Mr. Kilmartin said the public hearing is scheduled for Friday, June 12, 2009 at 11:30 a.m. There will be a joint meeting of Education & Libraries and Ways & Means committees on June 9th at 1:00 p.m. for the presentation of the annual OCC Budget.

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

The meeting was adjourned at 10:48 a.m.

Respectfully submitted,
Johanna Robb, Deputy Clerk

**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - MAY 14, 2009
CHAIRMAN JAMES A. CORBETT**

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

MEMBERS ABSENT: Mr. Rhinehart

ALSO PRESENT: Legislator Buckel, *see also attached list*

A motion was made by Mr. Jordan, seconded by Ms. Williams, to waive the reading and approve the minutes of proceeding of the previous committee. MOTION CARRIED.

1. LAKE IMPROVEMENT:

a. ACJ Update - Sue Miller, Deputy Director, LIP

- Completed pipeline under railroad behind the MOST; starting shutdowns on dewatering wells
- Will be restoring area there at the end of May/beginning of June
- Behind the MOST the next phase of the City creek walk starts--will be working to ensure that restoration will augment the creek walk project--working on the creek walk with the City; many green enhancements are happening in this area

Presentations:

- Many presentations have been given regarding the ACJ project and the green direction
- Part of public education project - Save the Rain

Sewer Sep. #050

- Working with Legislator Williams on restorations issues - trees planted; have done a walk through
- Meet with residents and visited residents; met with the City arborists regarding trees; for every one tree taken out, it will be replaced with 6 trees.

Chairman Corbett said that there are specific trees that should be planted in urban settings. Ms. Miller agreed, and noted that they are working with the City arborist who has to approve everything.

Urban Forestry Program

- Grant for trees and rain gardens on near west side; 10 trees planted on Arbor Day in Skiddy Park area; another 50 trees were planted on May 5th in working with Coop. Extension--employees teens with Earth Corp Program
- A couple were urban forests - vacant lots planted with more than one tree
- 400 total trees will be planted
- County will plant some of the balled and burlapped trees in ROW in Spring and Fall
- Looking at a rain garden on Syracuse Housing property

Sewer Separation

- #051 - Calvin Street/South Ave.
- Working on IMA and finalizing the bid documents, now at DEC to get their approval

Harbor Brook Floatables Control Facility

- Have initial findings; catches CSO floatables before they go into the lake - damaged during storm - trying to figure out how to fix it to reduce the erosion and have it operate as best it can

Midland Project

- At end of performance period-contractor has been running it; when the performance period is over and the County agrees, then the County takes over operation. It has discharged to the creek after treatment 3 times; it has received flow into the facility 18 times; 9 times the pump operated and it went to disinfection; 3 of those times it overloaded after treatment into the creek; 18 times it has been operating between June '08 - April '09

Mrs. Winslow asked if that is how it is supposed to work. Mrs. Miller said that it is; the majority of times it will not be discharging; it would be holding whatever was received; it goes back down into the main interceptor after the storm and comes into Metro for treatment. Three CSOs are tied in now to Midland; the phase 3 pipeline would have brought in an additional 7; now looking at alternatives to that. The 3 CSOs account for 59% of the volume.

Mr. Jordan asked about opportunities with the federal stimulus package. Mrs. Miller said that they are hoping that there are big opportunities; at this point there is a commitment for \$20 million for the Harbor Brook project for gray. There is separate money allocated for green innovative grants. She is writing grant requests for that money; there are 5 or 6 projects totally approximately \$19 million. There is about \$38 million set aside statewide for green innovative grants--eligibility was opened up to not only governments, but also non-profits and school districts. Mrs. Miller said that the Harbor Brook Project was on the State's intended use plan. For the green projects, there is no existing list; they have suggestions, but are open to whatever may be proposed. The County has one as an incentive program to encourage private property owners to adopt and do innovative green infrastructure; some for rain barrel efforts in focused areas; some to look at green roofs and cisterns on our civic strip in the Clinton Sewer shed. Another project is on Erie Blvd.--seeing if the medians can be converted to be concave and used for storm water runoff. In answer to Mr. Jordan, Mrs. Miller said that the State has come to the County to submit proposals. Ms. Smiley added that EFC has talked to the County about proposals also. For the Clinton and Midland projects, which have been previously approved, changes can be made to them to add green infrastructure.

2. METRO WATER BOARD: David Fitch, Executive Director

a. Amend '09 Budget to Accept Funds from OCWA to Reimburse the MWB for County Water Dist. Funds Expended Relative to the Design and Engineering of Covered Storage Tanks (\$290,000)

Last year it was proposed to cover the Eastern and Western Reservoirs; tanks were funded by OCWA; during the process OCWA pledged to reimburse MWB for funds already expended for preliminary design. OCWA Board has passed a resolution; issued a check to MWB for approximately \$280,000. Initially \$290,000 was set aside by MWB for those projects. MWB would like the balance of that account to go with this and be used toward compliance as it relates to Terminal Reservoir. MWB is now under a State approved plan to address how to bring Terminal into compliance. MWB's desire is to deposit the money into a project to be used for evaluating alternatives specific to Terminal Reservoir. They would come to the Co. Executive and Legislature before they look for any bonding; does not know if it will take all of the \$290,000. In answer to Mr. Jordan, Mr. Fitch estimated that it would cost less than \$100,000 to do the evaluation.

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

Mr. Fitch noted that they are also going after green funds on the clean water/drinking water side which may qualify for stimulus money.

3. WATER ENVIRONMENT PROTECTION:

a. Approving the Increased Cost of Improvements Relating to the Onondaga Lake Remediation Project In and For the Onondaga County Sanitary District, Intended to Enable the County to Comply With Requirements Set

Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL. (\$5,000,000)

b. A Resolution Authorizing the Issuance of an Additional \$5,000,000 Bonds of the County of Onondaga, New York, to Pay the Increased Cost of the Onondaga Lake Remediation Project In and For the Onondaga County Sanitary District, Intended to Enable the County to Comply With Requirements Set Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL. (\$5,000,000)

Chairman Corbett said that last month a resolution passed that called to hold the public hearing on this item. Mrs. Miller said that items 3a and 3b have to do with the sewer separation project. Have completed 13 sewer separations; have one more to go as required under ACJ. There is \$2 million left; and this project, South Ave./Calvin St. is estimated at \$7 million. Asking for \$5 million increase in cost and authorization to bond; \$1 million is committed from the Corp of Engineers. Mr. Kraft said that item 3a refers to \$20 million; Mrs. Miller said that is a total of the \$15 million allocated under a previous resolution and the \$5 million now.

A motion was made by Mrs. Winslow, seconded by Mrs. Williams to approve items 3a and 3b. Passed unanimously; MOTION CARRIED.

c. A Resolution Approving the Increased cost of Improvements for the Onondaga County Sanitary District, Intended to Enable the County to Comply with Requirements Set Forth in the Amended Consent Judgment in Connection with the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL.

d. Authorizing the Issuance of an Additional \$26,000,000 Bonds of the County of Onondaga to Pay the Increased Cost of the Harbor Brook In-Water Capture and Treatment Project to Include Construction of a Replacement Section of the Harbor Brook Interceptor and Associated Overflows with Green and Gray Infrastructure for the Onondaga County Sanitary District, Intended to Enable the County to Comply with Requirements Set Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL.

This is a \$20 million commitment for stimulus money. The interceptor sewer, which is in deteriorating conditions is putting bacteria into Harbor Brook; have concerns about losing some of the Brook into the interceptor sewer. It needs to get done; this is an opportunity to get it done with stimulus money. Green betterments are included and are looking at the culverts along the Brook. Also putting money in for Harbor Brook Floatable control to fix the reduced erosion.

Chairman Corbett reiterated that \$10 million is a grant; \$10 million is a low interest loan (1/2 the market rate); bonding will be done for the total; and stimulus money is reimbursable as it is expended. Mrs. Miller agreed. Mr. Kraft said that the County has to repay the \$10 million; Mrs. Miller agreed. Mr. Kraft asked about the other \$6 million. Mrs. Miller said that \$20 million is for interceptor replacement and culvert repairs and restoration and green association; \$2.5 million for additional green infrastructure work (perhaps in areas where the RTFs were planned) and for fixing the Floatable Controls Facility; \$3.5 million for Harbor Brook mitigation monies. The \$2.5 million could be from a grant; the Harbor Brook money is local money. She explained that on the grant, 100% is not necessarily allocated--green grants indicate up to 90%.

Mr. Kraft said that there was \$31.5 million; have spent \$5 million; Mrs. Miller said that it was for all of the work on Harbor Brook thus far. Mr. Kraft said that this is such a hit for the community; \$600 million; hates to see a penny wasted.

A motion was made by Ms. Williams, seconded by Mr. Masterpole to approve items 3c and 3d. Passed unanimously; MOTION CARRIED.

e. Authorizing the Execution of an Amendment to the Intermunicipal Agreement (IMA) Relative to the Amended Consent Judgment

Chairman Corbett said that the City and County have been in discussions about the amendment. At approximately 4:00 p.m. yesterday he was asked to pull the item until an agreement has been met on the language.

Mr. Masterpole said that he has asked for months about the IMA; and asked why it was pulled at 4:00 p.m. the day before committee. Mrs. Smiley said that essentially they County thought they had an agreement with the City. Then an issue came up with a City school district and the County had no documentation that it was ever promised. The County was unaware of the issue. Mr. Masterpole said that if the County passed this; the City may not go along with this. Chairman Corbett said that it can't be passed if the language isn't ready. Mr. Masterpole questioned how it got on the agenda without language. Mrs. Smiley said that they had a draft agreement; met with the City several times and everyone was in agreement; then all of a sudden there was an issue with Fowler School which is not in any document. Mr. Masterpole questioned how it was brought up at 4:00 yesterday. Chairman Corbett said a decision was made to call him to ask that it be pulled. Mrs. Smiley said that it came up late last week with the City School District, and it took everyone by surprise; everything else was agreed to. Mr. Masterpole asked if the IMA is a settlement of a lawsuit; Mrs. Smiley agreed. Mr. Masterpole asked how is there a settlement of a lawsuit and in the 11th hour

it is not known if a football field is included or not. Mr. Jordan said that it is not there; the City is saying that they thought it was and are now holding it up. Chairman Corbett said that we have been in negotiations for a long time and are also frustrated--trying to be good neighbors with the City. Because this happened, it was decided to back up and take a good look at it.

Mr. Masterpole said that there are neighbors, i.e. Park Ave. Neighbors, SUN, etc., that are included in lengthy process over how the dollars are to be spent in that neighborhood. Now they are going to be told again that there isn't an agreement. He asked what the next step is. In the event that this IMA is approved that the \$3.5 million is shipped there; they will take it because they need it. Chairman Corbett said that the school district doesn't agree. Mrs. Smiley said that the County too wants to get it done; were hoping to get it resolved in May; the City Council also has to act; the County does not want to hold up any dollars for the neighbors either. Mr. Masterpole asked when this item will be back on the agenda; Mrs. Smiley said that she would check with the County Attorney and get back to Mr. Masterpole later today.

4. Memorializing the Governor of NYS and the NYS Legislature to Amend the Public Service Law and to Enact Legislation Authorizing Public Utilities to Make Renewable Energy Payments to Those Who Generate Solar Energy and Sell Such Energy to the Public Utilities (Sponsored by Mr. Buckel)

Mr. Buckel said that he would like to initiate discussion for consideration by this committee. In summary, given some of the more general environmental initiatives that have been passed, he is thinking more specific. A feed in tariff has begun in other communities; has strong economic development potential. The City of Gainesville initiated a feed in tariff, which is a system whereby local power companies are required to buy renewable energy produced from homes, businesses or any other generators at a cost that reflects the production cost. In Gainesville and in Germany the renewable industry has exploded. In Gainesville there were new businesses, jobs, expansion of industry, etc. This resolution is an attempt to have the State consider something comparable.

In the '70's the Federal Government and the State Government piggy backed creating a 6 Cent Program, which stimulated a lot of free standing power plant development that had great successes and failures. Successes in this community were power plants that supported a paperboard company; a general chemical facility; a steam plant that powers S.U., and hydroelectric throughout the Adirondacks. In our community there are more sustainable green energy jobs on a per capita basis than any other region of the country. This is an effort to stimulate dialogue on the State level to help target industry that could be a key to our future. He gave examples from S.U. and O'Brien and Gere.

Mr. Buckel said he would like to consider this in more detail next month.

Mr. Kraft said that he likes the resolution except the part about a fixed price. Per this resolution, if someone makes energy they get paid but the price is fixed. He is concerned about government intrusion in business affairs. This was done before with a rate of 6 cents and the costs were more like 3 cents; it distorted the whole economy. He would feel more comfortable voting for it if that piece of the resolution were adjusted.

Mr. Buckel said that the major criticism of the 6-cent rule--the market wasn't able to work. Other communities have suggested making it economically viable for buyer as well as seller, and bring market pressure.

Chairman Corbett said his employer has been chosen as one of the few training centers in NYS to start photovoltaic, geothermal and wind training. He feels that in the next few years, not just in the state, but specifically in Onondaga County, we will see a reversal on how dependency on fossil fuels. He agrees with Mr. Kraft's point about the fixed price.

Mr. Buckel said that he would appreciate any feedback and will come back next month with this resolution.

The meeting was adjourned at 12:28 p.m.

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

COUNTY FACILITIES COMMITTEE MINUTES
BERNARD KRAFT, CHAIRMAN, May 14, 2009

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

Chairman Kraft called the meeting to order at 8:35 a.m. ***A motion was made by Mr. Laguzza, seconded by Mr. Lesniak to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.***

1. Transportation: Mr. Brian Donnelly, Commissioner

Mr. Donnelly explained that some Transportation Improvement Program (TIP) projects were moved into stimulus funding. The federal government said they could only advance projects that would be ready to bid by September of 2009; they went through the TIP and picked out projects that they felt they could advance during that time. transportation money is now available for re-allotment for items 1. a, b and c that are currently are on the TIP.

a. Amending the 2008 County Budget and Authorizing the County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$374,000 for the Design (Scoping I-VI) and Right-Of-Way Incidentals of Fremont Road Bridge Over the CSX Railroad, C.R. No. 136, C-906, BIN 3358210, PIN 3754.78, and Authorizing the County Executive to Enter into Agreements to Implement this Resolution (\$374,000).

The construction portion was on the TIP; design portion was slated to be wholly funded by the County. \$94,000 is now available in previously appropriated DOT capital funds to cover the non-federal share of the project (20%).

Mr. Lesniak asked if they have approval of CSX Railroad. Mr. Donnelly said they are only doing the design portion, will work with CSX for access permits and discussions for the construction phase.

b. Amending the 2009 County Budget and Authorizing the County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$686,000 for the Design (Scoping (I-VI), Right-Of-Way Incidentals and Construction of the 2010 Onondaga County Bridge Painting Project, PIN 3754.69, and Authorizing the County Executive to Enter into Agreements to Implement this Resolution (\$686,000).

This project was scheduled for 2012 on the TIP - painting three bridges. Bridge painting is a very quick design; plan specifications and estimate have to be approved by New York State by September. The three bridges are: Lamson Road over the Oneida River, Rt. 57 over the Oneida River and Peck Road Bridge in E. Syracuse.

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

Mr. Donnelly said that construction projects are generally 15% state aid eligible, and because these were projects in outer years, the State did not budget for them. State DOT will not make promises, but possibly will include them in their budget for 2010 (20% County share would go down to 5%).

Mr. Kraft noted that a couple of the projects involve Oswego County. Mr. Donnelly said NYS database shows the bridges wholly owned by Onondaga County, but the maintenance jurisdiction table shows half ownership the last time the bridges were renovated; they need to work through that with Oswego County before they proceed with the projects.

Mr. Jordan said they should be using the stimulus money for existing projects and saving the taxpayers local money, not to do additional work. Mr. Donnelly said the projects they are talking about were on the 6-year TIP, which means they had been approved for federal funding based on the available funding in those outer years. Right now the funding is there and they can go after it. The current federal transportation bill expires this September, there is no guarantee going forward that the funding will be available in 20012, 13 and 14 until that bill is renewed. Taft Road was a federal project already slated to go and was moved into stimulus funding rather than traditional transportation funding, Now that that project and other projects have freed up traditional transportation funding, they are going through a re-allotment process, they wanted to take projects that are easy to advance, that did not have complex design or long term.

Mr. Masterpole seconded Mr. Laguzza's motion. A vote was taken on this item; Ayes: 6; Abstained: 1 (Mr. Jordan); MOTION CARRIED.

c. Amending the 2009 County Budget and Authorizing the County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$1,112,000 and Authorizing the County Executive to Enter into Agreements for the Design (Scoping I-VI), Right-Of-Way Incidentals and Construction of Jamesville Road Paving Project, Pin 3753.33 (\$1,112,000).

Project is approximately a 1.7-mile project going from Nottingham Rd. to Rt. 92. They will mill out the road, there are sidewalks and curbs throughout the area, limited drainage work, and there is no right of way acquisition necessary.

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

Mr. Lesniak asked about paving costs. Mr. Donnelly said they are in a much better situation compared to last year, still trending upwards. Liquid asphalt is considerably lower than it was last year. The cost for one mile with three to four-inch is currently \$210,000; they budgeted \$250,000 for the Work Plan with the assumption that liquid asphalt would go up because of availability due to all the stimulus projects.

Mr. Kraft asked why they are paving Jamesville Road. Mr. Donnelly said the pavement rating allows for it to be done under federal funding, it was slated for 2011, but meets the criteria now; it is a very easy design, they do not have to acquire right-of-way, do not have difficult drainage issues, will not have to realign the road.

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

d. Amending the 2009 County Budget and Authorizing the County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$1,550,000 for the Design (Scoping I-VI), Right-Of-Way Incidentals and Construction of the Civic Strip, PIN 3950.45, and Authorizing the County Executive to Enter into Agreements to Implement this Resolution (\$1,550,000).

Ms. Smiley said the \$1.5 million federal Transportation Enhancement Program funds (County match of \$387,000) would be used to enhance the streetscape around the Civic Strip (Harrison, State, Jefferson, Montgomery Streets around the County Buildings). They did not get stimulus money for this. Would be working with Syracuse University, City of Syracuse - it involves the Connective Corridor and the Civic Strip. The project would include additional trees, seeding, accent lighting and other types of things to enhance the streetscape.

In answer to Mr. Laguzza, Ms. Smiley said the City is not involved with this particular grant, it is the bounding of the County's buildings, doesn't know the particulars with the overall Connective Corridor. Because the County got this grant, Syracuse University is looking to kick off the Connective Corridor/Civic Strip project with the areas around the Civic Strip, they will help with some of the design.

Mr. Kraft asked how this fits in with the Brandston Lighting Project that was approved in the past. Ms. Smiley said this lighting is for accent, way finding and signage. Mr. Kraft asked if they are giving up any highway projects to do this. Mr. Donnelly said "no". Mr. Lesniak asked if the two lighting projects would be coordinated; Mr. Barbas said "yes".

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

In answer to Mr. Kilmartin, Mr. Donnelly said the County share would be part of the bonding. Mr. Kilmartin referred to the third whereas clause in the resolution where it states the amount is available in previously appropriated DOT capital funds, asked if it is cash contribution or a bond. Mr. Donnelly said it is contingent upon the bonding; the previously authorized was the Taft Road project that was turned into a stimulus project. Mr. Kilmartin asked about the timing of the two lighting projects. Ms. Smiley said they would have ten years to complete this project, but their plan is to complete it in two years. Mr. Barbas is currently working on permit procedures regarding the Brandston Lighting Project, hoping that project will happen later this year and then will start moving forward this project. They hope to have the video project and the two lighting projects done within two years.

Mr. Lesniak asked if there is the potential to get NYSERDA funds if using solar lighting. Ms. Smiley said they are looking at all avenues, they are trying to do green infrastructure, looking at every funding opportunity.

A vote was taken on this item; Ayes: 5 (Kilmartin, Lesniak, Kinne, Laguzza, Masterpole); Noes: 1 (Jordan); Abstained: 1 (Kraft)

e. Authorizing the Necessary Local Matching Funds Needed for Federal Eligible Highway Improvement Projects in and for the County of Onondaga, New York, Funded at an 80% Federal Share and 20% Local Share at a Maximum Estimated Local Cost of \$930,000 and Authorizing the Issuance of \$610,000 Serial Bonds of Said County to Pay the Cost Thereof

With all projects that have been brought before the Legislature, the local share is \$980,000. \$320,000 that was previously authorized for Taft Road is no longer needed, because it has been turned into 100% stimulus; total will now be \$610,000.

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

In answer to Mr. Kraft, Mr. Donnelly said the amount is not project specific, the authorization is for the local share. Mr. Seitz said they don't detail the projects - it gives them the flexibility in case they have to move funds around if one project is a little more or less; they always come back to committee if it is a deviation of the Work Plan.

A vote was taken on this item; Ayes: 6; Abstained: 1 (Kraft)

3. Directing a Public Hearing to Consider the Authorization of a Real Property Tax Exemption for Cold War Veterans (Sponsored By Mr. DeMore)

Mr. DeMore advised that Section 458-B of the Real Property Tax Law, which came into effect last year, allows for certain exemptions for veterans who served from September 1945 to December 1991 that are not covered by the current exemptions. The Veterans Advisory Committee recommended that this law be enacted locally with a 15% reduction in assessments up to \$12,000 in value, or if disabled, up to 50% of their disability rating to a maximum of \$40,000 of assessment. It has been enacted in Schoharie, Herkimer and Schuyler counties with very little impact at this point.

Mr. Kraft asked Mr. DeMore to find out what it would be for towns with partial assessment. Mr. Kraft asked if the veterans served in times of conflict. Mr. DeMore said "no", but mentioned someone he knows who served in Korea during that time period who was shot at many times.

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

Mr. Laguzza asked if they are allowed to amend 458-B. Mr. DeMore said there are different choices. **Mr. Laguzza requested the variance in reduced revenue for the County in each of the categories.**

Mr. Lesniak asked if he has a number for the maximum impact. Mr. DeMore said the guess is \$568,000, because they don't know the numbers of these people. Based on what has happened in the three counties that have done it, it is a small amount of people. Other than the time period, it does not modify the criteria of the previous law.

A vote was taken on the item; Ayes: 5; Absent from room: 2 (Kraft, Laguzza)

4. PARKS AND RECREATION: Ms. Jean Smiley, Administrator - Physical Services; Mr. Robert Geraci, Commissioner - Parks

a. Amending the 2009 County Budget to Create a Grant Account for Alliance Bank Stadium Concert Expenses and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$135,565).

The County has been working with the Chiefs to better utilize the stadium. Chiefs have been working with Jam Productions, Inc. to bring in two concerts this summer - Bob Dylan Show on July 19th and Dave Matthews Band on August 4th. Asking for authorization to appropriate funds, and then also have offsetting revenue to pay for those costs. Modifications need to be made to the stadium:

- Paving per fire and safety requirements in the back of the stadium (\$12,000)
- Additional cutouts with gates, so that people can come from the stadium proper onto the field (\$18,000)
- Outfield fence gates to allow people to leave after the concerts (\$9,000).

The Chiefs would reimburse the County for those improvements. There will be additional expenses for field materials, to re-sod, pay for grounds crew staff and maintenance staff, Sheriff patrols and E911 support. Jam Productions is paying for most of the staffing costs, they would pay the Chiefs and the Chiefs would pay the County. The Chiefs are doing the concerts with Jam Productions to minimize the risk. All \$135,565 will be reimbursed; only caveat - they are still talking to the Chiefs about the number of cutouts with gates.

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

In answer to Mr. Laguzza, Ms. Smiley said 9-1-1 provides for communication between the police and fire entities. Mr. Laguzza noted that general admission on the ground level would probably do more damage to the field than the stage. Mr. Geraci said if they had to re-sod the entire area, this would cover the expense, the cover for the field would be solid enough for anybody to walk or drive on, and only worry is that a hot summer sun could potentially burn the grass.

Mr. Kinne asked how much is it going to cost the taxpayers and how much money would the County take in. Mr. Geraci said the cost is zero. Ms. Smiley said the according to the lease with the Chiefs, the County benefits from concessions over a particular level, and depending on how much money the Chiefs make in a year, the County increasingly benefits. Ticket and merchandise money would go to the production company. The Chiefs would generate revenue from the parking and concessions. Also, the big benefit for the County is sales tax. Mr. Mack said one of the things specifically provided for in the license is to insure that the corporation putting on the event is the Community Baseball Club (CBC), not another organization; therefore, any profits go right to the bottom line of the CBC and gets counted in the lease arrangement for the County's sharing of the revenues. Mr. Mach said the concerts are subject to audit and most of the ticket sales are online sales. Mr. Kinne said it is not a good deal for the taxpayers. Mr. Kraft said the County has no choice, the lease with CBC goes to 2011.

Mr. Kilmartin asked if Jam is paying the CBC a fee for the use of the stadium. Ms. Smiley said "no". Kilmartin - they executed an agreement with the Chiefs for the use of the stadium. Mr. Kilmartin asked if the lease between the County and the Chiefs allows, provides for these license agreements. Mr. Mack said the lease provides for prime tenancy, even though over the years the county has debated what prime tenancy entails, they have no disagreement right now as to whether this is authorized by that, they granted them a license, the County is a partner with them. Ms. Smiley said the license is being written with protections about insurance, etc. Mr. Kilmartin asked if the County is contemplating going directly to production companies as opposed to going through the Chiefs organization. Ms. Smiley said they are looking at all avenues, will get a better handle on what is involved when they have done these concerts, expects the Chiefs are looking at this as well. Down the road, they want to look at events like this to offset costs as much as possible. Mr. Kilmartin said it a great use of the facility, mentioned the potential to bring ROT funds into the County. It is important going forward to set a precedent that, as much as possible, it's an arms length landlord/tenant relationship with this tenant, as good as we want this relationship to be, but allowing the county to have the latitude to utilize its facility paid for by the taxpayers and also to pursue directly these kind of events as opposed to having to go

through a third party. Mr. Kochian said it was the vision from the beginning that either party could sponsor events at the facility. Mr. Kilmartin said it is a little bit of an oddity that the tenant is coming to the landlord and saying they are going to have events, it's a strange setup. Mr. Kochian said if the County wants to be the risk taker, the promoter, they could assume that.

Mr. Kinne asked who benefits when there is a concert at the War Memorial. Mr. Kochian said the County gets paid for the use of the facility; the promoter takes the risk, makes a profit. Mr. Kinne said the taxpayers ought to benefit in some way from the concerts at the stadium, if nothing else, it ought to help support the parks department. Mr. Kraft said it goes back to the original arrangement, with the lease they have now, the CBC has the right to use the facility, and they have a right to do this. Mr. Mack said with the current lease, profits from 0 to \$250,000 is a 90/10 split, from \$250,000 to \$450,000 is a 80/20 split, anything over \$450,000 is 50/50 split. Mr. Kraft said if the CBC loses money in baseball operations and makes money on the concerts, the County might end up with nothing. Mr. Mack assured them that the term of the license is that the revenues can not be funneled off to a different corporation, this is going to the bottom line of the CBC and is going to be counted as a revenue for the CBC for the purpose of the lease.

Mr. Kraft asked if they have assurance that the County will get its \$135,565. Ms. Smiley said the Dave Matthews concert is already sold out and the Bob Dylan concert just went on sale last week, Jam Productions know what they are doing.

Mr. Lesniak said the Chiefs chose to do the concert, the County is going to benefit from this with ROT, sales tax, restaurants will benefit; his constituency has been positive about this.

Mr. Masterpole asked if they have seen the contract between CBC and Jam Productions. Ms. Smiley said "no". Mr. Mack said they know the business terms and they have arranged for a right of inspection at all times. Mr. Masterpole asked what would happen if CBC is making a profit from renting the taxpayer's facility. Ms. Smiley stated that Jam Productions said they would not pay for the use of the stadium.

Mr. Kilmartin said he thinks the concerts are creating wonderful energy in the community and he looks forward to many more events like this, suggested clarifying how the process works going forward. Mr. Geraci noted that the County is not going to incur and financial risks, and if there is money to be made, the County will get a share of that profit. Ms. Smiley said there are endless possibilities once they get an idea of how this is going to work.

Mr. Jordan said it is a great move in terms of utilizing this venue. The Current arrangement with the Chiefs is extremely counter-intuitive and, in a lot of ways, unsatisfactory to many of us, this needs to be a much more logical arrangement that is more beneficial to the taxpayers.

Mr. Laguzza said they are working within the terms of the lease; his big push is for our county to be a destination, have to use our facilities to promote opportunities for venues like this.

In answer to Mr. Kinne, Ms. Smiley said the Sheriff's would do the security within the building, the City police will do the traffic control, etc. outside the building.

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

b. Amending the 2009 County Budget to Provide Funding For an Outdoor Syracuse Crunch Game From Prior Year Room Occupancy Tax Funds and Authorizing the County Executive to Enter Into Contract to Implement This Resolution

Ms. Smiley said the County Executive was approached by Howard Dolgon, owner of the Syracuse Crunch about an exciting opportunity for the community. The Crunch is interested in doing an outside hockey game at Alliance Bank Stadium on December 5th (major league hockey has done two in the past). This is another potential use for the stadium and they have discussed what it would entail - need to bring in and set up a hockey rink, expenses paid for by the team. The County expenses would be in taking care of the field. Revenue for parking and 20% of concession revenue would go to the County (Chiefs said they are not interested and would forgo their usual revenue from parking and concessions). There would be a lot of national attention brought to Syracuse for a game such as this and there would be economic development impact in terms of people coming to town. The Crunch is asking for a commitment from the County of up to \$350,000 of ROT funds with the potential for offsetting revenue from the parking and concessions. Mr. Dolgon has been reaching out to major sponsors across the country, working with Syracuse University. Ms. Smiley said at this point, they can't say this game would actually happen until they know all the numbers, a lot of this is new territory in terms of protecting the field, seating, etc.

Mr. Jordan asked how much the parking revenue would be. Ms. Smiley said they haven't set a dollar amount; have discussed \$8.00 - projected parking revenue would be \$75,000 based on roughly 9,300 cars. Mr. Geraci said 43% of the gross revenue comes to the promoter for concessions; the County would get 20% of that. Mr. Jordan noted the County would be committing \$350,000, doesn't see that guarantee in revenue. Ms. Smiley said she doesn't see this being an offset as with the concerts, there are a lot of costs related to providing this game, but there are a lot of exciting things that can come from this. Mr. Holder (Convention & Visitors Bureau) said there is a great deal of tourist potential; there is a great opportunity to draw visitors from

Ottawa in connection with the Binghamton Senators, event will drive awareness of the area, there will be media publicity. Mr. Holder does think you have to put it in perspective, it is one event of many, looking at about \$1 million dollars in tourism spending for accommodations, dining, transportation, retail. They ran numbers based on a leisure oriented event rather than convention; leisure travelers typically spend a little more. Mr. Jordan questioned people coming to Syracuse and getting a hotel room to see a Crunch hockey game. Mr. Holder said it is the whole atmosphere of being an outdoor game; Buffalo grabbed 72,000 spectators this past January; they project around 15,000 to 21,000 for this game in Syracuse with 12% being visitors. Mr. Lesniak asked what the projection is for ROT. Mr. Holder said he would have to calculate that. In answer to Mr. Jordan, Mr. Holder said he estimates there were 500 room nights for the 2007/08 hockey season.

Mr. Masterpole said it is shortsighted not to do this. The County has invested over \$100,000 for the Jazz Fest to take care of our constituents; there is no reason not to spend these dollars to, once again, take care of our constituents.

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

Mr. Lesniak asked what the surplus room occupancy tax is currently. A handout was provided entitled Room Occupancy Tax - Contingency and Prior Years (Attachment 2). Ms. Smiley said the balance after this would be \$935,906, the handout shows the projections for 2010, also there were some dollars proposed in terms of scoreboards. Mr. Lesniak asked what the potential space is for parking. Ms. Smiley said they would use the lot they have; Regional Market and Destiny have also made parking available. There is a significant cost to the Crunch; they would be paying for the rink, security issues, marketing, ushers, signage, matting for the locker rooms and scoreboard.

Mr. Masterpole's motion was seconded by Mr. Lesniak.

Mr. Kinne said they have an obligation to take care of all of the citizens, mentioned the Homebound program, talk about changing the health insurance plan for the County workers, new scoreboard needed at the War Memorial, and that some Legislators think they need a state-of-the-art facility for events connected to the new hotel. Mr. Kinne said the concept of this is fantastic, but it is not an NHL game, it is in Central New York where on December 5th they could have three feet of snow or it could be 65 degrees, asked the price of the ticket. Mr. Kochian said the game could be played if it were 65 degrees; ticket prices would be \$15 for general admission, \$20 reserved. Mr. Kinne said this would be taking the money that belongs to all the taxpayers to please 20,000 people; he would be willing to use some taxpayer dollars on this event, but not \$350,000.

Mr. Laguzza said they could charge whatever they want; they are getting the revenue from the tickets, the lower the price the bigger the crowd and more exposure. Need events like this to put the spotlight on Central New York, to show the diversity of our venues and what we can do in this community; thinks this is the way to go.

Mr. Kilmartin said it is a great concept, a phenomenal use of the facility, asked if there has been any thought to events around this, such as a high school game, college game. Ms. Smiley said they have had discussions with Syracuse University. Mr. Kochian said the rink would be set up in advance, the anticipation is that there would be youth hockey played on there before the game and maybe the day after. This would be the first American Hockey League outdoor game; the league and Canadians would have an interest, there will be at least 15% overnight stays. Mr. Kochian noted there was a blizzard during part of the outdoor game held in Buffalo and people loved it, an outdoor game was also a huge success at Wrigley Field in Chicago. The league has committed to the Crunch to have the first outdoor game.

Mr. Jordan said it is a good use of the facility, but given the current state of the economy, he is concerned that they have great expectations that won't end up materializing. He is willing to support it and the concept that it is an investment in advancing the tourism industry in Central New York, requested that they come back to the Legislature after the event to report on its success.

Mr. Kilmartin said this is a substantial part of the ROT fund that would be dedicated to this one event, asked Mr. Holder how comfortable he is with that. Mr. Holder projected they would collect around \$8,700 in ROT with this event (does not include sales tax), they have a lot of other events that are either funded through direct ROT or indirectly through a convention bid. To bring the Women Bowlers Championship here in 2011, they will receive in the neighborhood of \$1.2 million in contributions from ROT and concession sales. That event is slated to draw in 40,000 to 50,000 people and produce about \$48 million of travel spending, their ROT contribution is somewhere in the neighborhood of \$290,000. He does have a concern, there is a scale here and other events would certainly take notice of that. Syracuse Nationals bring in about 20,000 out of town visitors and contributes about \$11 million to our local economy; their contribution out of ROT is about \$22,500. The event has his support, but he is anticipating calls from other events. Mr. Kilmartin said it is a phenomenal event, first of its kind, a great use for the facility; lining this up with the concert events it is exactly what he thinks the stadium was intended for, his only concern is that it is going to be such a drain on the ROT funds that it might hamper other economic activity. Mr. Holder said the County has a surplus in ROT for opportunities like this; he is more concerned on the statement that it sends to other events.

A vote was taken on this item; Ayes: 5; Abstained: 2 (Kraft, Kinne).

2. Discussion - AHL Arena Report - Mr. Kochian

Mr. Kochian provided a handout entitled Scoreboards Across the ALH (on file with Clerk). Mr. Kochian noted that they couldn't know the lease arrangements in every facility. Focusing on what the income is from the scoreboard is only part of the equation; the team may be making a great revenue contribution to the scoreboard, but not paying as much for the facility. Referred to the first graph, pointed out that most of the other venues have other permanent tenants that have an impact on the scoreboard revenue. Times Union Center is a larger facility, they have arena football, college basketball, and college hockey as well as the Albany River Rats, and revenue potential on the scoreboard is greater. War Memorial is a smaller capacity than most facilities; the only permanent tenant is the Syracuse Crunch. If they put a new scoreboard in, there will be revenue opportunities, but mostly on an event basis rather than any other permanent tenants. There is some potential for revenue if they get Syracuse University hockey in the future, also with Sport Horse and graduations, because they use the video capacity of the scoreboard. Mr. Kochian noted that some facilities have \$1 million plus scoreboards, suites and other things that contribute to the cost of operations and success of the facilities.

Mr. Kraft said the concern has been that taxpayers were being asked to pay for a scoreboard; in the past the County received revenue from the advertising, somewhere along the way the County lost that money. Mr. Kochian said they expect that there will be some contribution from the Crunch, a contract extension and some revenue from a facility fee to offset the expense. Mr. Kraft said the Legislature is interested in there being an equitable arrangement that satisfies everybody; wants the Crunch to have their scoreboard, wants the taxpayers not to pay the bill as much as possible, would like the County to have some of the revenue.

Mr. Lesniak said, when he looked through the handout, it was pretty consistent that the back lighting panel advertising went to the arena and the video advertising to the teams. Mr. Kochian said they don't know the lease terms and what else is going on between the arenas and the teams that could offset that.

Mr. Kilmartin asked if they have submitted proposed specs for a scoreboard to the Crunch for them to review and analyze. Mr. Kochian said they put an RFP out in a couple of forms to get an idea of what was out there and if there was a cost advantage to doing both facilities together (War Memorial and Alliance Bank Stadium). He will check with the Crunch to see if they got the specs and what their reaction was. Mr. Kilmartin said there is a consistency throughout the handout that there are probably three kinds of advertisement - permanent that is attached to the building walls and posts, permanent parts of the scoreboard and the ever-changing advertisements on the digital screen.

Mr. Jordan asked if they have explored options of getting other types of teams or tenants in the War Memorial. Mr. Kochian said the Crunch brought in Lacrosse in the past (was unsuccessful), had a professional basketball team a couple of seasons ago (didn't last, didn't have an adequate marketing effort). Mr. Kochian thinks college hockey will come back; with locker room improvements, there will be an opportunity to get back into college hockey tournaments. It is a difficult market, because of the tremendous draw of Syracuse University basketball. Mr. Jordan asked about scheduling conflicts. Mr. Kochian noted that scheduling is a challenge; the Crunch, being the anchor tenant, requires them to hold more dates than they use until the league figures out the schedule.

The meeting was adjourned at 10:27 a.m.

Respectfully submitted,
Johanna H. Robb, Deputy Clerk

WAYS AND MEANS COMMITTEE MINUTES - May 26, 2006
CHAIRMAN JAMES M. RHINEHART

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

MEMBERS ABSENT: Mr. Kraft

ALSO PRESENT: *see attached list*

Chairman Rhinehart called the meeting to order at 9:32 a.m. ***A motion was made by Mr. Kilmartin, seconded by Mrs. Rapp to waive the reading of the minutes of proceedings of the previous committee. MOTION CARRIED. A motion was made by Mrs. Rapp, seconded by Mr. Kilmartin to approve the minutes of the proceeding of the previous committee. MOTION CARRIED.***

1. Sheriff: Chief William Pevery

a. **Authorizing an agreement with the Town of LaFayette for the Provision of Enhanced Police Services and Amending the 2009 County Budget (\$2,500)**

This agreement provides for all costs paid for by the town including: officer's overtime, administrative fees, benefits, vehicle costs--approximately \$2,500 is anticipated for the services. It is for approximately 46 hours, about \$54/hour. In answer to Mr. Stanczyk, Chief Peverly said that the deputy overtime rate is \$39.70; FICA, Workers Comp, retirement, unemployment total \$9 +; vehicle cost \$3.70; administrative cost is \$1.54. The town pays \$54.29 for every hour a deputy is working under the agreement. Mr. Stanczyk asked about insurance fees as the County is self-insured--feels that \$54 is extremely inexpensive. In answer to Mr. Stanczyk, Chief Peverly indicated that the Town of LaFayette does not have its own police force. Mr. Stanczyk referred to the intermunicipal agreement with the Town of Clay and noted that they pay us over \$1 million--this is a system that is inequitable to other taxpayers in the County outside of the Town of LaFayette.

In answer to Chairman Rhinehart, Chief Peverly explained that \$2500 comes from the Town of LaFayette for reimbursement of county costs; they get up to 46 hours of enhanced services. It will be used for traffic enforcement for speeders in certain areas; he did not know what the anticipated revenue will be to the town.

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

b. **Amend '09 Budget to Accept State Homeland Security funds for the Sheriff's Office (\$200,500)**

This will be for law enforcement agencies in the County to receive training to enhance preparedness and response capabilities in the event of terrorist activity and acquisition of specialized equipment to increase countywide information sharing. The training will be for response to all hazardous type events with a focus in IEDs awareness and training. License plate readers will be purchased for 5 towns and SPD. SPD will receive 2; Towns of Camillus, Dewitt, Manlius Geddes, Salina will each receive one.

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

2. Aging and Youth: Lisa Alford, Commissioner

a. **Amend '09 Budget to Accept American Recovery and Reinvestment Act Funds for the Congregate Meals Prog, Home Delivered Meals Prog, Senior Community Svc. Employ. Prog. (\$178,283)**

This is to accept an additional \$83,940 stimulus money for funding congregate meals, \$41,038 home delivered meals; \$53,855 senior employment program. It allows providing 13,000 additional meals and 900 emergency food packets (2 meals in each); allows increase in senior employment slots by 6.

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

3. County Clerk: Anne Ciarpelli, County Clerk

a. **Mortgage Tax Apportionment**

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

In answer to Mr. Stanczyk, Mrs. Ciarpelli said that it is down about 15% for the 1st quarter this year, based on the number of filings. Chairman Rhinehart asked if there is a projection for the end of the year. Mr. Seitz said that going year to year, it is down about 23%; the only monies retained by the County is State aid for mortgage tax staff. Mr. Rowley said that this should reverse itself with a stimulus bill where homeowners are given an \$8,000 credit; with rates being so low there is a lot of refinancing happening.

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

4. Purchasing: James Rowley, CFO

a. **Amending Resolution No. 155-1999 to Authorize the Donation of Surplus Computer Equipment to Non-Profit Agencies within the County**

Mr. Rowley noted that the secondary market for used computer equipment is almost non-existent; instead of taking this to a recycling facility, if there is a need for it in the community, this would be a better use.

Mrs. Rapp asked if there is a list of people looking for it. Mr. Rowley did not know but stated that they will be looking at the 503C status to make sure they are non-profit groups. It has been done successfully in other counties, i.e. Erie County. Chairman Rhinehart asked how this will be administered; will people be hired to do this. Mr. Rowley indicated that no one would be hired--agencies will have to pick it up; Purchasing will control the warehousing.

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

5. Transportation: Brian Donnelly, Commissioner

a. Amend '08 Budget and Authorize County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$374,000 for the Design (Scoping I-VI) and Right-Of-Way Incidentals of Fremont Road Bridge Over the CSX Railroad, C.R. No. 136, C-906, BIN 3358210, PIN 3754.78, and Authorize Co. Exec. to Enter into Agreements to Implement this Resolution (\$374,000)

These projects were on the tip--federal aid eligible projects being moved forward from outer years with stimulus funding. Stimulus funding has freed up traditional federal highway monies. The projects being brought forward are ones known to be done the quickest--the money still has to be obligated by September.

* Mr. Corbett arrived at the meeting.

This is the design of Fremont Road Bridge project. The construction, approx. \$4 million, was on the tip but because the cost benefit ratio was not high enough, he was not able to get to the design on the tip originally. It would have originally been 100% local dollars; this resolution allows an 80/20 split.

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

b. Amend '09 Budget and Authorize County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$686,000 for the Design (Scoping I-VI), Right-Of-Way Incidentals and Construction of the 2010 Onondaga County Bridge Painting Project, PIN 3754.69, and Authorize the County Executive to Enter into Agreements to Implement this Resolution (\$686,000)

This is a bridge painting project, originally slated for 2011-2012 federal projects. Three bridges will be done: Lamson Rd. Bridge over Oneida River; Route 57 Bridge over Oswego River, and Peck Rd. over the Chittenango Creek.

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

c. Amend '09 Budget and Authorize the Co. to Pay in the First Instance 100% of the Fed. Aid Eligible Costs at a Max. Amount of \$1,112,000 and Authorize Co. Exec. to Enter into Agreements for the Design (Scoping I-VI), Right-Of-Way Incidentals and Construction of Jamesville Rd. Paving Proj., Pin 3753.33 (\$1,112,000)

This is milling and paving of Jamesville Road - from Nottingham Road up to East Genesee Street - repave and restore to original condition--no ROW acquisition; no drainage work--a mill out and replace project.

Mr. Kinne questioned why this road is being done; felt there is nothing wrong with the road. Mr. Donnelly said that it is one that qualified for the tip; had low enough rating to qualify--in doing this, it will save the surface and a full reconstruction won't have to be done.

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

d. Amending the 2009 County Budget and Authorizing the County to Pay in the First Instance 100% of the Federal Aid Eligible Costs at a Maximum Amount of \$1,550,000 for the Design (Scoping I-VI), Right-Of-Way Incidentals and Construction of the Civic Strip, PIN 3950.45, and Authorizing the County Executive to Enter into Agreements to Implement this Resolution (\$1,550,000)

Mrs. Smiley said that this was previously discussed at the Planning Committee meeting as an informational item. There was an opportunity to apply for DOT enhancement program; have worked with S.U. on the civic strip, which is one of the areas of the connective corridor, and \$1.55 million was awarded in federal money. There was potential to get a match through stimulus, which didn't happen. There is a \$387,500 local match; a total program of \$1,937,500. The areas would be bounded by Jefferson, Harrison, Montgomery and State Streets for this grant. The funding will enhance streetscapes, do seating, trees, lighting. They are working with S.U. to finalize the design. S.U. will put some of their money towards this proposal as well.

In answer to Chairman Rhinehart, Mr. Seitz said that this would be bonded for 15 years for the local share. In total all of these projects amount to about \$610,000; about \$55,700 per year for 15 years.

Mrs. Smiley showed examples in photos, included entryways being made of methacrylate; things to identify the civic strip, enhanced seating around areas, plantings, etc. Mr. Stanczyk said that this is public space, around city roads. Mrs. Smiley agreed; the City is working with them on this, as all of their processes will have to be followed for approval.

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

Mrs. Rapp asked about maintenance; Mrs. Smiley said that most of the areas are around our buildings and are areas that the

County already maintains. Everything to be done with this project has to have a 10-year life. Chairman Rhinehart asked if the City is participating in this financially; Mrs. Smiley said "no."

Passed unanimously; MOTION CARRIED.

e. **Authorize Necessary Local Matching Funds Needed for Fed. Eligible Highway Improvement Projects in and for the Co. of Onon. Funded at 80% Fed. Share and 20% Local Share at a Max. Est. Local Cost of \$930,000 and Authorize Issuance of \$610,000 Serial Bonds of Said Co. to Pay the Cost Thereof**

A bond resolution for the local share of all the projects discussed today; \$930,000; \$320,00 is available that was dedicated to the Taft Rd. project, which is now fully funded with stimulus; the total bond is \$610,000.

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

6. OCPL: Sally Carmer, Dir. Admin. Svcs.

a. **Amending 2009 County Budget to Accept State Construction Funds for the OCPL (\$221,750)**

This is a grant under State Construction funds. It will replace HVAC systems at White, Hazard, and Paine. The air handlers will be replaced and relocated at White branch, as they are very noisy.

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

b. **Amending the 2009 County Budget to Appropriate Library Fund Balance for the OCPL for Electronic Controls for Compact Shelving (\$200,000)**

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

7. **Community Development:** Linda DeFichy, Administrator

a. **Authorize the Onondaga Co. Exec. to File a Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant Program, Amending the 2009 County Budget to accept additional CDBG Funds Appropriated by the American Recovery and Reinvestment Act, and Authorizing the County Executive to Enter into Agreements (\$663,619)**

This amends the action plan from last year for an additional \$663,619. Notification was given on May 6th of the requirement to apply for an application due June 5th with construction to start within days of application. The projects that were going to be under construction this summer from last years round of funding were chosen. Towns of Dewitt, Geddes, Onondaga will be done. The Town of Clay gets its own round of funding; they selected Casual Estates Rd. reconstruction, which is administered by Community Development.

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

Mr. Stanczyk said he wanted to make sure there is fair and equitable distribution; Ms. DeFichy said that the rest of the projects will come to Planning next month.

Chairman Rhinehart asked about \$66,361 for administrative; Ms. DeFichy said that 10% is allowed by formula. It is the amount that the County gets to administer the program. She explained that they are allowed to spend this over two years.

Mr. Warner said this is just stimulus money and asked when the legislature would see the rest of the list. Ms. DeFichy said it would be coming to the June Planning Committee; it was passed by the Steering Committee last Wednesday. Mr. Warner asked to be provided with the list of projects.

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

8. **Parks and Recreation:** Robert Geraci, Commissioner

a. **Amending the 2009 County Budget to Create a Grant Account for Alliance Bank Stadium Concert Expenses and Authorizing the County Executive to Enter into Contracts (\$135,565)**

This is regarding two concerts scheduled for the stadium, being co-produced by the Syracuse Chiefs and Jam Productions. Any expenses that the County will bear will be reimbursed--an agreement that the Law Department is executing between the Syracuse Chiefs and the County. Paving, field cut out, fencings, gates, need to be done. Additional County staff will be there, plumbers and electricians, to oversee things. Any damage to any turf will be repaired through these dollars.

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

Mr. Kilmartin asked if any of the structural improvements are going to remain permanent and benefit the facility. Mr. Geraci said that they are-i.e. the outfield fence, for fire access and emergencies, gates have to be put in there; they will stay there forever. Paving outback and the walkway is hard surface; which will be permanent. Additional cutouts from the concourse are being

added so that people on the field, watching the concert can come up to the concessions and restrooms. Mr. Kilmartin said that they total near \$40,000; Mr. Geraci said that is the maximum amount.

Mr. Stanczyk said that this is an accounting mechanism saying that anticipated expenditures are being capped at \$135,565 and the County will be reimbursed by the Chiefs for those expenses. Mr. Geraci agreed. Mr. Stanczyk asked if there are any provisions if this doesn't come off well, and the Chiefs may not have the funds to pay for those things. Mr. Geraci said that the concerts won't happen unless the agreement is signed by the Syracuse Chiefs and agree to pay for these things. He has no doubt that the money will be there.

Mr. Stanczyk seconded the motion.

Mr. Stanczyk said that the infield is outstanding; and said that the person taking care of the grass is doing a great job. Obviously, it needs to be preserved. Hopefully it is a nice opportunity for the community to have bigger acts brought in; a nice opportunity for the Chiefs to make some money. If the County can accommodate that, it is wonderful.

Mr. Mack, Senior Deputy County Attorney said that safeguards have been built in.

Chairman Rhinehart asked if the County has ever done business with Jam Productions, Inc. Mr. Geraci said "no"; they are from California; they do a lot of outdoor and amphitheater concerts in America. Chairman Rhinehart asked if there is a provision for the field - if something happens to it-a performance bond or anything similar. Mr. Mack said that there is insurance to indemnification; there is no a performance bond. In the event license agreement that the Chiefs have with Jam Productions, the money that is in the resolution has a provision for a hold for that money. If the field were entirely destroyed, there is enough money in this resolution to re-sod the field. It is not expected to pay all of that, but there is a guarantee from the Chiefs that they will reimburse the County for it.

Mr. Kilmartin asked if there is a provision in the license agreement or they submitted to the County insurance certificates, setting forth as an endorsed property not only for property damage but also for personal injury. Mr. Mack said that the County is requiring endorsement pages for property and liability; the limits are at least \$1 million. Mr. Geraci said that the numbers for the field are a worst-case scenario.

Mr. Kilmartin said that if the Chiefs are a co-promoter, do they provide the County with an insurance certificate and endorsement. Mr. Mack said that they are not providing a separate level of insurance.

Vote was taken on the motion. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Rhinehart); MOTION CARRIED.

b. Amend 2009 County Budget to Provide Funding for an Outdoor Syracuse Crunch Game from Prior Year Room Occupancy Tax Funds and Authorize the County Executive to enter into Contracts

Chairman Rhinehart said that he put his name on as sponsor to get the item to Ways & Means Committee, but he will not sponsor it further. It is here if the Committee would like to have a discussion about the item.

Mr. Holmquist said that this is a \$350,000 item from ROT tax, next year there is a \$450,000 item for a scoreboard. The majority of the ROT funds are being directed for the Crunch and asked what the justification is for that. He agrees this would be a phenomenal event, but questioned why almost all of the ROT money would be allocated to this.

Chairman Rhinehart asked if any member of the committee would like to sponsor the resolution. As no member wished to sponsor, Chairman Rhinehart said that he would move on with the agenda.

Mr. Kinne referred to Pratts Falls Park and asked if something is being done there to directed people where to go and where to find trails. He was there over the weekend and found that the trails weren't marked well and he was unable to get to the water. Mr. Geraci said that he would address the concerns with Mr. Kinne.

Mr. Kilmartin asked Mr. Holder if he has had a sense on the \$350,000 of ROT funds for this event, if he has spoken to other people who hold events within the county, and his thoughts on the use of these kinds of funds. Mr. Holder said that the event itself is an incredible opportunity for this community. It will be literally a one of a kind event for the year. There is concern based on the level of investment expressed from the hospitality community and from other events of what it says in terms of an investment and the expected return to be delivered. According to the CVB estimates, based on 21,000 spectators, about 12% would be out of town guests and would generate about a \$1 million in travel spending in the area. Syracuse Nationals is partially funded by ROT and drives 20,000 out of town visitors in the course of a 4-day weekend in July, generates \$10-\$11 million. There is concern over scale. Everyone, including the Syracuse Nationals, is supportive of the event concept, but concerns have been expressed about the level of investment for one night.

Mr. Stanczyk said that this passed program committee 5 - 0 -2; and asked if there were any Ways & Means members at that meeting. Mr. Kinne said that there were; the two that abstained and Mr. Kilmartin. Mr. Stanczyk said if a member from this committee is going to put this forward for session, it ought to be discussed and voted here.

Chairman Rhinehart said that at this point, there is no sponsor for this resolution.

Mrs. Rapp said that the model from the concerts is the model that she would like to see put on this. It should be self-sustaining; the revenue should be supporting the program. There doesn't seem to be a lot of support for this scale of ROT dollars.

Chairman Rhinehart said that he feels the County should participate, but not be the promoter.

Mr. Kinne said that he sees the value of this, but it is a lot of money for one day. If there was a way to expand it with a college hockey tournament, or a two-day youth hockey tournament, or something that could be incorporated in; it might be looked at differently. He has a lot of concerns for a one-day event, for this kind of money, when we are doing away with Homebound, and there is a severe budget process going on. He is also concerned with the scoreboard issue; this event is putting the cart before the horse--the scoreboard should be taken care of first. If he was one of the other events that the County gives money to that provides a better return, he would be very upset.

Mrs. Smiley said that the Crunch is working with S.U. on arranging possibly a women's hockey game and looking at other ideas for the rink, but those things have not been formalized at this stage.

Mr. Kinne referred to the 12% projection for hotel stays, and asked if they are visitors from NYS. Mr. Holder said that it would be anyone outside of the drive-in market. It was based on what Rochester saw when they had 72,000 visitors come in for their hockey game. The Binghamton team offers a reach into Ottawa because of the affiliation with the teams there, which is an advantage. Mr. Kinne feels the number is high.

9. METROPOLITAN WATER BOARD: David Fitch, Administrative Director

a. Amend '09 Budget to Accept Funds from the OCWA to Reimburse the MWB for County Water Dist. Funds Expended Relative to the Design and Engineering of Covered Storage Tanks (\$290,000)

Mr. Fitch said that OCWA pledged to reimburse the MWB for its expenditures for work associated with Eastern and Western Reservoirs. OCWA issued a check to MWB, who is asking that the money be accepted and used towards compliance with regulations related to Terminal Reservoir.

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

Mr. Stanczyk asked if water usage has been down and asked what the projection is for the year. Mr. Fitch said that consumption is down; projected sales of 7.7 billion gallons vs. 8.025 billion in adopted budget. With the rate increase received and with the block rate structure, the less water consumed the higher the rate is per thousand gallons, which is a hedge against the loss of sales. A large component of operating expenses is associated with pumping water, electricity consumed; and therefore it saves a lot of money. In answer to Mr. Stanczyk, Mr. Fitch said that they have sold 10 billion gallons in previous years. They are heading into the peak season now.

Chairman Rhinehart asked if the additional new water districts being put on line this year will help. Mr. Fitch said that it is small consumption; were hoping that Northeast Bio Fuels would come into full operation--were counting on 1.25 million per day.

Passed unanimously; MOTION CARRIED.

10. WATER ENVIRONMENT PROTECTION: Sue Miller, Deputy Director, LIP

a. A Resolution Approving the Increased Cost of Improvements Relating to the Onondaga Lake Remediation Project In and For the Onondaga County Sanitary District, Intended to Enable the County to Comply With Requirements Set Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL.

Items 10a and 10b have to do with the last sewer separation project required under the ACJ at this time--West Calvin Street and South Ave. There is \$2 million left for the projects; this project costs \$7 million; are asking for \$5 million to complete the project. There is \$1 million commitment from the Corp of Engineers and if they get more money, they will put more money into it, up to 65% of the cost of the project. Mr. Corbett said that there are lines of communication out there that would receive more funding; Mrs. Miller agreed.

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

b. A Resolution Authorizing the Issuance of an Additional \$5,000,000 Bonds of the County of Onondaga, New York, to Pay the Increased Cost of the Onondaga Lake Remediation Project In and For the Onondaga County Sanitary District, Intended to Enable the County to Comply With Requirements Set Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL. (\$5,000,000)

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

c. **Authorize the Issuance of an Additional \$26,000,000 Bonds of the Co. of Onondaga, NY York, to Pay the Increased Cost of the Harbor Brook In-Water Capture and Treatment Project to Include Construction of a Replacement Section of the Harbor Brook Interceptor and Associated Overflows with Green and Gray Infrastructure for the Onondaga County Sanitary District, Intended to Enable the County to Comply with Requirements Set Forth in the Amended Consent Judgment in Connection With the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL**

Item Nos. 10c and 10d relate to the Harbor Brook Interceptor sewer replacement. It is deteriorating and needs replacement. This is being done through stimulus. The State has announced that \$20 million is allocated to this; \$10 million will be a straight grant (100%); \$10 million will be a low-interest loan. It is required that contracts be awarded by January 1, 2010.

In answer to Mr. Stanczyk, Mrs. Miller said that \$5 million has already been spent on the whole Harbor Brook CSO Program; there is \$500 left in Harbor Brook. This is \$26 million for the replacement of the interceptor sewer, work on the culvert, mitigation, and green infrastructure. Mr. Stanczyk asked to be provided with a breakdown, noted that \$6 million is County money. Mr. Stanczyk as when the \$10 million will come back from the federal government. Mrs. Miller said that it is a reimbursement program--spend, file and then are reimbursed. Mr. Stanczyk asked how long that it will take - Mrs. Miller said that it depends on the contract--6 months to a year.

Chairman Rhinehart said that we have been assured that the monies being reimbursed by the Federal government will be used to reduce County bonding. Mrs. Miller agreed; the \$10 million grant will not be bonded for. Mr. Seitz said that the entire amount has to be authorized; will probably borrow \$16 million; depending on the how the \$10 million is reimbursed; not sure of the cash flow. Mr. Seitz said that the interest rate on the EFC loan is 2.25%; the \$6 million is estimated at 4.5%. The average cost is \$1 million/year.

Mr. Corbett said that this will open up the ability to go after green funds. Mrs. Miller agreed and said that they hope to get additional federal funding through the green infrastructure monies, but don't have a number right now. Chairman Rhinehart reiterated that any monies that come through will be used to reduce county debt, not for any additional projects that come down the road. Mr. Seitz agreed and said that they will try not to borrow the \$10 million in the grant money.

Mrs. Rapp asked about the type of green projects associated with this. Mrs. Miller said they are talking about bioretention areas in the areas where the RTFs were previously planned, bios walls (retention) long the creek way, entry plantings, community forestry efforts. Under the revised ACJ, the County will be required to do green infrastructure.

Mr. Stanczyk asked to be provided with a breakdown of the green expenses. Mrs. Miller said that \$17 million is for the interceptor, \$3 million for culvert, \$3.5 million for mitigation, \$2.5 million for green.

Mr. Kilmartin asked if green technologies weren't being used, would that line item of \$2.5 million be completely pulled out. Mrs. Miller said that it is green technologies and work related to Harbor Brook Floatables Control facility. If what is related to green technologies were pulled out, it would reduce it; however, they will be required to do green technologies as part of the ACJ.

A motion by Mr. Corbett, seconded by Chairman Rhinehart to approve this item. AYES: 5 (Rhinehart, Corbett, Rapp, Holmquist, Kilmartin); NOES: 0; ABSTENTIONS: 3 (Warner, Kinne, Stanczyk). CARRIED.

d. **Approve the Increased Cost of Improvements for the Onondaga Co. San. Dist., Intended to Enable the County to Comply with Requirements Set Forth in the Amended Consent Judgment in Connection with the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. Co. of Onondaga**

A motion by Mr. Corbett, seconded by Chairman Rhinehart to approve this item. AYES: 5 (Rhinehart, Corbett, Rapp, Holmquist, Kilmartin); NOES: 0; ABSTENTIONS: 3 (Warner, Kinne, Stanczyk). MOTION CARRIED.

11. WAYS AND MEANS MISCELLANEOUS: Roberta Sprague, Commissioner

a. **Create 3 Nurse Aide I, Grade 02 @ \$24,97-\$27,549, effective June 6, 2009; Abolish 3 Nurse Aide II, Grade 04 @ \$27,354-\$30,191 effective June 6, 2009 (Van Duyn - Long Term Care Service)**

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

b. **Amend the Health Benefit Contribution Rates for Retirees to Institute a Sliding Scale, and Amend Res. Nos. 335-1992, 66-1993, 110-1993, 133-1993, and 156-1998 to Provide for that Sliding Scale (Sponsored by Mr. Holmquist)**

Mr. Warner asked if item 11c could be considered at the same time. There was no objection.

c. **Amend the Health Benefit Contribution Rates for New Hires to Institute a Sliding Scale, and Amend Res. Nos. 335-1992, 66-1993, 110-1993, 133-1993, and 156-1998 to Provide for that Sliding Scale for New Hires (Sponsored by Mr. Warner)**

Mr. Holmquist noted that Mr. Kraft has been talking about the history of this issue and periodic failed attempts to get something done. He would like to see a compromise; he expects 11c will pass, but is not sure there is enough support for 11b. He would

love to see the legislature and the executive get together and come up with a compromise before next week. Everyone recognizes the problem, there has to be common ground and he is very flexible as to how it could be achieved.

Chairman Rhinehart said that item b hasn't changed and item c is being presented as it is; there is no compromised resolution here today.

Mr. Stanczyk asked about the status of negotiations between unions and administration on this. Mrs. Walter said that there is a demand from DSBA, and they are the only union that hasn't resolved their contract for the current period. They have two letters from CSEA, but are not considered a demand for negotiations. Mr. Stanczyk asked if anyone from the administration has talked to the unions. Mrs. Walter said there has not been a discussion so far, there is a tentative discussion for later on this month. Mr. Stanczyk asked why this should be entertained if they haven't talked. He feels the administration should talk to the union and find out if there is some common ground for moving in a direction or not. If no one has talked, the issues have become walled in and he is concerned about it. Mr. Stanczyk asked Mr. Graham if there has been any progress in terms of talking to the CSEA. Mr. Graham said that all 10 union presidents wanted to meet to present something to the County or County Legislature as a possible compromise to one of the resolutions. They haven't been able to do that. They have asked for time off, but have not been able to take it as of yet. He feels the first resolution with people being hired under the assumption that they would be able to retire after 5 years, they would probably have an improper practice suit either against the legislature or the County. On new hires, they do not have much traction.

Mr. Warner said that this issue has been around for at least 15 years this legislature has tried to work on this issue and every time they come up with nothing. Had item 11c been passed 15 years ago, we would not be in the shape we are today. He said that we have been highly critical of NYS when they renege on promises-money or contracts with this county. The Executive's proposal, at this point, is attempting to do the same thing - renege on promises or contracts that already exist. His plan effects only new hires. They don't come in and then down the road get a benefit yanked from them.

Mr. Kilmartin asked how the legal issues were analyzed with this resolution and the level of confidence that it is not running a foul of a contract or bargaining agreement. Mrs. Walter said that there is practice going back many years, where the County Legislature has made changes to the benefit program for retirees. She said that they are seeking to continue that practice by having the Legislature be the source of changes. The other option is to negotiate. If a demand to negotiate were presented, they are obligated to negotiate. When that happens, when something is negotiated into an agreement then it becomes bound by the agreement; the legislature would no longer have the right to make changes in the future. Chairman Rhinehart feels that a lot of members would not want to give it the authority that it has had in past practice. Mr. Kilmartin asked if the changes previously made by the legislature for the medical benefits plan were changes to the contribution schedule or were they different changes. Mrs. Walter said that they were both--changes to contribution schedule early in the process--at first there was no contribution from any retiree who kept health benefits, then contributions were put into effect. There were also changes to the benefit plan. Now everyone is under an OnPoint plan of benefits, self-insured, it is negotiated with the Coalition; the benefit plan moves on and retirees are covered by that plan. Mrs. Walter said it was in the 1990s and there was no litigation. Mr. Stanczyk asked what the other changes were, besides going from no contribution to a contribution. Mrs. Walter said that changes were made for co-pays.

Mr. Kilmartin asked if a projected savings has been done for the 2 resolutions for short, mid, and long term. Mr. Rowley said that he provided if for the first resolution. Regarding the second resolution; he is not sure there is any savings along with it until people start retiring; it could be 20 years before a savings is seen. Regarding the first proposal there is a \$225,000 million savings projection in the current fiscal year; and about \$1.1 savings in 2010. Beyond that there is a projection of \$19 million insurance savings over 10 years.

Mr. Corbett said that one of the letters from the CSEA indicated that they are willing to go to 10 years as a start. He questioned if the vote goes through on the 5 years, can the sponsor amend it to 10 years down the road. He referred to a successor agreement - if effected after the term of negotiations, the unions could come back to the County Executive and the Legislative branch and take them to court. Mrs. Walter said that agreement refers to when the contract expires; the provisions of that agreement continue until a new agreement is negotiated. It doesn't apply to this group; it could apply to DSBA as they do not have a contract for the current term of office, so that all of the provisions in the prior contract continue to apply until they agree on a new contract. The retiree health contribution benefits are not spoken to in any of those contract agreements

Mr. Corbett referred to equity and fairness; there are M/Cs that within a year may retire, but as the proposal is, it does not give these loyal employees the opportunity that is given to the bargaining units. He suggested that the M/Cs are also afforded the same benefit.

Mrs. Rapp said that several issues have come up and the cause and effect has not been clearly thought out. One issue is the recruiting side of things, i.e. nurses, forensic science enter, M/C's. One of the things that are seen are the benefits that are seen here and not somewhere else; she asked if that has been taken into consideration. Mrs. Walter did not know, but there hasn't been any difficulty recruiting for this reason. It is difficult to recruit nurses everywhere. Health benefits are an attraction that other places don't have, but the bigger issue at Van Duyn is longevity.

Mrs. Rapp said a great deal of savings comes from early retirements; people stepping down. She asked if there has been any thought if this isn't done--what another plan is. She would hate to have layoffs; it would be far better to reduce retirements. Chairman Rhinehart asked if that is the goal - Mr. Rowley said "yes". Chairman Rhinehart said it hasn't been presented forcefully that way - after 4 different meetings, it finally comes out that the goal is to encourage early retirement. Mrs. Walter said that it is one of the goals; that is how there would be savings in the calendar year. Mrs. Rapp also agreed that the M/Cs and the unions should be equalized.

Mr. Stanczyk said that Mr. Warner's resolution is the cleanest, most straightforward, M/Cs and unions will be treated the same way going forward; not trying to change something that was promised. Regarding saving for Onondaga County; it is being redirected as expenses to our retired employees. If the County saves money it is because the pool of retired employees will have to pay more money. The savings to Onondaga County are directly related to how much more retirees will have to pay for their health benefits. It puts people in precarious situations to make decisions about their future, that he doesn't even know if they understand the dollars and cents--another \$460 - \$470/month is expensive.

Mr. Kilmartin referred to the projected savings of \$1.1 million for 2010 - how much of that is attributable to potential retirements. Mr. Rowley said that it is all attributable to retirements; it is salary savings. Mr. Kilmartin asked how much is attributable to those that are expected to retire this year. Mr. Rowley said that they are projecting a conservative estimate that 34 people would retire.

Mr. Warner asked if 11b is successful and people retired, who would have the authority to refill those positions. Mr. Rowley said that the hiring process is controlled through DMB through the VRR process. Obviously, they would have to fill some positions; hopefully lower staff would be promoted in the positions that have to be covered and the savings would be found in another position. Mr. Warner said that the answer is that the executive side would have the authority to fill the positions.

Mr. Warner asked if a person gets laid off; where does the money come from to pay them for unemployment insurance. Mr. Rowley said that it is from the County. Mr. Warner asked how much is paid; Mr. Rowley said that the unemployment benefit is \$405/week. Mr. Warner said that the county would still pay people if they were laid off as well as their health insurance. Regarding health insurance, Mrs. Walter said that if they qualify under a retiree benefit, then they would get the 50% contribution, but if they don't have 10 years in, they would not necessarily be eligible for health benefits.

Mr. Lesniak asked about the letters received by Mrs. Walter. Mrs. Walter said that two letters were received, neither were perceived as a demand for negotiations. One letter was a proposal that there be discussion in the Coalition, which is scheduled to meet in June. Mr. Lesniak asked what changes the process if a union gives a letter to demand negotiations. Mrs. Walter said that it really doesn't change; they are still planning to meet and discuss this.

Mrs. Rapp asked if the sponsor can bring an amended version of this to the floor on Tuesday. Mrs. Tarolli said that it depends on how amended it is; if it is just a technical amendment, then he can. If it is significantly different as a subject matter, then it would need a waiver to bring it to the floor.

Chairman Rhinehart asked if any member of the committee would like to make a motion on item 11b. As there was no motion, Chairman Rhinehart said that item 11C would be considered.

A motion was made by Mr. Warner, seconded by Mr. Stanczyk to approve item 11c. AYES: 7; NOES: 0; ABSTENTIONS: 1 (Kinne). MOTION CARRIED.

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

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