

Office of the Onondaga County Legislature

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PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

CASEY E. JORDAN, CHAIRMAN, October 20, 2008

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

Chairman Jordan called the meeting to order at 11:00 a.m.

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

1. CNY REGIONAL MARKET AUTHORITY

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

Mr. Jordan noted that Ms. Mahar is currently a Nutrition Services Coordinator for the Onondaga County Department of Aging & Youth and she has been extensively involved with the Farm Fresh Mobil Market, a local produce market truck that goes into the south side - Brighton Towers, WICK, Southwest Community Center, Robert Cecile Senior Center, Head Start and other locations. Fruits and vegetables are sold year round; they accept Farmers Market coupons, Food Stamps and cash. Mr. Jordan said the program provides a great service to Senior citizens as well as exposing children to the benefits of good nutrition.

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

Mr. Stanczyk asked how many members serve on this board. Mr. Meyer replied "12", the Legislature appoints 3 members, other counties have 2 or 1. Mr. Meyer explained that the Chairman of the Legislature appoints three members with the confirmation of the full Legislature (five-year term). This appointment is to fill the vacancy of Peter Cappuccilli, who resigned, term expires April 3, 2009.

A vote was taken on item 1a. Ayes: 6; Noes: 0; Abstained: 1 (Stanczyk); MOTION CARRIED.

2. INDUSTRIAL DEVELOPMENT AGENCY: Ms. Caroline May, Senior Development specialist.

Resolution of the County of Onondaga Consenting to the Use of certain Pilot Payments by the Onondaga County Industrial Development Agency to Fund the Costs of or Debt Service related to Infrastructure and other Improvements and Authorizing the County Executive to and Deliver any Agreements in furtherance of same

Ms. May explained that by State Statute, the IDA is required to get the approval of each tax jurisdiction whenever a PILOT structure is recommended that provides for disproportional distribution of a PILOT payment to a jurisdiction. The applicant has said that there is a \$5,000,000 funding gap that requires additional financing. This Pilot Increment Financing (PIF), is a vehicle they have never used before at the IDA; all or a piece of the PILOT payment gets distributed back to the applicant in order to pay off the financing. Ms. May distributed a chart that shows the estimated distribution to the payment through the course of time (Attachment 2). The applicant has received approval of both the Baldwinsville School District and the Town of Van Buren.

Mr. Jordan said the chart indicates that in 2010, \$22,445.31 is actually divided between the County, town and school district, the balance of the \$892,445.31 will be used towards infrastructure improvements, it will increase by 2% each year; after ten years, more money will be paid to the different taxing entities. Payments would be made through the Empire Zone Program; those payments would get returned back to the IDA and then used for infrastructure improvements.

Mr. Stanczyk said the Empire Zone concept was put in place so that localities would not give up any monies through taxes, the normal tax money would flow to them and the state government would rebate back to the developer those taxes, localities were not hurt, would like a rigorous analysis of this to know what type financial benefits the County would receive, asked if there is any commitment to local jobs, job training. Mr. Jordan said it has been before the Empire Zone Board and the IDA, they would be paying the same amount in real property tax through this program as they are paying right now, the only difference in what is being paid is the additional tax on the improvements to be made. Ms. May noted that there is a project summary attached to the information she distributed with employment numbers and some of the data that was included when the IDA did a cost benefit analysis (Attachment 3). Ms. May said the IDA has a policy that requires any project to show good faith in all local contractors and local job creation.

Mr. Jordan introduced Mr. Tim Frateschi, attorney for the applicant. Mr. Frateschi said this project has the potential of creating a regional tourism attraction that does not exist in Central New York, applicant has already invested more than \$30 million in the project location and is now talking about an additional \$30 million, of which he has a gap of about \$5 million that he needs to address. The issue is whether the Legislature wants to create a mechanism through the IDA that could provide the gap necessary to make this project happen. The Empire Zone Allocation Board has determined that the project is worth pursuing and has given unanimous approval to the concept of moving an Empire Zone to the west side of the County. Town of Van Buren, is willing to divert a portion of their tax dollars that would be available under the PILOT to the infrastructure costs because it would be an economic spin-off, create additional sales tax, additional jobs and would bring people into the area. Baldwinsville School District reviewed this project for several months and agreed that it made sense because of the economic spin-off. Mr. Frateschi pointed out that the minimum distribution is what the county, town and school district is getting right now and they will continue to get this amount until the land gets developed. The question is whether the Legislature wants to allow this project to go forward and get the potential of the taxes related to 2020 - 2029 and beyond. Project makes sense because of its proximity to two major highways (Thruway and Rt. 690), Village of Baldwinsville, Carousel Mall, NY State Fair; it would create something unique for this area. Project would draw tourists from out of the County; local children would also derive a benefit.

Mr. Stott asked what the revenue plan is for the off-season. Mr. Wright (developer) said it would be an indoor water park; there is a small outdoor component. Summertime and times when kids are off from school would be the busiest; they will do corporate parties in December and birthday parties in the winter. They plan to market to a 180 mile radius focusing on Rochester and Ontario, Canada. They did an economic impact study; about 70% would be people from outside the county, would put about \$900 million into the community over a ten-year period.

Ms. Rapp said the Empire Zone Board opted to include the area in an Empire Zone because they didn't have anything on the west side of the county, it is part of a larger picture, looking to creating a whole economic engine on that side of the county where there already is sewer and water. PIF is a common tool all around the country and parts of New York State, they could do nothing or take a bit of a risk, County would continue to get what it is getting right now with the hope that this will catch fire and develop the rest of the area.

In answer to Ms. Williams, Mr. Frateschi explained that the \$5 million would be a bond floated by the IDA, debt service paid through the PILOT payment; the County would not give any money for the project, would authorize the IDA to divert a portion of the money that would have otherwise come to the County in terms of a PILOT payment to pay debt service on the bond for the infrastructure for the project. Ms. Williams asked if the jobs would be minimum wage. Mr. Wright said most would be above minimum wage except starting housekeeping positions; jobs would be year-round. Ms. Williams asked about Mr. Wright's success rate. Mr. Frateschi explained that this is Mr. Wright's first indoor water park; he has built a Wingate Hotel, Quaker State and Lube restaurant, a paintball park, and a motocross facility, has a good track record for successful businesses in that area. Mr. Wright noted that the water park in Glens Falls has been wildly successful.

In answer to Mr. Rhinehart, Mr. Wright said he has invested \$21 million into projects in that area with financing. Mr. Herkala said the Law Department reviewed the resolution.

Mr. Stanczyk asked if there is a proforma concerning the investment of the potential developer, what is anticipated to be borrowed, repayment schedule. Ms. May said the IDA's Technical Assistance Group will request a proforma, does not have one now. Mr. Stanczyk said he has a problem when he doesn't have that information. Mr. Frateschi said there are a lot of pieces of this puzzle that have to come together, this is the initial stage - if the Legislature voted today to say they agree with the concept of diverting a portion of the PILOT payment to the infrastructure for this project, there are still several steps that have to be taken in order for them to go forward with the IDA to enter into a PILOT agreement, including coming back to the Legislature for approval of the local law which would be required to move the Empire Zone to that area. Mr. Wright said they have gone through hoops with the school district and the town, which make up about 90% of the taxes, and they are very excited about it.

Mr. Rhinehart asked what happens with the money if the project doesn't get to a point where it can proceed. Mr. Frateschi said it doesn't ever come to be. Mr. Wright said he is paying taxes on the land now; if it doesn't work out, he would continue paying those taxes. Mr. Rhinehart noted that they would be treating the water, asked what they would release into the sewer and have they talked to the Water Environment Protection Department. Mr. Frateschi said they are months away from that kind of discussion, this piece today will allow the developer to continue to go to financing to make sure they understand this concept as it

relates to the rest of the financing. In answer to Mr. Rhinehart, Mr. Herkala said Mr. Frateschi drafted the pilot resolution; he and Ms. Tarolli both reviewed it as well as the information given today to the Legislature.

Mr. Stott asked what the timeline is, if they are able to get financing. Mr. Wright said he is looking at spring, once they break ground it would be about twelve months. Mr. Stott would like to see the information requested by Mr. Stanczyk and an artist rendering, but believes there are enough safeguards in place between now and the different steps in the approval process.

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

Mr. Stanczyk suggested tabling this item for a month until they get the information that is requested. Mr. Jordan said the PILOT payments aren't coming from the taxpayers; they are coming from the applicant. Also, there are a number of safeguards in place within the context of the resolution itself, it is still contingent upon adoption by the Town of Van Buren, Baldwinsville School District, adoption of the resolution by the IDA to undertake and provide the financial assistance to the hotel and the water park, adoption of a resolution by the IDA to authorize and the sale of the agency bonds. A lot of the information that Mr. Stanczyk requested could be provided by the time it is voted on by the full Legislature.

A motion was made by Mr. Stanczyk to table the item for one month.

In answer to Mr. Jordan, Mr. Frateschi said the longer they have to bring this concept to banks to make them familiar with it, the easier it is going to be to put the financing package together. Ms. May said she agrees; concerning the IDA, it will take at least two more meetings before this comes before the IDA (at least 60 days).

Ms. Williams seconded Mr. Stanczyk's motion; a vote was taken; Ayes: 2 (Stanczyk, Williams); Noes: 4 (Stott, Rhinehart, DeMore, Jordan); Abstained: 1 (Rapp); MOTION FAILED

A vote was taken on the motions to approve this item; Ayes: 4 (Stott, Rhinehart, DeMore, Jordan); Noes: 1 (Stanczyk); Abstained: 2 (Rapp, Williams); MOTION CARRIED.

Convention and Visitors Bureau:

Strategic Direction Program - David Holder

Mr. Holder said they are working on a revisit to their strategic direction through a number of different formats. The first will be an event on November 21st at the Holiday Inn in Liverpool that he hopes the committee members will be a part of. The event will be the delivery of their strategic direction based on the travel, economic and marketing trends they are experiencing right now. They will do some networking and roundtable formats to get a better cross collaboration of their different business partners. This event will be followed up in January with the next piece - packaging, the green movement, helping our area businesses improve their sales results, some technology and media pieces; the final piece will be what is coming up in 2009 - the Carousel expansion opening, French Impressionist exhibit at the Everson, changes with the Film Festival, things the Connective Corridor is doing and a few additional items.

The meeting was adjourned at 12:05 p.m.

Respectfully submitted,
Johanna H. Robb, Deputy Clerk

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PUBLIC SAFETY COMMITTEE MINUTES - October 21, 2008 RICHARD M. LESNIAK, CHAIRMAN

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

Chairman Lesniak called the meeting to order at 9:04 a.m.

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

1. SHERIFF: Chief William Peverly

a. Authorize Sheriff to Accept Donation of Bloodhound from Child Protection Education of America, Inc.
Child Protection Education of America, Inc., a private national foundation working for the recovery of missing children, has

donated a bloodhound puppy to the Sheriff's Dept. Bloodhounds are renowned for their scent tracking ability, about 60 times that of a German Shepard.

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

Chairman Lesniak asked if this will be a one-person dog or have more than one handler. Chief Peverly explained that unlike the other canines, which ride with an officer on patrol, this canine is generally kenneled and called out only when there is a need for tracking purposes. Multiple members of the canine unit will be trained with the bloodhound, so that it will be used by a variety of officers. They have to wait about 8 months before formal training can begin. At this stage it is critical that the puppy is exposed to as many environments as possible so that it starts picking up the scents and various smells to develop its senses at this age. The more exposure it gets at this age, the better it will be as a tracking dog. They are introducing the dog to the school districts in the county and having a naming contest. At the same time, it is part of training for the dog.

Passed unanimously; MOTION CARRIED.

2. EMERGENCY COMMUNICATIONS: John Balloni, Commissioner

a. A Local Law Authorizing the Lease of County Property Located in the Town of Marcellus, County of Onondaga to New Cingular Wireless PCS, LLC, AT&T Mobility

Cingular Wireless, also known as AT&T, approached the County to rent space on the Rose Hill Road tower. They currently rent space on the same tower under prior names. The current lease is for \$1150/month; the new lease, based on the different type of equipment they are putting on the tower, will be \$2,000/month for the first year, and an increase of 3% every year thereafter. An environmental evaluation is required, using the County's engineer. Public safety is the first concern; if they violate it, they have to vacate or mitigate.

Mr. Buckel asked if the extra revenue was accounted for in the budget. Mr. Balloni said that it was not--the funds will go to county genera. The funds did not come in timely to have them allocated to the Emergency Communication's budget. The leases have to be dealt with as they come in and as quickly as possible, because they are revenue for the County. In the past, they have not been successful in leasing some space because they didn't act in a timely manner. Right now, there are four active leases for 9-1-1. Mr. DeMore asked if this is a fairly big tower. Mr. Balloni said that it is, a 325' lighted tower.

Mr. Masterpole asked how the arrangements come about with cell phone companies. Mr. Balloni said that the companies approach the County--they know where the towers are. The consultant takes care of negotiations.

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

*Mr. Warner arrived at the meeting.

b. Update: Radios -- Sean Sparks, John Balloni

Mr. Balloni distributed a tower site build out project update (attachment #1). He said that the projects are in good shape; on schedule, and overall within budget. The user radio order went in yesterday. All infrastructure is basically in town and being installed. Regarding the upgrades to the 911 consoles, an advantage of going with Motorola was that they had **Gold Elite Consoles**, so they didn't have to replace them at the 911 Center. However, they do have to be upgraded. The operation will be housed for 5 days at the back up center to accommodate the upgrades. The installation of radios in vehicles will start early 2009; the contractor can do about 220/month and there are 3,000 vehicles. The first phase of the project in getting them into first responder vehicles, will probably take until September. In the interim, they will patch all channels with the old and new system, so that there won't be any loss of service to the user community. The secondary users, other county departments and those that have signed letters of concurrence, will occur in 2010.

Mr. Sparks said that 3 new sites were needed for the project:: Lysander, Elbridge, Skaneateles. In Skaneateles, a quid pro quo lease was done with Verizon Wireless, who was already approved to build a tower.

He showed pictures of the 3 sites, the Vinette site and the 911 Center.

Lysander Site:

- Corner of Rt. 370 and Plainville Road
- 180' tower
- If another carrier decides they would like to use it, the tower is built strong enough to accommodate them
- All concrete poured at once
- Waiting for tower steel to arrive, should be here around the second week in November

If a tower or antenna is over 200', it needs to be lit red at night and painted orange and white. For the sake of neighborhoods, they like to stay under the 200' and not have the annoyance of lights.

Elbridge Site

- On Blumer Farm in pasture land
- Substantial entry road was built to it; used existing County DOT contracts; DOT assisted them by installing a culvert pipe and trenching culvert; a cost-saving measure by interdepartmental sharing
- Concrete will be poured later this week or next week

Mr. Balloni said that they have one 4-wheel drive vehicle to access tower sites, which is necessary in the winter. They are back in the fields, on top of hills, all gravel access.

Skaneateles Site

- To be built by Verizon Wireless
- Most of their site work is done
- Tower is assembled, 195'
- Waiting for final approval as to where Emerg. Commun. will put the shelter and communications pad

Vinette Site, City of Syracuse

- Microwave site - needed to extend above roof line for transmittal and receiving antennas
- A wall bracketed tower
- First antenna for OCICS project to be installed
- A heavy cell site

Mr. Balloni said that a Five County Radio Consortium has been established: Cayuga, Madison, Cortland, Oswego, and Onondaga. They are trying to get funding to create a regional radio system out of the radio system being built in Onondaga County, or at least link all radio systems within the region. It would make mutual aid, fire departments, police, and EMS a lot more practical and ease life for all emergency service workers. They met with the Office for Technology, the office running the Statewide Wireless Network (SWN). He noted that at the time that the County was looking to build its own system, there was a question of why the County wasn't joining with the State. At that time, he reported that the State was having some problems and was concerned about them getting done in time. It appears that the concerns were founded. SWN went into default and left a lot of counties in the same position that Onondaga County was in 3 years ago when the project was started. There is an efficacy deadline of 2013. A lot of counties would like SWN to reconsider their way of doing business and perhaps support financial and engineering resources. A PowerPoint presentation was given in Albany suggested a way to operate a regional system. The presentation was proposed as a pilot and well received. Maycom is trying to make a case that they will build the system, but there is a great deal of speculation that they won't. It was stated during that meeting that should Maycom fail to meet its obligation, it would be an option that they would have to consider. It was a very positive meeting, and they want to continue meeting. There are financial implications for the County. The State is taking a huge part of the State 911 surcharge and allocating it towards the SWN system. It would be much better spent if allocated towards a regional system, rather than building a statewide system--could link the regional systems. The surcharge nets the State approximately \$4 million/year; Onondaga Co. gets about \$265,000 of it.

Chairman Lesniak referred to the radios going in late January; and asked if another order will be going in next year. Mr. Balloni said that during the course of the project, they negotiated knowing that a number of agencies wanted more radios than the project allocated them, particularly in the volunteer fire service. It was negotiated to allow them to buy radios at the same contract price that Onondaga County has. Some agencies are budgeting for them and making orders. Chairman Lesniak asked if the initial radios are on the County's dime and any additional radios would be on the agencies' dime. Mr. Balloni said that is the initial proposal based on the surcharge going through. If it does not go through, the County Executive's Office has indicated that agencies and municipalities will be billed for them. Chairman Lesniak said that he understands that the fire service is looking at a smaller radio at a cost savings. Mr. Balloni said that they are looking at a different model radio. When the model radios were first decided on, Emergency Communications went to the user community to show them the radios. All police and fire decided on the 2500 model based on the features it had to offer. In Sept. Motorola introduced their new models; and now the 1500 model has a lot more features on it. As a result, they radio models were brought back to the user community. For various reasons, police were still looking at the 2500 model, but fire service indicated that the 1500 model met all of their needs. It is the same size radio, but a lower model. There is a substantial cost savings.

Mr. Warner asked about the surcharge approval status. Mr. Balloni said that it is in the hands of the County Executive's office and does not have an update on it. Chairman Lesniak said that it is his understanding that once the new legislature comes in; the bill would be reintroduced, so it will be sometime next year.

Mr. Warner asked if the SWN system and Onondaga County's system are compatible. Mr. Balloni said that they would be compatible through a gateway, if and when the State builds the system. Onondaga County did not sign on as a partner, but would be able to link with them. Mr. Warner said that SWN will be mainly built with surcharge money and Onondaga County's

will be done with property tax at this point. Mr. Balloni said that is the way it looks right now, if the surcharge is not approved for the County or if the State doesn't reallocate some of the surcharge that they currently keep.

In answer to Mr. Holmquist, Mr. Balloni said that they will start installing radios with the State Police, because they will keep their other radios in the car also. The Syracuse Police and Fire both currently operate on UHF, so these radios will be able to be installed in their vehicles and operate concurrently with the old system. At some point, they will go to a full new system. The new system, in terms of infrastructure, will be up and operational this year, and testing will begin. No system acceptance will occur before the full leaves are on the trees; propagation is worse when all of the foliage is out. They want to make sure all of the foliage is out to test if it meets all specifications, even at the worse time of year. Mr. Holmquist asked if the surcharge is passed, would the number of approved radios be paid for by it and the additional radios paid for by the local municipalities. Mr. Balloni said that was the initial plan--if the surcharges passes, possibly more of those radios could be funded because of the selection of a less expensive model. Mr. Holmquist asked if the County Executive's Office has made a decision about billing the municipalities, if the surcharge doesn't pass. Mr. Balloni said that it has been stated by the County Executive's Office prior to the current administration, and in the current budget message. He is drafting a letter to the agencies and municipalities stating what their cost will be if the surcharge doesn't pass. Mr. Holmquist asked at what point will it be decided to bill the agencies and municipalities, if the surcharge doesn't pass. Mr. Balloni said that he does not have a definite answer.

Mr. Holmquist asked who decided how many radios are allocated to each agency; where did it break down that they are going as far as purchasing their own radios. Mr. Balloni said that it didn't break down. There was a formula based on the NFPA (National Fire Protection Standard), that said what a minimum number of radios would be needed to operate. When looking for funding, they were trying to make it as palatable as possible--it was already a \$35 million project. The County is not buying them everything they want; it is buying them the minimum that they absolutely need. Particularly in the volunteer fire service, this left some people feeling that they needed significantly more radios to replace the ones that they have. Mr. Masterpole questioned whether the County is funding enough radios to make the municipalities safe or if everyone just wants a radio. Chairman Lesniak said that it is a little of both; the smaller departments are making out on this because they are getting more than what they probably would have had. The bigger departments may have had a radio for everyone in the truck; they do not have that under NFPA now, but would still like it. Mr. Balloni said that the order that was placed was for a few more radios than initially anticipated. There was quite a bit of savings.

The meeting was adjourned at 9:45 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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COUNTY FACILITIES COMMITTEE MINUTES
BERNARD KRAFT, CHAIRMAN
October 21, 2008

MEMBERS PRESENT: Mr. Kilmartin, Mr. Lesniak, Mr. Jordan, Mr. Kinne Mr. Laguzza, Mr. Masterpole
ALSO PRESENT: Mr. Meyer and see Attachment 1

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

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

1. TRANSPORTATION: Mr. Brian Donnelly, Commissioner

a. Authorizing the Purchase of Real Property Necessary for Reconstruction of the Syracuse-Dewitt Road (North Street), County Route No. 6 in the Town of Dewitt, County of Onondaga (\$120,000)

Mr. Donnelly showed pictures of the house in question, said they are in the design phase of a full depth reconstruction project for North Street (approximately 1.4 miles). The traffic volume on the road dictates that they do 11-foot lanes with 6-foot shoulders, house cannot remain where it is and still do the project as designed. The Law Department concurs that the safest option is that the house be removed. They had two appraisals, owner has agreed to sell it; house will be demolished. There has been interest by other property owners to buy land that is remaining after the road construction.

In answer to Mr. Laguzza, Mr. Donnelly said the highest appraisal was \$120,000, lowest \$116,000. Mr. Laguzza asked why they are going with the highest appraisal. Mr. Coley said it was decided, per consultation with the Law Department, that if it went to

eminent domain they would start at the higher appraised value. Mr. Donnelly said they looked at trying to move the road; because of the elevations on the other side, they weren't able to.

Mr. Kinne asked what they would do about the width of the road when they get to the bridge. Mr. Coley said it would be narrowed down, said the purpose of the reconstruction is to make North Street safe and more efficient to travel on. Mr. Kinne asked if it is a traffic hazard concerning funneling people in at the bridge. Mr. Coley said it is, but the bridge is privately owned and they cannot spend public monies on it.

Mr. Kilmartin asked if it is a situation where they can't control the bridge because it is privately owned and they are trying to do the best they can by improving the road on both sides of the bridge by widening the shoulders. Mr. Coley agreed, said the six-foot shoulders would also act as pedestrian accommodation in that stretch of the road; Town of Dewitt is opening a park on a road across from the house.

In answer to Mr. Laguzza, Mr. Coley said the entire budget is \$2.8 million for the project. Construction cost is estimated at \$2.4 million.

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

b. 2008 Paving Update

Mr. Donnelly provided a handout concerning impacts of current escalation figures on the 2008 Workplan. Mr. Donnelly said they had planned to do 38 miles of Hot Mix and 15 miles of Cold Mix; they are deferring approximately 14 miles to next year (5.7 of Hot Mix and 7.98 of Cold Mix). Mr. Kraft asked if they bought any asphalt from the City. Mr. Donnelly said they completed North Kirkville Road (1.52 miles) and will be starting Pompey Center Road (1.1 miles) using asphalt purchased from the City.

Mr. Masterpole asked if the price is coming down for asphalt. Mr. Donnelly said not as quickly as they would like, mid western states are starting to bump up the production of liquid asphalt, hoping to see more production on the east coast over the winter. Mr. Donnelly said their Workplan for 2008 was based on \$190,000 per mile it went up at one point to \$299,000 per mile, now down to \$274,000.

In answer to Mr. Kraft, Mr. Donnelly said there is still \$1.2 million available to do some of the 14 miles, department historically sits on a certain number of miles to make sure that they are fiscally constrained for the year because of price fluctuations and weather related issues. Mr. Coley said they have held one road on the Cold Mix side and three roads on the Hot Mix side. They will finish the two roads where they are using the City asphalt; NYSDOT specs call for all paving to stop on approximately the third Saturday of October. If the weather looks extremely good, they may consider doing some other very small projects.

Mr. Laguzza asked about the priority of the roads that will not be done this year. Mr. Coley said they were towards the bottom this year, will be added into the priorities for next year. Mr. Laguzza said, theoretically, the roads might not be done again if they are deemed to be in the best shape of the lowest priority roads, would rather see the forecast more accurate and the need for a bond less viable.

Mr. Lesniak asked how many miles of roads are planned for next year. Mr. Donnelly said they have tried, historically, to do 38 miles of Hot Mix and 15 miles of Cold Mix every year, number of miles in the 2009 Workplan will be dictated by the asphalt prices at that time. County has been pretty proactive in its paving program so that they don't run into a lot of full depth reconstruction projects. This year has been very unstable, they are recently seeing a trend in the right direction; hope to get back on track with possibly a modest increase in funding. Mr. Lesniak asked if they are anticipating increasing the number of miles next year with the \$1.2 million left over. Mr. Donnelly does not know if they can do that and stay fiscally constrained.

Mr. Kinne referred to several years ago when the County purchased road salt in advance to get a better price, asked why they couldn't do that with asphalt. Mr. Coley said no producer would agree to that at this time with the volatility. Ms. Smiley said that when they went to renew the contract for salt, they wouldn't because of pricing changes. With most contracts that are bid, they can bail out after the first year.

In answer to Mr. Jordan, Mr. Donnelly said they do a limited amount of paving in house, majority of work is farmed out to contractors, if funding were not an issue, they wouldn't be constrained as far as availability of resources to get the work done.

Mr. Kilmartin summarized that the third paragraph of the handout says that in July there was a deferral of 11.6 miles of Hot Mix and 4.09 miles of Cold Mix because of the high pricing of the products. The last paragraph of page one says of those deferred in July, they will use 2008 dollars in 2009 to pave 3.88 of Hot Mix and 2.08 of Cold Mix. The third element is that they are going to delete 5.97 miles of Hot Mix and 2.01 of Cold Mix from the comprehensive 2008-2009 project. Mr. Donnelly said defer roads means that they have funding available of the 2008 funding that was allocated, don't have the time in the season to be able to do the roads. The ones they are saying will be deleted will be funded via the 2009 Workplan as oppose to the 2008 Workplan. The capital funding for 2008 will roll, will still have those funds available to work on those roads.

2. PARKS: Mr. Robert Geraci, Commissioner

a. A Local Law Amending Local Law No. 20-2007 to Provide for a Two Month Special Fee for Rosamond Gifford Zoo at Burnet Park

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

3. ALLIANCE BANK STADIUM:

Mr. Kraft took the agenda out of order.

c. Update on Stadium Scoreboard - Ms. Smiley, Administrator - Physical Services

Mr. Kraft said he met with Ms. Smiley and Mr. Geraci regarding their ongoing efforts concerning the Stadium and the scoreboard. They provided documents concerning the financial statements of the Community Baseball Club from 1995 to 2007, contracts that exist, including the most recent memorandum of understanding with the Community Baseball Club and Onondaga County and a document concerning revenues and expenses - \$700,000 to \$900,000 County cost (on file with Ms. Stanczyk). Ms. Smiley said some of that cost goes back to the change in the agreement (Management clause) of who would take care of the stadium. Ms. Smiley said they are also updating information comparing the different stadiums concerning who pays for what and what the stadiums are like.

Regarding the scoreboard, Ms. Smiley said there is particular timing in terms of purchasing a scoreboard; it would be a miracle to have one in place for this coming season. They are working on the idea of a scoreboard - what it should look like, the type of scoreboard we would need for our stadium, looking at and talking with vendors. They have been exploring the following options: - County paying for everything, a mix of payment between the parties, or provider paying for the scoreboard in exchange for certain revenues. They will come back to the committee with the options; plan is to have one available for the next season (2010). They are looking at the viability of advertising; current panels are very expensive to change when a vendor does not want to buy the panel anymore. They are looking at new electronic technology where they could sell different portions of the scoreboard in 50 second/20 second spots with different costs related to that, might have a bigger pool of people who could buy spots. Mr. Geraci said it costs \$7,000 to change a panel on the current scoreboard. Ms. Smiley said they are also looking at option so buying or leasing.

b. A Local Law Amending the Local Law Adopted August 18, 1994 to Limit the Term of the Stadium Lease to the Community Baseball Club to run through December 2011

Mr. Kraft explained that the agreements with the Chiefs were approved by the County Legislature in the mid 1990's authorizing the County Executive to enter into a contract with the Community Baseball Club for 15 years and then at the end of that term to extend it for another 12 years. This local law being considered would rescind the part allowing an extension of the lease beyond December 31, 2011. The Chiefs who now have a two-year agreement with the Nationals are looking to extend their contract with them, but will need to extend their contract with the County, the scoreboard also comes into the picture, the County Executive's side is trying to put everything together and make it all work. With this local law, Mr. Kraft wants to make sure it comes to the Legislature, it could end up being a legal question, committee could either pull the local law or go ahead with it; discussions are taking place now, he would like to be sure the Legislature is on record saying this is our desire through this message.

Ms. Tarolli said, for the record, she would phrase it very differently; she would prefer that if they were going to discuss the legal ramifications of the local law that they discuss it on an attorney/client basis.

Mr. Masterpole said he does not like the local law. Mr. Kinne said he is in favor of this local law, it has nothing to do with the County Executive, the legislature thought they had a good deal worked out; as it turned out, they ran into a lot of problems and it cost the taxpayers a lot of money. Mr. Masterpole said it is hard to negotiate a contract with the Syracuse Baseball Club, the Parks Department, the County Executive and 19 legislators. Mr. Kraft gave some background - when this all started, the Chiefs were going to run the whole thing, serve the community interests, take care of all the expenses; as time went along, they cancelled one contract; end result is we have gone from no expense the first few years and now we are up to \$1 million.

Mr. Laguzza said the rug was pulled out on the taxpayers with a closed-door agreement. Mr. Masterpole said he is in favor of the Legislature having an overview.

Mr. Kilmartin said before the Legislature takes a dramatic step with a resolution like this, his preference would be to pause for a moment, especially considering very serious business in legal, lease and franchise issues, suggested consultation with counsel, deferring a vote on this possibly to Ways and Means so that they have an opportunity to speak with representatives of the Executive Branch to get an update on the status of matters, if they have all the relevant information.

Mr. Lesniak asked if the lease right now is good until 2011 and can be extended for another 12 years. Ms. Tarolli said there was a local law done in 1994 that authorizes an initial term and then by mutual consent another term. Mr. Lesniak asked if the contract has to come back to the Legislature if the contract changes or the parties have changed (Toronto vs. the Nationals). Ms. Tarolli replied "no".

Mr. Kilmartin said he thinks there are the following two issues. First, what a prior local law authorized the County Executive to do, sounds as if it authorizes the County Executive to enter into an extension if the baseball organization agrees. Separate and apart from that, what the existing termination date is for the present agreement with the Chiefs and what is contemplated to go forward. Mr. Kraft said they have the right to extend by mutual agreement.

Mr. Kinne stated that he wants to make sure that the County has an agreement that is clearly understood by everybody, that holds people accountable.

Mr. Laguzza asked Ms. Tarolli to make a statement. Ms. Tarolli said she would like the opportunity to discuss the potential legal ramifications of the local law with the committee on an attorney/client basis.

Mr. Kraft suggested pulling the item for one month to give the committee members the opportunity to talk with Ms. Tarolli privately.

a. Beautification Master Plan - John Rathbun

An Alliance Bank Stadium Beautification Plan was provided to the committee members (on file with Clerk).

Mr. Rathbun said a group of concerned citizens put together an ad hoc committee that had one mission in mind - to enhance the entrance of Alliance Bank Stadium; they wanted to have the sense that they were going some place special. Legislature authorized \$75,000 for them to come up with a plan. Barton and Loguidice worked with the committee for about one and a half years to design this plan. Regarding paying for the plan, Mr. Rathbun said they are looking at different grant possibilities, different resources, don't have an idea of how or what they would do at this point. They are looking for direction and recommendations from the committee today. Mr. Rathbun introduced Mr. Stephen Buechner from Barton & Loguidice, to give the committee brief highlights of the plan.

Mr. Buechner discussed the Stadium Plan concerning the following:

- Sense of arrival - entrances coming in and area immediately around the stadium - what people see when they first come in, how exciting is it, do they want to be drawn in
- Site Aesthetics - currently all lacking - sea of parking, unsafe areas for people to come from the neighborhoods to get to the stadium; came up with some solutions - looked at the secondary entrances, main entrance, stadium "street" (could be a gathering spot) and the train platform
- Goals and objectives were identified for main parking lot, entrances, stadium "street", natural features, use of train platform
- Keystone Phase (suggested as first phase) - four concepts: wayfinding system (improve stadium orientation, sequential and directional approach for visitors), new gateway (arch entrance feature), entrance improvements (sidewalks, trees at secondary entrances), Home Plate Entry improvements.

Mr. Buechner noted that this is a \$5.2 million project that also includes some Geotechnical Budget items. They see this as a project going on for a number of years. Mr. Lesniak asked if this number includes an anticipated rise in cost over the years. Mr. Buechner said the budget is today's dollars; they would probably have to add 3% to 4% every year for inflation.

Mr. Kraft suggested talking to garden clubs and other interested people concerning planting some trees. Mr. Rathbun said they did address that early on and there were some volunteers who were willing to come in to help do some pruning. Mr. Geraci said it takes a certain amount of energy and resources to pull those kinds of things together and they would need a planting plan; this plan is a much more expansive than just planting a few trees and shrubs.

Mr. Masterpole asked about the County Executive's direction concerning this plan. Mr. Kraft said that Ms. Smiley said it couldn't make the priority list at this point. Mr. Rathbun said the committee was exploring other possibilities for alternative funding sources. Mr. Masterpole said this is a good comprehensive plan, question is do we seek other revenues to put the plan in place or spend energy on planting some random trees and maintaining it, might end up with something worse than we have right now. Mr. Buechner said the Stadium Beautification Committee prioritized the various components, the first component of the five phases is the Keystone Phase (gateway arch, tree pruning and maintenance, main entry improvements, home plate entry) for \$670,000, priorities could move around and split up further.

Mr. Kilmartin suggested that it should be looked at with respect to the comprehensive Capital Projects submitted at Budget time; suggested seeing where this falls in the list of priorities for the entire County, consulting with Mr. Geraci going forward and all the members to see if there is a means and an interest to proceed.

Mr. Lesniak asked what was remaining of the \$75,000 allocated by the Legislature for this study. Mr. Buechner said there is \$15,000 left, Syracuse Chiefs and Sports Corporation have both promised \$5,000 and another \$10,000 might be available to get things going with the Keystone Phase. Mr. Lesniak suggested investing the \$15,000 to do a fundraising project.

Ms. Tarolli asked for the opportunity to speak with the committee on an attorney/client basis about the proposed legal ramifications in the local law presented by Mr. Kraft.

A motion was made by Mr. Laguzza to go into Executive Session.

There were no further discussions and the committee adjourned at 12:30 p.m.

Respectfully submitted,

Johanna H. Robb
Deputy Clerk

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**HEALTH COMMITTEE MINUTES
ROBERT D. WARNER, CHAIRMAN, October 22, 2008**

MEMBERS PRESENT: Mr. Lesniak, Mrs. Rapp, Mr. Buckel, Mr. Kilmartin

MEMBERS ABSENT: Mr. Laguzza, Mrs. Winslow

ALSO PRESENT: see attached list (Attachment 1)

Chairman Warner called the meeting to order at 9:04 a.m.

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

1. HEALTH: Dr. Cynthia Morrow, Commissioner

a. Transfer of funds from Regular Employees Wages Account 101 to Professional Services Account 408 (\$40,000)

Dr. Morrow said the Chief Medical Examiner is out on an extended medical leave. Historically, when they have been down to two medical examiners, they have contracted out for services for about 10 days a month to give the remaining two medical examiners a break (position is high risk for burnout and a very stressful job). Costs have gone up significantly; they will try to contract services for one weekend in October, a couple of weekends in November, and a weekend plus a couple of days around the holiday in December. A board certified licensed pathologist from Binghamton who will come up on a per case basis. \$40,000 is their best estimate to get them through the end of the year.

Mr. Warner asked if the position is being paid while she is off. Dr. Morrow said she has paid leave benefits. Dr. Morrow has asked the Deputy Chief to be the Acting Chief, DA's office approves of the plan. Dr. Morrow hopes the cost will be less than \$40,000. Rates only change if there is an external examine compared to a complete autopsy. Will be on a per case basis, if they don't have a case, they won't be charged. Cost was calculated on a high average of eight cases per weekend. Rate is \$750 per case for an autopsy; one person would be able to cover eight cases on a weekend.

Mr. Buckel asked if this person has testifying experience and if his testimony has been accepted as reliable. Dr. Morrow said they are planning to use the autopsy report, but have their own pathologist do the testifying, the DA is comfortable with that as their plan, person does have experience testifying in Chemung County.

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

Chairman Warner took the agenda out of order.

2. Mental Health: Mr. Robert Long, Commissioner

a. Amending the 2008 County Budget to Accept Additional Funds from the New York State Office of Alcoholism and Substance Abuse Services for a Regional Prevention Resource Center Program (\$88,146)

State is implementing regional Prevention Resource Centers throughout New York State; Prevention Network was awarded one of those regional grants.

Mr. Buckel said we are accepting an overall declaration that substance abuse is a serious problem in the county; would like to see some measure of what has been accomplished at the end of the year - what are the instances they are trying to attack, outcomes they are trying to accomplish.

In answer to Mr. Lesniak, Mr. Long said this is a new program, other programs are more informational and referral. The Prevention Network would provide technical assistance to Onondaga County and 12 other counties to support prevention coalitions to plan and implement prevention activities in their counties.

Mr. Warner noted that there is forced advertising against some addictions, for example cigarette companies; asked if the gambling industry has to show the negative side. Mr. Long replied "no".

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

3. VAN DUYN: Ms. Roberta Sprague, Commissioner; Ms. Rebecca Hann, Budget Analyst

a. Transfer of funds from Maintenance, Utilities and Rent Account 413 to Furniture and Other Capital Account 215 (\$465,000)

Ms. Sprague said when they first put their budget together in 2008, it was thought that they would lease the Electronic Medical Record (EMR) equipment; they have now decided to purchase it after discussions with IT and the vendor. They plan to go with SigmaCare, a vendor they have been working with and talking to since 2006. It is a clinical component that their aides and nurses will be using directly on the floor, also will be used by therapists. Not only will they be able to view a resident's care plan, but they will also be able to document at that point of care, they will not lose track of the services they provide that they ultimately get reimbursed for.

In answer to Mr. Lesniak, Ms. Sprague said the \$465,000 was in the budget for the equipment and also to make them a wireless facility for the usage of it. Ms. Sprague noted that they would get about 80% of it back (two-year lag). This will be an all-inclusive medical record. Mr. Lesniak asked if there would have been an opportunity to upgrade in a lease. Ms. Sprague said in the initial design going back to 2006, yes; over time the companies are not doing that any more.

Mrs. Rapp asked the advantage of buying over leasing. Ms. Sprague said in discussions with the vendor, who has worked with over 40 facilities, they felt it was better to own it. Vendor will begin in January, will spend about four months working with the staff, looking at their forms and getting everything ready to implement; the quickest they would be up and operating is April to May, Ms. Sprague is banking on some time in June. With the EMR, they will be working parallel with Community General so that they can share information back and forth, they will also be talking electronically with Kinne Pharmacy and it will also work with Reliable (their current billing system).

Mr. Kilmartin asked what the useful life of the equipment is. Ms. Frigon said wiring would be 18 to 20 years and equipment 3 to 7 years (from accounting perspective). Mr. Kilmartin said if \$465,000 was allocated for a lease, a lease is typically 3-5 years, but the useful life of the equipment is 3 to 7 years for the same amount of money, they are probably getting a lot of bang for the buck if the useful life is longer than the lease term. Ms. Hann said for the subsequent years after they purchase the equipment, the cost for the software is significantly less, saving about \$400,000 a year by purchasing the equipment, hoping the equipment will last three to five years; if they have to replace all of the equipment at once (which wouldn't happen), they would still see a significant savings. Ms. Sprague added that the \$465,000 is not just for the equipment, part of that is for doing the wireless, about \$300,000 is for the actual hardware. Ms. Hann said the savings is in the useful life of the equipment vs. the lease and the pay per-day-per-patient fee. Ms. Sprague said there will still be a per-day-per-patient fee; when they first started to look at it leasing, the fee was \$2.50 to \$2.75 per patient per day, that price would now be down to lower than 50 cents per patient per day with the purchase option. In answer to Mr. Kilmartin, Ms. Hann said they are hoping to replace the computers on a three-year rotation, along the lines of everything in the County; they also come with a three-year warrantee. Mr. Kilmartin asked if there is an additional cost for warrantee or service agreements. Ms. Hann said everything is contained in the per-patient-per-day fee. Ms. Sprague said the network equipment and making them wireless is looking to be around \$160,00 - \$170,000 out of the total amount. Mr. Kilmartin asked if they have projections of savings they might appreciate by going digital vs. paper filing. Mr. Maenza said they have two other customers using SigmaCare (Cayuga County Nursing Home and Iroquis Nursing Home in Syracuse). A big part of the initial cost is the training component - they come in around the clock to do training for a four-week period. Concerning cost savings on an ongoing basis, a big chunk of the system is a pharmacy interface that will allow doctors and nurse practitioners to prescribe drugs for the patients. It will automatically check the person's plan to see if the drug is on formulary, will incorporate a lot of controls of what drugs are written to help control costs. Concerning the paper system, Mr. Maenza said the nurses currently do a triple check on the medical records prior to using and it takes on average 8 hours per 40 people of nursing time to do that, that will go away.

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

b. IGT Fund - Informational - Ms. Rebecca Hann

Ms. Hann provided a handout (attachment 2). In August there were some large State budget cuts that affected Van Duyn, State decided to plug that hole with Intergovernmental Transfer (IGT) federal funds. IGT requires a 50% match from the County, the amount is large and is retroactive to 2006. Van Duyn is able to draw down \$20 million with a local match of \$10 million. This federal program allows the state to increase the federal contribution to its Medicaid program - Van Duyn transfers local match to the State, State uses that money to draw down the federal match of 50% and then gives Van Duyn the money back with the federal match. Ms Hann said they need the Legislature's authorization to move funds; they are not taking any money from the General Fund, it is all coming from Van Duyn, they are trying to make their prior years contributions count. Money will be moved

into the Department of Social Services Medicaid account, has to be paid out of that to draw down. Ms. Hann said a General Fund contribution for Van Duyn was adopted in the 2008 Budget (a little over \$2 million); they are also allowed to use the Public Facilities Grant (\$721,423) that the state has given the county as a match and, in essence, they are going to take back the money they have given Van Duyn from the General Fund over the last two years (2006, 2007) and then bring it back in as a match.

Mr. Kilmartin asked if this has happened in the past, is it a cycle trend. Ms. Hann - have received IGT in the past, there were some issues before, for those years until the rebasing took place, there was no room under the Up Payment Limit for IGT. Now, all of a sudden, there is room under the UPL and the County can claim it, so they are going retroactive. They have received IGT in the past and have been told by the state that we should expect it in the upcoming years at a reduced rate. Mr. Kilmartin asked if they have an estimate of how this might work, what funds will be coming through IGT next year and following years. Ms. Hann said they have been told that there will be about \$65 million next year for New York State; if they apply the same percentages, it would be about \$1.5 million for the County next year.

Mr. Lesniak asked why they didn't do this in 2006 - 2008. Ms. Hann said the County is not the one who determines whether we draw down the federal funds, the State has to apply to the federal government, they did not do that until now. Ms. Hann said the funds would go into the Van Duyn's fund balance.

Mr. Kilmartin asked about the Van Duyn fund balance, is it used for capital projects or operational or a mix. Ms. Hann said is usually used for operating expenses. Mr. Maturo said with the first round of IGT Van Duyn's fund balance built over years; when they stopped the IGT program, Van Duyn started to draw down the fund balance. Now that IGT is back, we want to make sure we take full advantage of it while we have it, don't know what will happen from year to year. Ms. Hann said the fund balance is about \$4 million currently. Mr. Kilmartin noted that, according to the handout, it is estimated that Van Duyn's fund balance will be \$15,849,185 following these transactions. Mr. Kilmartin asked about the residual amount of \$897,773. Ms. Hann said after they do every thing they can to draw down the funds, they are still going to be short \$850,000 local to draw down our maximum. They would like to bring a resolution to ways and means to allow the CFO to appropriate Fund Balance once they close the books for 2008, if we are in excess of the 10%. If they have the ability to draw down this money and get 100% return on our money, they would like to do it. Ms. Hann said the first draw on IGT would be in November 2008, will have another opportunity to draw down money in March of 2009, which will be after they close the books and know where they stand. In answer to Mr. Kilmartin, Ms. Hann said that the \$897,773 is the combined amount, half of that would come from the General Fund; the other half is federal funds.

In answer to Mr. Lesniak, Mr. Seitz said the resolution that will be proposed will not affect General Fund if they end up with money left over in the end of February; they would like the ability, if they have surplus above the 10%, to have the \$400,000 to match for another 400,000 from IGT. Ms. Hann said they have until March of 2011 to draw down these funds; however, they have been told to draw down as much as they can now, because the state has to have existing appropriations in their budget to make IGT happen.

4. PROACT - Annual Update - Mr. Mike Maenza

Mr. Maenza provided a handout concerning a briefing of the Onondaga County Prescription Card Program (on file with the Clerk). Mr. Maenza said Onondaga County has excelled at a rapid pace in comparison to other counties in part due to the Legislature, the Social Services agencies, and the community at large. In November of 2007, there were 253 prescriptions filled and they went up on an average of 10% in subsequent months until the last few months. In September 2008, there were 6,591 prescriptions filled and 3,325 cards used; shows that the cards are being used repeatedly. Total costs of the drugs from November 2007 to September 2008 is \$1,604,078.11, average cost of a prescription is \$39.76, total price savings - \$832,909.65, average price savings per prescription - \$21.20, percentage of savings - 36% (average between brand and generics). Mr. Maenza noted that the mailings of cards are making an impact.

In answer to Mr. Buckel, Mr. Maenza said they can only track usage at the location of the pharmacy, the dollar amount spent and dollar amount saved; card does not have any identifying information concerning the person using it.

Mrs. Rapp suggested targeting small businesses, through the Chamber, to give cards out to their employees. Mr. Maenza said it is definitely a next step in the process.

Mr. Buckel asked what the card does for PROACT. Mr. Maenza said it gives them a recognition of this division of Kinney Drugs, goal for PROACT is to call on employer groups and municipalities to try to help them save money on their prescription drug program for their employees; secondly, it helps them build a relationship with the County. Mr. Buckel asked if there is a direct economic benefit to PROACT. Mr. Maenza said PROACT receives a small administrative fee per prescription, this is not a revenue source for them; it is a relationship type program, they incur the cost of the cards and the mailings and marketing. Mr. Buckel asked if it is the lowest possible commercial price offered by the pharmacy or is it a predetermined price when the card is used. Mr. Maenza said there is a standard price set by the pharmacy; when this type of program is used, it is processed through the network, those discounts have been established at the network level, prices may vary from pharmacy to pharmacy.

Mr. Kilmartin said it is his understanding that there probably wouldn't be a benefit to those who have an existing pharmaceutical coverage; however, if a drug is not covered by their plan, they could use the PROACT card; it is probably most useful to people who don't have any pharmaceutical coverage at all or people with a high deductible or a weak pharmaceutical plan. Mrs. Rapp mentioned the donut hole with Medicare Part D where people get to a certain point and coverage doesn't count until they spend another \$3,500 or so out of pocket. Mr. Maenza said what they spend is not going to get registered, have to be educated to know what the cost is going to be, what it is going to be with the discount and will they ever get out of the donut hole scenario. In answer to Mrs. Rapp, Mr. Maenza said the cards could be used nationwide.

1b. Informational - Food Protection - Mr. Gary Sauda, Dir. Environmental Health; Mr. Kevin Zimmerman, Dir. of Bureau of Community Environmental Health

Mr. Zimmerman said the Food Protection Program is a regulatory program designed to minimize illnesses and exposures to egregious conditions in food service establishments. Mr. Zimmerman reviewed the following:

Food Protection:

- Regulatory Enforcement Program
- Responsible for permitting & inspecting food service facilities that serve the public

Authority:

- Title 10, NYCRR - Part 14 of the New York State Sanitary Code
- Onondaga county Sanitary Code

Our Program:

- Core Program - mandated by NYS law - they receive 36% reimbursement for cost of program through NYS Health Department
- Environmental Health Budget - this is about 25% of the budget, approximately \$750,000
- Fee Revenue - roughly \$500,000 every year, mostly permit fees, some sampling fees and some fines

Our Mandate:

- NYS Health Dept. mandates that they inspect all restaurants a minimum of once per year
- Mandated to inspect high risk restaurants (risk is based on menu) at least twice a year
- NYS Clean Indoor Air Act - investigate complaints
- Enforcement - designed to educate first, give people a chance to correct things, if they fail to correct or are repetitive they issue a violation notice and notice of hearing, penalties are generally fines, sometimes mandates for education, sometimes issue closures

What We Regulate:

- 2,073 food service facilities
- Temporary food service operations - 450 temporary permits issued annually, inspections conducted

What We Don't Regulate:

- Grocery stores, convenience stores, food distributors, wholesale bakeries, meat markets, food processing facilities

What We Do:

- Issue permits
- Conduct pre-operational inspections
- Routine restaurant inspections
- Food borne illness outbreak investigations
- Complaint investigations
- Enforcement procedures
- Provide food safety education
- 24/7 emergency response

Mr. Lesniak asked if a fire department hall has been inspected and an outside organization uses it for a fundraising event, who is responsible. Mr. Zimmerman said if the fire department allows the organization to come in and serve food under their permit, the fire department is legally responsible; the other option is to let them use the facility but have them obtain a temporary permit in their name and then liability would be to them.

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

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

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EDUCATION & LIBRARIES COMMITTEE MINUTES
PATRICK M. KILMARTIN, CHAIRMAN, October 22, 2008

MEMBERS PRESENT: Mr. Stott, Mr. Holmquist, Mr. DeMore, Mr. Kinne

MEMBERS ABSENT: Mr. Corbett, Mrs. Winslow

ALSO PRESENT: Mr. Meyer

Chairman Kilmartin called the meeting to order at 10:35 a.m. ***A motion was made by Mr. DeMore, seconded by Mr. Stott to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.***

1. ONONDAGA COMMUNITY COLLEGE: Mr. William Emm. Chief Financial Officer

a. Approving the Classification of real property transferred to Onondaga Community College as the local sponsor share of the Capital Improvement of said property and recognizing the appraised value of said property to be \$4.5 million dollars or less

Mr. Emm noted that the property was transferred over to the college last year; there are two buildings on the property that need to be renovated. State has funds available that the college would like to access, the appraised value of the property can count as the county's match of 50%, have one appraisal for \$4.5 million and are in the process of getting a second appraisal (state requires two). Request for funds must be submitted to the state by November 1, 2008.

In answer to Mr. Kinne, Mr. Emm said the state has not finalized the decision on how to determine the amount - whether they would go with the lowest appraisal or a dollar amount in the middle. Mr. Kinne asked how they pick the appraisers. Mr. Emm said they go through their Management Services office; they are local companies.

Mr. DeMore asked if there are strings on this, could they turn around and sell the property in three years. Mr. Herkala said the property is owned by Onondaga County, held in trust for the benefit of Onondaga Community College.

Mr. Kilmartin said it is his understanding that there is a statutory process that dictates exactly how the amount is arrived at and that at least two appraisals are required.

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

b. Designating funds raised by Onondaga Community College from private sources as the local sponsor share of the cost of a Capital Reinvestment Study

Mr. Emm said the State University of New York is doing a statewide reinvestment of infrastructure study; all community colleges will have the opportunity to partner in this study. An architectural firm will be hired to do the analysis, the maximum cost to the college is \$25,000 (could go down depending on the number of participants), \$12,500 of that would come from the State; other half would be raised by OCC.

Mr. Kinne asked if this information already exists, thought it was done when the college did the study for NYSERDA grants. Mr. Emm said not on the infrastructure, perhaps pieces in regards to electrical services. In answer to Mr. Kinne, Mr. Emm said they would be raising the money through their foundation.

Mr. Kilmartin noted that the college first contacted him about this idea during budget season; he encouraged them to see if there was a way for OCC to raise the local share, they think they have found the resources without putting extra burden on the County itself.

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

Mr. Kilmartin asked Mr. Emm for a quick update on activities that have taken place since the Capital Plan was approved for OCC a number of months ago. Mr. Emm said the athletic field has been completed; still have to put in the lighting and the bleachers. An RFP for architectural design recently went out for the arena complex. The RFP for architectural design for Mawhinney Hall renovations has also gone out; those renovations will be done over the next two summers with the least impact to their classes (busiest academic building). The \$400,000 for technology improvements will be phased into the Mawhinney Hall improvements

and also the science lab improvements. Science labs will be renovated over the next two summers (8 labs total). They will also be working on site improvements in the spring. Mr. Emm showed pictures of the H1 and H3 buildings on the old Van Duyn property, noted that the outside structures are in pretty good shape, interiors need a lot of renovation. Mr. Kilmartin asked about the schedule concerning the athletic building renovations and proposed addition. Mr. Emm said they hope to select an architectural design firm within three to four weeks; design will take about a year and will involve a programming study to take a look at what needs to be included, will involve the campus and the community as a whole. Construction would take between 18 and 24 months.

2. ONONDAGA COUNTY PUBLIC LIBRARY - Informational: Ms. Liz Loftus; Mr. Richard Strauss, President of Board of Trustees, Mr. William Fisher and Mr. Robert Manning, Board of Trustees

Ms. Loftus provided a packet of information concerning Mundy Branch Library (on file with Clerk).

Ms. Loftus discussed the following:

Mundy Branch Library - reconfiguration of space

- Intent is to maximize the space so that they can control the crowd issues and the activity going on in the library
- Original design has been modified, cost has increased
- IMLS grant awarded to OCPL in August earmarks \$10,000 for wiring a computer lab at Mundy
- Continuing with their efforts to find money - hoping to tap into foundation resources, such as the Foundation Center Directory, for some national money
- Just filled the Children's Services position

In answer to Mr. Kilmartin, Ms. Loftus said it looks like the mitigation funds may not be available for community initiatives and will be redirected to Westside School Strategy and Say Yes to Education. Mr. Kinne said there is a lot of disagreement about how this mitigation money should be spent - some want it invested in things such as the library, some want housing, but are afraid it won't be cost effective; there were people disappointed about this money not going to the Mundy project. Ms. Loftus said the Mundy project would cost \$290,000, could probably get some funding from The Allyn Foundation if they show that there is other funding. Mr. Kinne said it is a shame that there are no County funds committed to this project.

OCPL Board of Trustees Update: 1-/22/08

Central Library Roof Update:

Regarding the roof repair of the Central Library, Mr. Strauss said the resolution passed on October 14th by the Legislature was an obvious trigger that has caused action to occur. Ms. Loftus said the Galleries' contractor started work on their portion of the roof; they have been told that work will start on the library section in 4 weeks. It is Mr. Kilmartin's understanding that the Law Department had direct communications with Mr. Messenger, the counsel for the owner, and indicated high expectations for a quality roof and a quality job to be done.

Mr. Fisher has asked Mr. Cuffy to get a copy of the specs for Mr. Barbas to review on behalf of the County. Mr. Kilmartin added that he has asked the Law Department, once the specs are reviewed, to communicate in writing to Mr. Messenger and his client confirmation that either the specs are good and correct or that there are inadequacies in the specs. Mr. Strauss said there would be an ongoing discussion concerning who pays for the repairs from damage inside to our facility.

Executive Director Search:

- In early September, they received 14 resumes from a national audience, some local
- Sent candidates 6 questions concerning leadership style, etc., 11 of the original 14 answered the questions
- Formed an Executive Director Search/Advisory Committee in parallel with above - gave input on qualities they are looking for in the Executive Director position, challenges they faced, division needs to be overhauled.
- End of September, candidates responded with answers to the questions, got a much deeper look at what kind of people they were, experiences they have

The Search/Advisory Committee will look at candidates and give input.

- Will vet the candidates
- Will have interviews
- Final selection - goal is by end of the year.

Mr. Kinne asked if the compensation package was going to be a problem. Mr. Strauss said "yes", it is an issue; if they find the right person, they want to be able to give them a fair and reasonable offer.

Lifecycles Assessment of OCPL Status:

Ms. Loftus said the leadership team, comprised of branch managers, suburban library directors, two trustees, has been meeting since August. Assessment is being funded under the Gifford Foundation Grant with Ms. Margery Connor as facilitator. The Objective is to diagnose OCPL on the 7 stages of a nonprofit lifecycle, implement ideas for making our organization work more effectively, share with the stakeholders.

Strategic Plan Development for OCPL Status

- Continuation of Lifecycles Assessment
- Key Point: "Excellence must be defined locally. It results when the library services match community needs, interests and priorities"
- Schedule: November/December 2008 - March 2009

Mr. Fisher said they needed to establish priorities. A governance issue that has to be addressed in the next planning process is that there is not a lot of representation on the Board among the city branches. Another issue is that there are a lot of "friends" and external people plugged into the suburban libraries, in the city it doesn't happen so much, would like to find ways to improve.

Mr. Stott said everyone utilizes the Liverpool Library; Liverpool taxpayers share that burden. Would like to see in a new director a commitment to help define where the people who utilize the libraries are coming from and how we can improve those other branches so that people don't have to travel as far. Mr. Fisher said the new director and the board need to find out if the suburban and city libraries are getting their fair share. The Board of Trustees is in the process of coming up with a new formula concerning certain fees that will be transparent to everyone and that people will understand. Mr. Stott said not just documentation of fees, he would like to see tracking of utilization of a library, would like to see some progress reports on that type of tracking.

Mr. Kinne asked if the board is looking at the system as a whole and whether or not the system is operating the way it should or could. Mr. Fisher said with the Strategic Planning process, "yes". There is a system function where they provide services to all branches that are a part of that system, also manage their own branches, incorporating both in their planning process. Mr. Fisher said they should look at the way the city funds the libraries, the arrangement that was made a couple of decades ago that is not transparent. Mr. Strauss said the State is proposing models, much like Liverpool and Baldwinsville, to have special school library districts, a footprint of the area it serves; the libraries become their own taxing authority so that the funding gets away from the county, villages or the towns and to the people, the library budgets are voted on by the people and the trustees are elected officials. Mr. Strauss said throughout the county there are different types of libraries, it is a complex issue; those are things they need to step back and say what is in the best interest of Onondaga County and the libraries in Onondaga County.

Mr. Kilmartin asked if the Lifecycle assessment would be complete in December of 2008 and the Strategic Plan in March of 2009. Mr. Bob Manning said yes and the goal is to have the new director on board to participate in the Strategic Plan. Mr. Manning said the suburban libraries look to OCPL for leadership and it hasn't always been there; if we provided a vision and goals and maybe some money, we could all go where we have never been. The new board, with Mr. Strauss at the helm, has some strong plans.

Other discussion Topics:

- Salary level for next Executive Director - an information sheet was provided which listed definitions of library systems, various types of library systems in Onondaga County. It also included a compensation survey of various systems in New York State, listing annual budgets, number of member libraries, Director salaries, vacation/sick time, perks and whether they are contract (*Attachment 1*). Mr. Manning said his intention is to advocate for a real contract for the Executive Director position, to have goals and objectives, conditions for dismissal.
- Libraries as economic engines for their communities - Mr. Manning said it is a powerful role for a library, if it can serve as an economic engine for our community, where there is knowledge, experience, retirees, where there are people to assist new businesses and keep businesses solid.

The meeting was adjourned at 11:35 a.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

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ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - October 23, 2008
CHAIRMAN JAMES A. CORBETT

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

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

Chairman Corbett called the meeting to order at 11:04 a.m.

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

1. LAKE IMPROVEMENT: Sue Miller, Deputy Director, LIP

a. ACJ Update

Construction

- Clinton Phase 1 - Finished the last part of microtunneling; on Dickerson Street and West Street--a few more manholes need to go in; moving equipment offsite; starting restoration work; tree planting restored
- Phase 2A - working on a dewatering plan that DEC will agree with, getting them more information
- Sewer Separation - Rockland & Parkway - sidewalks are in; road is done; have minor restoration left; a door to door visit was made in September to talk to residents about the project

Events

- Partnership's annual meeting held Sept. 29th
- Open House at Metro on Oct. 19; 150 - 200 people attended; gave tours, gave out stickers, 50 lb bags phosphorus free fertilizer; explained how the phosphorus needs to come out.

CH2MHILL, Green & Gray Consultants

- Have had meetings with them; taken them on tours

Chairman Corbett asked about sending and receiving pits. Mrs. Miller said that sending is where they are starting from; the pit was planned to be sending to the back of the MOST. Tunneling would be going in; generally it has to be larger as more activity is associated with it. When they thought about it again, they decided to put it on the other side. There is more disruption at the sending pit. Chairman Corbett pointed out that as the project progress, more changes are being made so that it will be less disruptive. Mrs. Smiley added that the original plan was because other construction was to be going on, because it is not, they were able to make that change.

Mr. Jordan asked when Midland plant will be fully on line. Mrs. Miller said that the end of the performance period is May 15th. They are hopeful that they get large enough storms to be able to test it all the way through the whole system. At this point, they have asked DEC to look at allowing them to use ground water to fill up the front end, 2.5 million gallon storage. If they were able to load that, then when it would rain there would be an opportunity to get a flush through it, at least as far as the disinfection tank.

Mr. Kraft said that said that the State money was \$160 million; but pg. A-7 shows NYS grants approved to be \$125 million and there is \$10 million outstanding per pg. A-8; \$25 million is missing. Mrs. Millers said that it is the \$10 million per year handshake agreement that they have until the end of 2011. Mr. Kraft asked if there is confidence that the money will show up; Mrs. Miller said "yes." Mr. Kraft asked if anything is missing that has been expected all along; Mrs. Miller said "no".

Mr. Rhinehart asked who is the contractor for the testing supervision for Midland RTF; Mrs. Miller said that it is Murnane, their sub is Ridley, who is responsible for the electronics. In answer to Mr. Rhinehart, Ms. Miller said that they have run the air purifying system and it works.

2. METRO WATER BOARD: David Fitch, Administrative Director

a. Local Law Authorizing the Lease of County Property known as the South Branch Water Supply System Located in the City of Syracuse and the Town of Onondaga to the OCWA

This is transferring a lease agreement with the City of Syracuse for the County's South Branch system; it has been leased to the City since it was instructed in 1972. The City and Water Board have come to an agreement that they want to transfer that lease to OCWA to provide service to residents of Nedrow and the Town of Onondaga; looking for approval to enter into a new lease agreement with OCWA for the maintenance of that system. The system was constructed at the request of the City of Syracuse in 1969; the County was asked to consider constructing improvements for fire protection for the high-rise apartments and buildings. The City committed its source of supply because it is served by Skaneateles Lake Water. The County agreed to construct the system, an estimated project cost of about \$3 million; consists of about 5 miles of 30 and 40-inch diameter pipeline, 2 pumping stations, and 3 storage tanks. The existing agreements provides for the City to use the system as a component of its system. There is no compensation given to County for the City's use of the system within the City. Outside of the city, the County sells that water to retail suppliers. In this case, it is OCWA. There have been issues between the County and City over the years about maintenance. There has been a recent request to extend more water service off of that system. Before they did

that, they felt it was necessary to enter into a new agreement. The City isn't happy with it; the County was happy with it; and OCWA wanted additional water. Therefore they negotiated a new agreement. Now the City will sell the water to OCWA, the County is backing out of this-will not be a supplier. The County will still own it; will own the improvements; will be leasing it to OCWA and the City will sell the Skaneateles Lake Water to OCWA, who will sell it to the residents of Town of Onondaga and Nedrow. This will be a big improvement for the residents, as far as water supply and fire protection goes. Right now there is no fire protection in Nedrow. The people in the Town of Onondaga paid for these improvements and are entitled to benefit from them. OCWA has approved the lease.

Chairman Corbett asked if the County were ever to take this back, down the road, it would an obligation to reimburse for any upgrades that were done. Mr. Fitch agreed.

Mr. Rhinehart said that he questioned why this would be done and asked about the maintenance issues. Mr. Fitch said that there has been an issue of appropriate stewardship for the system for a long time; it is a difference in interpretation of the original agreement. The County served as a financing vehicle, but from the beginning it was understood that the City would take the system, operate and maintain it. Mr. Fitch said that the language in the agreement is consistent with all of their lease agreements and there are no interpretation problems when it comes to OCWA, but there are with the City. He thinks the situation will improve when it comes to leasing it to the Authority.

Mr. Rhinehart asked if there is adequate pressure in the system now. Mr. Fitch said that it will be vastly improved. Mr. DeMore said that OCWA did a pressure study for him. The line comes from the City of Syracuse down Salina Street. There is a pumping station in the Green Hills parking lot. At night they turn it off, because there would be too much pressure. A person who lives down Salina and on the east side of the valley, can't flush toilet after a certain time at night. The fire plugs don't work, so something has to be done. Coming down from Southbranch is simple, it is gravity fed; there is a grant in place to pay for it. Mr. Fitch said that a pipe will be hung across the bridge on Rte. 81 by the Onondaga Nation. Mr. Fitch said that the Town of Onondaga and Nedrow are in both zones of assessment that have helped finance the improvements. Mr. DeMore said that the other problem with the contract is that the County doesn't pay the City for water, they barter with Lake Ontario Water, and the account keeps getting bigger and bigger. This will stop that problem.

Mr. Kraft asked why doesn't the County sell the system to them rather than lease it for \$1-there is no recovery of the costs. Mr. DeMore said that the County still has control this way. Mr. Kraft said that he doesn't see how that is of any consequence or interest. People paid into it and received no benefit or interest. If it were sold, there would be some income. Mr. Fitch said that the debt is gone. He feels this is equitable to all three parties.

Mr. Masterpole asked if Commissioner Ryan is still on MWB; and if he is supportive of this arrangement. Mr. Fitch said that he is a member of MWB and support this lease. He explained that the City does not want it and prefers to have OCWA lease it. Mr. Masterpole asked if there is any water going to city residents from this system; Mr. Fitch said that there is. Part of the agreement is that they will continue to use the system that they have all along. The water transmitted through the system, which comes from Skaneateles Lake, sold inside the City, will be just as though the City is selling it and part of the City system. They will not be paying OCWA any compensation for the use of the system. He said that the City also picks up some new sales and protects their sales. OCWA was purchasing this water being served now to Nedrow from the City. Under the existing agreement, the County could sell that water to OCWA, and the City would have lost those sales, about \$250,000 loss in revenue. MWB was trying to avoid imposing that loss on the City and preserve the City's interest rate.

Chairman Corbett said that Legislator DeMore has been very involved in this; this is a good example of cooperation--where all 3 entities are on board.

Mr. Jordan expressed concerned about the language in the local law with a 10 year term and 3 additional ten-year renewals. He suggested that it be just a 10-year term, and as it becomes closer to the end of the 10-year term, a new agreement be executed or not. Mr. Fitch said that they can still cancel the agreement at the end of 10 years if they do not like it. In fact, it can be canceled at anytime with cause. The County has preserved the right to back out of it if it wants. Mr. Murphy said that the County can get out at the end of 10 years providing advance notice. Also, there is a termination for cause on 60 days notice at any time during the agreement. Mr. Jordan said that the determination is made exclusively by the County Executive; it wouldn't come before the Legislature prior to any extension of the lease. Mr. Murphy agreed. Mr. Jordan said that given some of the problems with other lease agreements, he has a problem with this language; it is a possible 40-year lease without coming before the Legislature.

Mr. Rhinehart said that he believed a multi-term lease is so that if OCWA needs to bond any monies to fix the system, they will need to show ownership or possession of that system for 30 yrs. It wouldn't make sense for them to put money out for 30 years and only have a 10-year lease. Government provides services; there is a section of the county where water is needed. There is already a system in place and OCWA has a great track record. It is important for the people in that section of the county tot get some response from government. Mr. DeMore agreed - if OCWA has to bond, they would have to know that they would have it for 30 years or so. The current lease has been in place for 40 years. Mr. Jordan said that the current one has been in place for 40 years and there have been problems with it. Mr. DeMore said that at anytime the 40 years could have been cancelled. OCWA

needs to know that they have the lines in place for 30 or 40 years, otherwise he asked how they can make improvements. Mr. Jordan asked if the County is obligated to renew the lease. Mr. Murphy said that they County can get out after 10 years by providing a 60-day notice. Mr. Jordan said that there is no guarantee. Mrs. Tarolli said that the lease renews automatically unless the County provides notice. Mr. Fitch said that a problem with the existing lease, is that it automatically renews on an annual basis. The City has not been able to reinvest any capital in a system, as it could be taken away with next year.

Ms. Smiley said that they worked very hard with OCWA and the City to ensure that this was a win for everyone, as well as the people in the neighborhood who have a real fire issue now. There is grant money available that will pay for this--a lot of time and effort was put into it to ensure that it could move forward. The County has a relationship with OCWA all over the county; this lease arrangement isn't different in terms of other arrangements with them. Mr. Jordan said that his comments aren't reflective upon any relationship that the County has with OCWA or any parties involved. His concern is that there is a lease renewal without it coming back before the County Legislature.

Mr. Masterpole said that in the event that improvements will be made, who will bond for it; Mr. Fitch and Mrs. Tarolli said "OCWA". Mr. Fitch said that they also have the obligation to meet with the County's approval on any improvement that they make to the system.

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

Chairman Corbett said that the issue of how leases should be handled may have perpetuated from the stadium lease and other leases. That is a much broader issue than this. This lease is an example of some the concerns that have been discussed, but he does not think this should be held up. The larger issue that should be addressed is the opportunity for the Legislature to have input on the terms and length of leases.

Mr. Kraft said that the County presently owns a pipeline from point a to b. He asked if it is extended from point b to point c, who owns it. Mr. Fitch explained that under this agreement, it would be OCWA. Mr. Kraft said that from point a to b is not new construction; it is maintenance, which wouldn't be financed for more than 10 years. He questioned why the lease isn't just of 10 years.

Mr. Kraft made a motion to amend the local law to provide that 10 years is the extent of the lease and that renewals of it are upon the terms of the agreement of all parties, and are, not automatic. Mr. Jordan seconded the amendment.

Mr. Masterpole did not accept the amendment. Mr. Rhinehart seconded Mr. Masterpole's motion.

Mr. Rhinehart asked if the local law can be amended before session; Mrs. Tarolli said that it can; tomorrow the local laws have to be placed on the desks.

Mr. Jordan said that he would be comfortable with the language saying 3 ten-year renewal terms upon approval of the County Legislature.

Mr. Rowley said that from a management perspective, if OCWA needed to finance; given the current market conditions, they would want some kind of more conducive agreement. By having a 40-year agreement, it would help them get financing. Mr. Kraft agrees that expanding the pipeline from point b to c would require longer-term finance and a more secure financial arrangement. He is concerned about points a to b, which OCWA will maintain under the lease. Chairman Corbett said that the County owns from points a to b.

A vote was taken on the amendment. AYES: 2 (Jordan, Kraft); NOES: 3 (Rhinehart, Masterpole, Corbett). MOTION FAILED.

A vote was taken on the motion to accept the local law. AYES: 3 (Masterpole, Rhinehart, Corbett); NOES: 2 (Kraft, Jordan). MOTION CARRIED.

Mr. Masterpole asked for further clarification--a different local law can be still put on the table by tomorrow. Mrs. Tarolli said that it can. **Mr. Kraft requested an amended local law be drafted and placed on the desk for one 10-year term.**

b. Authorize Public Hearing to Consider Recommendations of the MWB to Amend Currently Effective Schedule of Rates to be Charged for Water and Water Service provided by Onon. Co. Water District

The 2009 County budget included a rate increase on wholesale rates from 97 cents/1,000 to about \$1/1,000 gallons. They want the rates to become effective January 1, 2009 to generate revenue, which has been adopted in the budget. County law requires the Water Board to amend the rates subject to the confirmation of the County Legislature; a public hearing is required. Next month he will come in with a resolution confirming the rates.

Mr. Masterpole asked how many gallons an average household uses; Mr. Fitch said that there are about 77,000 gallons per year. This increase will have an impact of \$2.31.

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

3. Informational: Green Infrastructure - Jean Smiley, Physical Services Administrator

Chairman Corbett said that CH2MHILL is now on board as a consultant and he has asked Ms. Smiley to give the committee an update on green infrastructure. Ms. Smiley distributed a presentation entitled "What Is Green Infrastructure and How Does it Reduce Wet Weather Issues?", prepared by CH2MHILL (*on file with Clerk*).

Ms. Smiley said that a lot of people believe that green infrastructure is just trees and shrubs, but it is really engineered. She reviewed each slide of the PowerPoint presentation.

Regarding porous pavement, Mr. Jordan asked how it compares to non-porous pavement. Ms. Smiley said that according to scientific data, it holds up as well.

Chairman Corbett asked if the West Side initiative will include a concept like a rain garden (pg. 10) or will it be just trees. Mrs. Miller said that there are two parts - one is planting 400 trees and some will be retention basins. Two projects are under the grant for rain gardens; they are the kind that are connected to gutters on a building. So the people who own the building are helping take care of that rain garden.

Mrs. Smiley said cities like Philadelphia, Cincinnati, and Portland are trying to address their sewer and storm water issues with green infrastructure and then complimenting it with gray where they have to. Mr. Jordan said that at the expense of constructing gray infrastructure vs. green; it will be additional cost for maintaining, and planting the vegetative areas. Mrs. Miller said that there are operational costs whether it is green or gray, but basically they are less for green. There are no mechanical structures involved. Mr. Rhinehart said that incentive should be provided, so that property owners do it themselves.

Chairman Corbett said that Mattydale is redoing their streetscape, he hopes that everyone is talking to each other so that when new ones are built, they don't end up being redone. Mrs. Smiley said that they are trying to connect with as many players as they can so that they can spread the word.

Chairman Corbett referred to two projects - Center for Excellence and O'Brien and Gere - he asked if they are utilizing any of this; is the City working with the County on this. Mrs. Smiley said that they have been talking to a developer; King & King. The Legal Committee is looking at how to build momentum around green roofs-what have other cities done to encourage people. In Philadelphia, they pay for design, but not the actual roof.

Mr. Jordan said that having a green roof is counterintuitive. Usually you want to get water off the roof and not retain it. Mrs. Smiley said that a certain volume would come off the roof to be collected. Mrs. Miller said that it has to be engineered.

Mr. Kraft said that the concept is that it is a nicer looking community; but will it really be effective in considerably diminishing the amount of water. Mrs. Smiley said that she is convinced that this will work. Major cities are converting everything; this is the way EPA and DEC want to see things done. Mr. Kraft said that aesthetically it is positive, but is there an indication on how effective it is. Mrs. Smiley said that some of these examples, i.e. the library (pg. 15), the consultants were able to tell them how much run off used to be from the area, and virtually now there is none. On small scales they have been able to measure, but this is a grander scale. Over the next few years, there will be a lot of time, money and resources, across a variety of cities that will be looking at this because it is the direction of the future. In order to get EPA and DEC to provide more funds, proof will have to be shown. Mrs. Miller explained that it is a marriage of gray and green. I can't be all done with green, but it can substantially reduce the gray.

Mr. Masterpole asked if the ultimate goal still to remove CSO's, Mrs. Miller said that the State and feds are still interested in addressing the CSO's. Mrs. Smiley said that it will depend on the water quality; that is the standard that they are held to.

Mr. Rhinehart said that this is also about affordability. Regarding storm water runoff, is not just the amount, but the rate of the run off that is a factor. There will be discussions about changing current laws, zoning laws, etc. It will change over time. There are a lot of things to discuss, but is glad that the county is headed in this direction. Mrs. Miller said that there are constant improvements to the products.

Mrs. Miller told the committee that they can see some of the green initiatives at: the zoo, bioswails in parking lot; path at MOST from Flexipave; 515 Tully Street--rain gardens hooked up to gutters, porous pavement sidewalk and driveway; tree planting along Shonnard and Gifford from urban grant; green roof at Walter's Hall at ESF; Beard Park, Fayetteville, extensive use of porous pavement on pathways; Turning Stone's walking trail is porous pavement; rain garden at Zen Center on Seneca Turnpike.

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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WAYS AND MEANS COMMITTEE MINUTES - October 28, 2008
CHAIRMAN JAMES RHINEHART

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

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

Chairman Rhinehart called the meeting to order at 9:35 a.m.

A motion was made by Mrs. Rapp, seconded by Mr. Kilmartin, to waive the reading and approve the minutes or proceeding from the previous meeting.

1. COUNTY CLERK: Ann Ciarpelli, County Clerk

a. **Amend '08 Budget to Accept funds from the NYS Education Department local government records management improvement fund and Authorize Co. Executive to enter into contracts (\$64,860)**

Mrs. Ciarpelli said that the funds would be used for improvements to their computerized system

A motion was made by Mrs. Rapp, seconded by Mr. Holmquist, to approve this item. Out of room: Mr. Warner. Passed unanimously; MOTION CARRIED.

2. HEALTH: Dr. Cynthia Morrow, Commissioner

a. **Transfer funds from Cntr for Forensic Sciences, Acct. 101 Reg Empl. Sal to Acct. 408 Fees for Svcs. in the amount of \$40,000 to contract for part-time Pathologist services during the extended leave of the Chief Medical Examiner (\$40,000)**

Dr. Mary Jumbelic, Chief Medical Examiner, has been on medical leave since August 30th. There are two medical examiners working 24/7 now. They are looking to contract for a third pathologist until Dr. Jumbelic returns.

Mr. Kraft asked how much is charged for an autopsy. Ms. Wilson said \$1,210 for non-county cases. The contract charges \$750 for a complete autopsy; \$300 for an external autopsy.

A motion was made by Mrs. Rapp, seconded by Mr. Holmquist, to approve this item. Out of room: Mr. Warner. Passed unanimously; MOTION CARRIED.

* Mr. Kinne arrived at the meeting.

3. VAN DUYN: Roberta Sprague, Commissioner; Rebecca Haun, Budget Analyst

a. **Transfer of funds from Acct. 413, Maintenance, Utilities & Rents to Acct. 215 Furniture & Other Capital in the amount of \$465,000 to purchase EMR hardware instead of leasing (\$465,000)**

Ms. Sprague explained that they will purchase equipment, do cabling, and become wireless for electronic medical records. It will come out of 2008 money. This was originally put in as a lease, and has now changed to a purchase.

Mr. Stanczyk asked the purchase price. Mrs. Sprague said that it is approximately \$300,000; it will go through County IT and they will get the best price that they can off of the contract. Ms. Haun said that the lease was on a per patient bases; it included the equipment and software. The vendor made Van Duyn aware that it was cheaper to buy, rather than lease. The cost was estimated to be \$465,000 for equipment and software. Ongoing costs are about \$109,000 for software and some replacement costs for equipment. This is another \$131,000 in a one-time cost to the vendor for implementation, which will come out of 2009 budget. **Mr. Stanczyk asked to be provided with a fact sheet.** Mrs. Sprague said that the cost is \$8,500/month for the service plus an upfront implementation cost.

Mr. Kilmartin said that part of the cost is setting up the hardware, wireless network and training for the employees; some of the costs will be one-time costs.

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

b. Amend '08 Budget to allow Van Duyn to claim retroactive IGT funds for 2006, 2007 and 2008

Ms. Haun said that in August, when Van Duyn was affected by State budget cuts, the State plugged in some shortfalls with the Inter Governmental Transfer fund--federal funds available to public nursing homes. They are making the funds available retroactive to 2006--about \$20 million; half is local - 50% match. To receive the funds, the cash has to be in DSS in the Medicaid account. The resolution moves the local contribution for 2008 along with the local dollar contribution from 2007 and 2006.

Mr. Warner made a motion to approve this item.

Mr. Stanczyk asked if this was anticipated. Ms. Haun said that it was not; the doors to IGT were closed by the State. The County cannot apply for IGT. The State has to apply to the federal government, and they had not done it in 2006 or 2007. The State does not contribute anything. The County will be getting \$10 million for the 3 years. Mr. Stanczyk said that there has been a deficit at Van Duyn; how will that be accounted for. Mr. Maturo said that in years 2006 and 2007 the general fund sent \$6.8 million to Van Duyn. In those years, the IGT fund wasn't an option. This year the State came in and opened up IGT to Van Duyn and made it retroactive to 2006, 2007 & 2008. Had IGT been available in those years, instead of sending \$6.8 million to Van Duyn, it would have been put into Social Services, and in essence double the money to Van Duyn. Now they are going to pull that money back from Van Duyn's fund equity and put it back into the general fund, reversing what was done in 2006 & 2007. The money will be appropriated in 2008 into Social Services and will draw back \$13.6 million to Van Duyn. In essence, this is taking \$6.8 million out of Van Duyn then doubling it. Mr. Stanczyk said that Van Duyn is going from essentially having nothing to double digit millions. Mr. Maturo said that there was some fund balance available at the end of 2007.

Mr. Stanczyk asked what is being done with Van Duyn now that the situation is much less precarious, and much easier to affect some type of merger with another institution now that it has a cash value. Ms. Haun said that the direction from the County Executive's office is that this will allow them to look at Van Duyn outside of a financial crisis situation. The County Executive is planning to evaluate this, and was waiting until after the budget. Mr. Stanczyk asked when the Executive will come back to the legislature to inform them about Van Duyn. Mr. Rowley said that they are waiting to see what happens with the State. Mr. Stanczyk said that it is important that this legislature get a hold of this situation, if with the County Executive, to help determine where to go from here.

Mr. Kilmartin asked for a definition of the \$897,000 left unclaimed. Ms. Haun said that it is left unclaimed from the total. The County has been allocated \$20,291,871. Of that, \$897,774 can't be matched.

Mr. Kinne asked if the legislature will have input as to where this money goes. Ms. Haun said that they have to come to the legislature to appropriate any funds. The funds will all go into contingency and roll over to fund balance. It has to be spent at Van Duyn.

Mr. Kraft asked if any money was allocated in the 2009 budget; Ms. Haun said \$1.5 million because they are expecting IGT in 2009, which is the amount they expect to draw down in IGT.

Mrs. Rapp seconded the motion. Passed unanimously; MOTION CARRIED.

c. Amend '09 Budget to allow Van Duyn to claim IGT funds for 2006, 2007 and 2008 (\$448,887)

This resolution addresses the shortfall. It authorizes the CFO to appropriate the match \$448,887 in 2009 if in excess of the 10% reserves in fund balance.

Mr. Stanczyk said that the year will finish in the black and questioned why it would be worded this way. Ms. Haun said that they are not sure what shape they are in; the Governor has convened the Legislature to look at the State 2008 budget, which could affect us now. They want to be careful. Mr. Stanczyk said that the 10% language should be stricken. Mr. Seitz said that the general fund budget is \$750 million and they are precariously close to a balanced budget. This is a conservative attempt to make sure that 2008 will come in balance. Also the County has 5 years to draw this money. This is a safety valve, if they don't have the money this year, they still have time to draw the money down. Ms. Haun explained that there is a schedule for drawing down this money--Nov. of 2008, March 2009, then March 2010. The books will close some time in mid February. By the time they know what is in excess reserves, they won't have enough time to come to the legislature and claim the money in March.

Mr. Kraft said that if IGT is available through federal funds; why did the State not take them. Ms. Haun said that the IGT is calculated by the difference in what Medicaid pays and what Medicare would pay. A new way to calculate the UPL was just approved, which allowed some room. Prior to this, there was no room for the State to go after it.

Mr. Stanczyk said that everyone thinks that the legislature put in the 10% of fund balance legislation to make sure that there was a 10% goal. He said that it was put in place to make sure that if above 10%, it would be returned to the taxpayers or used to

pay off some debt. The intent was to make sure that everything was swept above 10% and didn't get overly imprudent about building up our own reserves while tax benefits could be returned to the community. If the money has to be washed through the State to get to us, he proposes that the County put through all of the money that they can right now. If the money is there to be gotten, knowing the State's condition, the County should get it. These clauses are well and good in terms in making sure that the County is fiscally prudent, but if this clause causes the County not to take action on this, then it is detrimental.

Mr. Kinne agreed with Mr. Stanczyk; he has heard from 3 people today that it is not known if the State will help the County with this in the future. He feels that the money should be taken, while it can be. Ms. Haun said that regardless of how they do it; the County still has to apply in November and in March. There are funds that are allocated for January - March, and for that part of the funds there is \$1.5 million that the County cannot claim until March. In November, the County is claiming everything that it can.

Mr. Holmquist said that he completely agrees with the wording and completely disagrees with Mr. Stanczyk and Mr. Kinne. It is a policy. The Governor is meeting today; the debt for next year is \$12 billion; and it is critical and vital that the language be kept as it is. It is foolish to go below the 10% fund balance for any reason at this time.

Mr. Stanczyk made a motion, seconded by Mr. Kinne, to strike all references to 10% in the resolution. AYES: 2 (Kinne, Stanczyk); NOES: 7 (Corbett, Kraft, Rapp, Holmquist, Kilmartin, Warner, Rhinehart). MOTION FAILED.

A motion was made by Mr. Warner, seconded by Mrs. Rapp, to approve this item. AYES: 7 (Corbett, Rapp, Holmquist, Kilmartin, Kraft, Warner, Rhinehart); NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk); CARRIED.

* Mrs. Rapp left the meeting.

4. MENTAL HEALTH: Robert Long, Commissioner

a. **Amend '08 Budget to accept additional funds from the NYS Office of Alcoholism and Substance Abuse Services for a Regional Prevention Resource Center Program (\$88,146)**

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

5. EMERGENCY COMMUNICATIONS: Sean Sparks

a. **A Local Law authorizing the lease of County property located in the Town of Marcellus, County of Onondaga, to New Cingular Wireless PCS, LLC, AT&T Mobility**

This is for a lease to AT&T at the Rose Hill site, for their continued operation there for \$2,000/month with 3% escalators. It is an existing site; AT&T is upgrading some of their facilities there and because of that the lease was amended and the County looked for better compensation from them.

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

In answer to Mr. Stanczyk, Mr. Sparks said that the lease was \$1,100/month and it is now \$2,000/month. Mr. Kinne said that he is concerned about the term of the lease. For 25 years it does not have to come back to the legislature. He questioned how it is known that this will be an appropriate charge in 5 or 8 years; why are the leases done for so long; why don't they come back to the Legislature. Mr. Sparks said that this is their standard way of doing leases. Mr. Kinne asked how the \$2,000 was arrived and how it can be determined if it is a good price for future years. Mr. Stevenson said that there are going rates, and in leasing cell sites, a lot has to do with location and the size of the system that they build--\$2,000 at this site is a little more than most people start off with. He said that if the 3% is taken every year, it is a considerable amount of money over that period of time. Carriers typically lease for less than that when they can find places to do it; and people that own property don't know what they have in terms of assets. He has seen leases go at \$350 - \$400/month. Mr. Kinne said that no information has been provided to back that up. Also, if they had to build their own tower it would cost more. He asked what happens if they decide they don't need that tower any more and go out of business. Mr. Stevenson said that he suspects that AT & T will not go out of business.

Mr. Stanczyk asked how long the prior lease was. Mr. Sparks said that the lease has been in place since 1988; it was Syracuse Telephone, which became Southwest Bell Mobile Systems, then AT&T, to Cingular. Mr. Stanczyk asked what the escalation was on that lease. Mr. Stevenson did not know. Mr. Stanczyk said that an incredible increase in the money supply was just made to protect the institutions that are too large to fail, which will set up massive inflation down the line. He questioned who is to say that this is a fair rate or what the value of the dollar will be in five years.

Mr. Kilmartin said that he believes these are reasonable terms for the landlord and tenant. Market conditions drive the price for a tower. In his experience, \$2,000 with 3% bumps annually, is very reasonable. Regarding the term with extensions and annual bumps is good for the landlord in that they know they have a steady stream of revenue. Also, a lot of the tenants demand

having the option for long term, because the last thing that they want to do is invest a \$200,000 in an antenna system in their infrastructure and then have the landlords say 3 years from now that they won't have an option. The County has to weigh the committed stream of revenue and take into account the demands of the tenant for the existing tower for the County, and it is a co-location. The return on investment to the existing tower is phenomenal.

Mr. Kinne said that it doesn't mean that it should be accepted at this price; maybe it would be better to have a 10-year contract or another bump after 10 years. He is opposed to a 25-year lease.

Mr. Kraft said there is a diminishing use of landlines; are the towers going to become prime facilities, with many opportunities. In answer to Mr. Kraft, Mr. Stevenson confirmed that the renewal is at the option of the lessee. Mr. Kraft said that he objects to that; 25 years is a long time for the County to make the commitment.

Chairman Rhinehart said that the future of the cell phone industry will be satellite based; there will not be a lot of satellite towers. Regarding location and local zoning, as a resident and representative of that area, one of the last things that we want to see around the Finger Lakes are lines and rows of cell phone towers because each company has their own; co-location is key. In Skaneateles all four cell phone companies are on one tower, so that they didn't have multiple towers in one square mile. There are a lot of plusses to this lease.

Mr. Kraft proposed that this item be put on hold for one month until there are some answers from Law Department. Mr. Corbett asked if Mr. Stevenson's answer was definitive regarding the lessee having the option and not the County. Mrs. Tarolli said that it is.

Mr. Kilmartin said that if it is an option of the tenant it is probably their exclusive option, but he doesn't think a contract can be judged by only one term. Other issues are: If the economics are favorable to the landlord; if the economics are commercially reasonable; if the rent bumps are commercially reasonable, and if there is a willing tenant to pay immediately and create a stream of revenue. There may be terms in the contract that are in the exclusive purview of the landlord that is very favorable to the County.

Mr. Kinne said that they are not picking out any particular term; it is a specific term of 25 years. He questioned why this can't come back and be reviewed after 10 years. He asked what the advantages are to the taxpayers of the County to have a lease for 25 years. Mr. Kilmartin said that the advantages to the taxpayer are that they have a guaranteed stream of revenue. Right now there is not a tenant at these terms; the County has an option available at new terms, at increased rents with annual bumps.

Mr. Stanczyk said that the lessee will only renew if it is favorable for them to do it; 3, 5, 10 years from now the interest rate environment might be very different. Five years from now it could be 8% of 10%. It doesn't mean that because the agreement is wonderful right now that it will be for 25 years.

Mr. Sparks said that the current lease is not at the end of its term; they decided that they want to change the terms of the lease. They want to add a different antenna, put different equipment there. That is why they re-did the lease so that the rents could be increased to the County because technology has changed. The County went to them and said that the terms had to be changed before the lease expires. There is an option so that if technology does change, they will not be able to string up everything they have on this tower; they have to come to the County first. Mr. Kinne said that the reverse is also true, if they decide they don't need the County anymore, they can walk away.

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

6. SHERIFF: Chief William Peverly

a. **Authorize Sheriff to Accept Donation of Bloodhound from Child Protection Educa. of America, Inc.**

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

Mr. Kinne said that he would like to know who will take care of the bloodhound; are they getting extra pay; the cost of the food. Chief Peverly said that the K-9 Unit will not be increased. The bloodhound is kenneled and will not be taken on patrol like the German Shepard's' are. It will be housed with one of the K-9 handlers who has a German Shepard. He will kennel them both at this house. He does not know what the cost of food is. The bloodhound will stay there until needed. He will exercise and train the dog.

Passed unanimously; MOTION CARRIED.

9. PARKS: Robert Geraci, Commissioner

a. **A Local Law amending Local Law No. 20-2007 to provide for a two month special fee for Rosamond Gifford Zoo at Burnet Park**

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

8. TRANSPORTATION DEPARTMENT: Brian Donnelly; Commissioner

a. **Authorizing the purchase of real property necessary for reconstruction of the Syracuse-DeWitt Road (North Street), County Route No. 6 in the Town of DeWitt, County of Onondaga (\$120,000)**

This is a residential home that is very close to the ROW line. They are in design of the project approximately one mile on North Street, which would establish the 11' lines in both directions, and go to 6' shoulders.

Mr. Kinne said that he is concerned that all of the work is being done on the road, but not the bridge, which will be kept narrow. Mr. Donnelly said that it is a private bridge, and they can't use public funds for it. The owner of the bridge is not interested in doing anything. Mr. Stanczyk asked if this property is being taken just to provide a 6' shoulder. If there is ability on both sides, and then narrowed at the bridge; why isn't it being narrowed at this property. Mr. Coley said that it is for pedestrian and bicycle accommodations--there is a new Town of Dewitt park going in at the bottom of Solvay Road. Pedestrians and bicycle accommodations are needed on both sides of the road because bicyclists can't ride against traffic. Mr. Kilmartin asked about State regulations requiring width of shoulders. Mr. Coley said that the design guidelines for the volumes of traffic on this road call for a minimum of 6' on both sides of the road. Mr. Kinne asked how it applies when they reach the bridge. Mr. Coley said that they can provide the pedestrian accommodations underneath the bridge, behind the abutment and bicycle on the west side. Mr. Donnelly said that it has been reviewed with the Law Department. If the County were to keep the 2' shoulder, there is still a house that is very close to the right of way. Other options were looked at--i.e. relocating the road, but the slope wouldn't allow it. The other option is to put guide rail in front of the house, which would restrict vehicle access to the property. Even with the guide rail there, the Law Department felt there was a liability issue. Mr. Kilmartin asked if the house is left in its current condition or if less than the guidelines, can the County be exposed to liability if there is ever an accident. Mr. Donnelly indicated that was correct; leaving the house there isn't an option going forward. Mr. Kilmartin said that the County has no control with the bridge; Mr. Donnelly agreed. Mr. Stanczyk asked if the County would be in trouble if there were an accident on the bridge and someone basically said that the County reconstructed the entire road, and an opportunity to take care of the bridge, but didn't. Mr. Jordan said that it is a private bridge and the County can't get sued if there is an accident.

Chairman Rhinehart asked if Mrs. Winslow has made a comment on this property, as she is the legislator representing the area. Mr. Coley said that she has been cc'd on all of the communications regarding the project. Mr. Stanczyk asked if the owners are happy with this position and accepting the amount. Mr. Donnelly said that they are.

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

7. OCIDA: Tim Frateschi, Consultant for OCIDA/Transaction Counsel; Jacob Wright, Developer

a. **Approve Alternative Allocation of Payments in Lieu of Taxes for Van Buren Hotel & Water Park Proj pursuant to Gen Mun Law §858(15) and Authorize Co. Exec. to agree to such alternative allocation**

In answer to Mr. Kraft, Mr. Frateschi said that developer, he is the transaction counsel for this project; if the transaction closes, they will be paid at closing by the developer. He said that they do not represent the developer; they have been asked by the Economic Development Office, OCIDA, and County Executive's office to try to facilitate this project. There has been an issue with financing and whether or not there was ability by the developer to go out and get the required financing to finish this \$28 - \$30 million project. There has been a gap of \$5 million. He was asked if there was a way to structure economic development benefits in a way that the developer could come up with \$5 million to finish the project. PILOT incremental financing, has not been done in Onondaga County, other than for a few projects. It has been done in other parts of the state and has been successful. It means that parts of the PILOT payments, that would have gone to the affected taxing jurisdictions, would be diverted to the infrastructure costs related to this project. The school district has looked at the project, they have the biggest stake in the matter; they passed a resolution authorizing conversion of a portion of what would have been PILOT payments that they would have gotten to this project. Ultimately this is using this structure to finance the infrastructure cost of this project, which would not have otherwise been done because the developer indicated that the project would not go forward without assistance from the County, school district and town. The affected taxing jurisdictions would be getting exactly what they are now in property taxes over the first 10 years of the project plus 2%. From years 11 - 20, they would be getting the standard PILOT, which is 50% of the improvements for the first 5 years; ramping up to 100% at year 20.

Mr. Kilmartin asked for some background on the project. Mr. Jacob Wright, developer, said that he started about 4 years ago and spent those years building up the property. Initially started out wanting to build out the entire \$80 million at once, but all of the

financing people told him it was impossible in Syracuse, so he set out doing each piece of it himself. On the water park side, they have purchased the Holiday Inn, franchised it; with a 40,000 square foot water park. It will have slide, lazy river, surfing machines, etc., very similar to Glens Falls. Mr. Frateschi said that there has been significant property development already on site. There is \$22-\$23 million invested by the developer without any governmental assistance up to this point. Mr. Wright indicated that getting assistance is undesirable to him, which is why he did everything so far himself. However, he got to this point with the water park and it really didn't make sense unless he had support from the financing people. In answer to Mr. Kilmartin, Mr. Wright said that the water park is attached to the hotel.

Mr. Stanczyk said that he had asked for a proforma and has not seen one. There is \$5 million hole, and the legislature is being asked for a new financing scheme to fill the gap. There is no verification of the gap, and it appears that this is the first layer of financing, which will make additional financing easier. He hasn't seen any financials, which are important when putting together a PILOT and allowing the financing. He noted that if a resolution is entertained, and has an amendment to propose. Mr. Wright said that he provided the financials to Kim Hall about 3 weeks ago. Mr. Frateschi said that it includes a lot of proprietary information.

Mr. Corbett said that he is aware that the project came before the IDA in concept a couple of years ago; and they did nothing with the water park portion of it. Recently, the IDA voted to accept the project for further review in that it meets all of the basic requirements; they did not vote to do anything with the money. He said that he has had the opportunity to look at an overview; and this is a tremendously large project. He asked the County Attorney if the County Legislature has ever voted on something like this in the past--is it because the IDA cannot do anything until the County's vote. Mr. Herkala explained that it is because the Legislature is being asked to approve an alternate allocation of the PILOT payments. The PILOT itself, if there was no alternative allocation, would not be before the legislature. Because there is an alternate allocation being asked for, funds from which will be utilized to pay debt service on approximately \$5 million in bonds. The Legislature was asked to vote on things similar to this in the past with the hotel project as well as Destiny USA. The alternative allocation means that the County does not get the percentage of the funds under the PILOT project as they would normally receive. The County would be receiving, as a minimum guaranteed payment in the first 10 years, the same tax as is being received now on the properties there--on vacant land plus those that are developed. In years 11 - 20 the taxes to be received will increase. Mr. Corbett said that he would like to see the proforma. He asked if there is a way to sign out the proforma and have it brought to the legislature. Mrs. Tarolli said that she is sure that something can be worked out. Mr. Wright said that he does not want it to become public information. He added that the proforma is profit and loss; it has nothing to do with the allocation of the cost of building a project. It doesn't show a \$5 million gap; it is a yearly profit and loss. It is not the document that would be needed to get the information request. Mr. Corbett asked for a suggestion on what documents would be needed. Mr. Wright said that it would be sources and uses--what the project is going to cost; what they are presenting to the bank; what they are allocating funds to.

Mr. Kinne asked for more information on the water park. Mr. Wright said that it is an indoor water park; if the hotels are full, they can't fit anyone else in. The amount of people coming in during the busy times is limited to a certain amount of people per fire code. In the slow time, the outside public is invited in. Mr. Kinne asked if the public would be restricted. Mr. Wright said "no"; they will be coming in to use the hotel and the water park. Mr. Wright said that it is a positive for economic development; 70% of the people coming in will be from out of the county; which will bring in significant amount of outside dollars to this project and surrounding area. Mr. Frateschi clarified that the water park is not only for guest of the hotel; the only way it would be restricted is by occupancy. If there are too many people, then obviously no more people can come in.

Mr. Warner asked how common PIFs are nationwide. Mr. Wright said that they are called TIFs outside of New York--tax incremental financing. A good example of a TIF system is in Chicago. Over the last 15 -20 years, they have used that economic tool to really explode a lot of areas. It has been an extremely successful model for Chicago. He said that the County could pre-set TIF areas; wherein a developer can walk in, have an economic incentive set up. He feels it could be a great tool for this County. Mr. Warner asked to be provided with more information on the Chicago area. Mr. Warner asked how critical the time is for the legislature to act on this. Mr. Wright said that the slower the legislature goes, the slower the project will go. He noted that he did not use economic incentives with any of the other projects that he has done; he is not a huge fan of them. This was set up so that there is really no downside risk to approving this. The taxes will be paid as they are today. If it is approved, he is not guaranteeing an opening date or a construction date. He is saying that this is what he needs to get it done. An approval today doesn't mean that the County is losing taxes. He said that it could be said that future taxes that are used for the PIF are being lost, but essentially it is not, because the whole area will explode from the development. All other parcels around the development will explode, will have extra taxes going into the school, which is why they partnered with him. The school believes that this is a great project for the community. Mr. Warner said that the sooner the County acts on this; the sooner it sees the tax rewards.

Mr. Warner asked what the risk is and whose risk is it. Mr. Frateschi said that \$5 million is funds that would have otherwise gone to the affected taxing jurisdictions--county, school, and town, that would have gone to them under a PILOT structure, but are not going to them once the improvements are made. They will not be realizing the full benefit of the taxes for the project until year 10, and at that point they would be realizing 50% up to 100% over the last 10 years. He doesn't think there is a risk. If this

project doesn't get done, the taxing jurisdictions are getting the same amount of taxes today that they will be getting next year. The taxes on vacant property would continue, if the project never gets built.

Mr. Warner asked if the \$5 million would be bonded. Mr. Frateschi said that it would be a \$5 million bond issued by the IDA. PILOT payments would be made yearly. Another component is the Empire Zone Administrative Board, who has reviewed this and determined that this would be a good place to put the 6th Empire Zone. Therefore, the benefits from that would assist Mr. Wright in paying the debt service on those bonds. They have been to Empire Zone Board, which approved it. Now it has to go to the State for approval. Mr. Warner said that the risk holder would be whoever buys the bond; and there is not much risk for the County. Mr. Wright said that he has put about \$500,000 into this project already, which is at risk.

In answer to Mr. Warner, Mr. Wright provided that when he went to do this project initially; because of the location, they weren't approved because they gave projections that were above any other restaurant in Syracuse and now they have to raise projections for the restaurant by 25%. They will by far be the largest volume restaurant in the entire county. He put his own money in; put it all on the line and it is working.

Mr. Warner asked Mr. Herkala how this project compares to Destiny. Mr. Herkala said that it is different because the Destiny project was structured through CIDA, as it was a project located within the City of Syracuse; it was much more complex. With respect to the hotel project, as long as the bonds can be sold in the market, the financing aspects of doing it this way, from a legal standpoint, don't hold any difficulties at all. Mr. Warner said that the hotel project falls more in line with this project; Mr. Herkala agreed.

Mr. Stanczyk asked what the proposed empire zone encompasses. Mr. Hitchen said that it is roughly 90 acres including the hotel and paintball park. Mr. Frateschi added that if a project is already in place, they don't benefit from Empire Zone benefits. Mr. Stanczyk said that this isn't a wind turbine factory, not a biodiesel manufacturing facility; not building solar chips, not bringing in scientists and workers for tremendous economic benefits. This is not dissimilar to what was done for the mall. It ends up being a retail, fun, recreational thing. He questioned where government should draw the line in terms of what government is supposed to be doing. A lot of the pain and trauma that we are in right now in the economy is because of financing mechanism getting so far afield and so beyond reality that we end up with tremendous problems. With the government money that is to be pledged, which won't go to government, but to the infrastructure of the project, we should make sure that we are getting good jobs and state-of-the-art energy efficient construction. He has no assurance that those things are coming. It seems that all financing plans these days start with how much can be received from the government.

Mr. Kilmartin asked for a chronology on the site and what has been developed. Mr. Wright said that he bought the land when he was 24 or 25 years old and everyone questioned how he would get \$1 million to buy a piece of land and start a paint ball field. Everyone told him he was crazy to do it in Syracuse. He developed the paint ball and then came up with the project about a year later - the entire 50 acres spread out with retail, multiple restaurants, hotel, water park, etc. He had people flying in regarding the hotel property. One of them ended up being his eventual partner; they invested in the area and built the hotel. He then found a motocross person and sold that off. Next he went after the restaurant, which everyone said wouldn't work. However, it will be the most successful restaurant in the region. It has been a struggle all the way through. Syracuse banks don't necessarily believe these projects will work with the climate; he was turned down by all of the banks for the restaurant and hotel. When he brings in investment bankers from Chicago or NYC, the first thing he hears is "why would you do this in Syracuse"; "it doesn't make sense"; "it's not going to work." He said there is a concern that being in Syracuse hurts a developer. It is not easy for developers to get anything done here. The financing for all 4 projects took an extra year from what it should have just because of the battle of why it would work in this market. He is always making a pitch to get it done, but the only people that are going to believe in Syracuse, are those in Syracuse. The people that will believe are those in the Town of VanBuren, who approved it; the Baldwinsville School District, who approved it, and Onondaga County. On the risk side, he is hearing that the County might miss out on upside potential, but he is one losing a few hundred thousand dollars and his house if it doesn't work. Mr. Kilmartin referred to how financing for development projects has changed radically. The reality is that it is harder today than it was 6 months ago. He said that the agreement provides for a gap, a shortfall right now where the developer does not have sufficient commitments for funding some of the infrastructure, approximately \$5 million. The developer is looking for a bond for \$5 million to dedicate to infrastructure in hopes of completing the hotel and water park project. The only thing that the County would miss out on would be PILOT debt service payments on the \$5 million that would have otherwise gone to the municipalities and entities if the project were developed. However, because of the \$5 million gap in financing, it is Mr. Wright's representation that the project can't go forward. Mr. Wright agreed, stating that when a presentation is made to a bank, a report is given on how much equity is being putting in and how much debt is being asked for from the bank. One year ago, a 80/20 could be obtained; the developer would put 20% in on the project, then it went down to 70%; then you say it is in Syracuse and a water park; and now all the banks are willing to put in is 50% - 60%. He has to put in \$15 million; he is raising a lot of that; is asking for the County to essentially guarantee part of the capital, saying that it can be looked at more as equity than it was before. Mr. Kilmartin said that the County is not "missing out" on \$5 million; this is merely the debt service that would be associated with the \$5 million. Mr. Wright said that the difference between the mall project and this project is that he is still paying taxes on everything that he has built. He will still pay the taxes that he is paying today. Once the project is done, it would increase the taxes. He is asking that the town, school, and County put that increase into the project. After 10 years, it starts water falling back to the County.

Mr. Kilmartin asked Mr. Wright to quantify the additional sales tax and ROT tax that has been generated to date and that will be generated with further development. Mr. Wright said that he will provide an impact report.

Mr. Holmquist asked about the empire zone. Mr. Wright said that there is not one there now, they are trying to create one on the west side of the County. Mr. Holmquist asked if the existing development that is there has received any government PILOTS or programs, and if the proposal is here today because it is a water park or because investors say it won't go without this. Mr. Wright said that it is a bigger project and it is entertainment, which the banks look at as a riskier investment. That coupled with the demographic market, has made it tough.

Mr. Frateschi said that Mr. Wright has already shown that this site works for a certain mixed use retail, hotel, potential offices. This project will be the signature project for the area. If this project goes, it has the opportunity to provide an attractive area for further regional tourism type facilities. Its proximity to Carousel Mall, NYS Fair; Village of Baldwinsville, Seneca River, make this site very attractive for regional tourism and distribution type facility. It is not a chip fab site or a manufacturing facility that Mr. Stanczyk spoke about. That is what has traditionally been called economic development. Traditional economic development has been tried in this community and has worked in some instances, but hasn't worked in others. This is an opportunity to look at economic development through a different view to determine if this type of economic development is something that the county would benefit from. This project fits into the marketing plan with one and two day-type visits.

Mr. Holmquist asked if the water park can happen if the alternative allocation PILOT doesn't get approved. Mr. Wright said that he is essentially done; has been trying for 2 years and will give up at that point. He has talked to all of the financing people, and doesn't think he can get the project done without this support.

Mr. Kraft said that there is a risk to this. The more of these that the County does, the more will come. With these development projects who will pay for the roads to tie into town; for the police, for the sewers, for the Health Department when the restaurant has a problem or inspection; for the workers when they need social services. There are costs to having a community; it has been done through government and business and homeowners pitch in. Somebody has to pay the bill. If someone doesn't pay, then someone else has to make up for it--it is not fair. He realizes that there is danger that this project or other projects may not go, but we all need to pay a fair share and not dump the burden on somebody else.

Mr. Corbett referred to the 6th empire zone; he has heard today that the County is applying for the last piece. In the past, they have gone through the legislature for approval. He was unaware that as a county it is being applied for, and asked if OCIDA is applying for it. Mr. Hitchen said that the designation of an empire zone for a 6th separate, distinct area, has a certain sequence of events. First the local zone administration board approves the creation of the zone, then makes a preliminary application to the State, which is where they are right now. Once they approve the preliminary application, it comes back to the local zone administrative board who will then come before the County Legislature for a local law creating that 6th separate and distinct area. Once the legislature approves it, a formal application is made to the State. Mr. Corbett said that if it comes to fruition, will it be the last of our segments for empire zone. Mr. Hitchen said that, at some point in the future, a 7th can be created. Mr. Corbett said that another area has been started, the Township 5 site in Camillus. They have been 2 years going through the process and have discussed the possibility of an empire zone. Mr. Jordan said that regarding the empire zone, there is another one that has not been utilized. It could be eliminated and moved somewhere else in the County, creating another 6th.

Mr. Stanczyk said that before preliminary applications are made to the State, someone should make a presentation to a committee of this Legislature. The Legislature is supposed to be the driving mechanism to create these things, and this is news to him.

Mr. Warner said in response to Mr. Kraft, that it is exactly projects like this that have given us a lot of money that is needed for our roads, our ROT, and our sales tax. He suggested looking at the amount of money that businesses and other facilities put into the economy of this county. He feels that in this case, the benefits far outweigh any risks associated with the project.

Mr. Kilmartin said that there are risks when there is new development, new businesses, new projects, new roads, new infrastructure, there is a cost for police and maintenance of the roads and infrastructure. However if new development was not undertaken because of risks, nothing would get developed - no commercial, no residential; no industrial, no retail. He looks at these as not risks, but opportunities. He feels that if new roads are built, and you have new police policing those roads, it is because there is new businesses, new employees, new sales tax, new ROT tax. It is an opportunity to be aggressive and proactive, especially with someone who has demonstrated a level of success for building in a county, which is probably one of the toughest to develop in the country. Considering he hasn't sought any economic benefits to date, the County should try to give a hand up, as opposed to be so pessimistic.

Mr. Jordan said that whether we like the fact that government is providing benefits to encourage economic development. It is a standard nationwide, local, state and federal governments are becoming intricately involved in economic development. If we refuse to do this, then we are taking ourselves out of the economic loop. He said this isn't really forgiving property taxes; it is postponing real property taxes on improvements that would be made. There are a wide variety of other taxes--income taxes,

corporate taxes, franchise taxes, sales tax, ROT, permitting fees, a number of revenue generating sources related to this project. Also there is a ripple effect throughout the county--construction jobs and companies supplying materials. The risk to the County is being minimized to the greatest extent possible; and we are losing sight of the economic benefit. This is \$100's of million of dollars in terms of economic benefit directly from the project and ripple effect. To focus on the risk, for fear we may miss out on taxes, might be \$1 million a year. He does not want to lose sight of the potential payoff in benefit to the community.

Chairman Rhinehart stated that a vote would not be taken today; more information has been requested; there are still questions that need to be resolved.

Mr. Stanczyk said that he will seek to amend this resolution at session if it is entertained.

10. ONONDAGA COMMUNITY COLLEGE:

a. **Approve Classification of Real Prop. Transferred to OCC as Local Sponsor Share for Capital Improvement of Property and Recognize Appraised Value of said Property to be \$4.5 million or less**

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

b. **Designating Funds Raised by OCC from Private Sources as the Local Sponsor Share of the Cost of a Capital Reinvestment Study**

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

11. WAYS & MEANS MISC.: Ed Kochian, Deputy County Executive

a. **Confirming appointment of James J. Rowley as Chief Fiscal Officer of the County of Onondaga**

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

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

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