

Office of the Onondaga County Legislature

Court House, Room 407
401 Montgomery Street
Syracuse, New York 13202
(315) 435-2070 Fax: (315) 435-8434
www.ongov.net

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PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
CASEY E. JORDAN, CHAIRMAN
October 19, 2009

MEMBERS PRESENT: Mr. DeMore, Mr. Lesniak, Mr. Stott, Mr. Laguzza, Ms. Williams

MEMBERS ABSENT: Mr. Rhinehart

ALSO PRESENT: see attached list (Attachment 1)

Chairman Jordan called the meeting to order at 10:00 a.m. ***A motion was made by Mr. Laguzza, seconded by Mr. Lesniak to waive the reading of the minute; a motion was made by Mr. Lesniak, seconded by Mr. Laguzza to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.***

1. ECONOMIC DEVELOPMENT: Mr. Kim Hall, Management Analyst

a. A Local Law Designating a Regionally Significant Project Within the Onondaga County Empire Zone (Crucible Industries)

Mr. Hall reviewed that Crucible went into bankruptcy and was about to be liquidated by creditors. Mr. Jankovic and others bid on this company (JP Industries based in Cleveland, Ohio) and the trustees approved it. The name of the entity will be Crucible Industries LLC. The company will retain 160 jobs and create at least 60 new jobs – fairly high paying jobs with good benefits. It is a regionally significant project and does not count against the Empire Zone acreage. As a manufacturer, the company has to pass the cost benefit analysis ratio of \$10 to \$1; this company's ratio is \$12.24 to \$1.00.

Mr. Lesniak asked if they would continue to pay their property tax and then get credit back from the State of New York. Mr. Hall said, "yes", if they create the jobs they project. If the company does not meet their projections, if they do not retain the jobs they say they will create and employment falls, they would not longer be able to take part in the Empire Zone program and would be decertified.

Mr. Laguzza asked if the 60 jobs would be rehires or brand new hires. Mr. Hall said it is a brand new entity with a new federal taxpayer ID number; they are keeping the name Crucible because of name brand recognition in the industry. As part of an agreement with New York State, the company will be getting an \$8,000,000 low interest loan. The company has to keep at least 160 jobs as part of that agreement, these employees have been retained from the previous entity, not bringing in new people. The 60 new jobs will be steel workers on the floor and some management jobs. Some of the management jobs will be new and some retained from the previous entity. Mr. Laguzza asked if they see an opportunity to hire additional new hires above and beyond the requirements of the Empire Zone. Mr. Hall said they are only required to put 50 new jobs on, the company has used the number 60 and it looks like it will be more than that. In answer to Mr. Laguzza, Mr. Hall said the contract with the union called for no decrease in the wages, contract has been ratified.

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

In answer to Mr. Stott, Mr. Hall said the 160 workers were employed by the previous entity and have been unemployed as of a few weeks ago. Mr. Stott asked if the operation is identical, what leads them to believe this company would be successful. Mr. Hall said steel workers were hit hard throughout the United States; one of the main reasons was the decline in the automotive industry. The new owner buys distressed companies in distressed industries and makes them more profitable. Mr. Hall understands that the company has signed contracts in place to utilize the tools and the steel that they will be making here. The company's hope is that the automobile industry will rebound, but even if it doesn't, they are going to branch out into other industries. Mr. Stott asked what the timeline is

to meet the goals. Mr. Hall said the new law calls for three years to create the jobs. The State asks for an annual business report once a year, the State will look at those numbers to determine if they are on pace or behind schedule. If they fall behind schedule after year one, they will get a letter saying they

need to pick up the pace. If they haven't met the goals and are decertified, the company is allowed to go to Albany for a hearing with the board. Mr. Hall said he would like to see in the future a claw-back - take the benefits back from the companies that don't produce.

Mr. Jordan noted that the companies don't get the tax credits January 1st with the presumption that they are going to be creating a certain number of jobs; they receive them after the first year. Companies that are not on pace, won't receive the credits; there isn't a claw-back in terms of the benefits the company has already received in prior years if a company doesn't ultimately create the required number of jobs. Mr. Hall said they get their credits when they file taxes in the next year, sometimes takes six months to over a year to get those credits back. Mr. Jordan asked how many people were employed before the bankruptcy and before the deal was arrived upon. Mr. Hall said at one point it was 500 to 600 and more recently 370.

Mr. Hall said he has been hearing time and time again about the high quality workforce in Onondaga County; BITZER Scroll, Renovate, Welch Allyn and Crucible have mentioned it. That is one reason they have been seeing a mini explosion in economic development over the last five or six months.

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

The meeting was adjourned at 10:45 a.m.

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

HEALTH COMMITTEE MINUTES – October 20, 2009 CHAIRMAN ROBERT WARNER

MEMBERS PRESENT: Mr. Laguzza, Mr. Buckel, Mrs. Rapp, Mr. Stott, *Mr. Kilmartin

MEMBERS ABSENT: Mr. Rupprecht

ALSO PRESENT: *see attached list*

Chairman Warner called the meeting to order at 10:05. ***A motion as made by Mr. Laguzza, seconded by Mr. Stott, to waive the reading and approve the minutes of the previous committee meeting. CARRIED.***

1. **HEALTH:** Linda Karmen, Deputy Commissioner

a. **Amend Budget to Accept Additional State Grant Funds for the Primary Prevention of Lead Poisoning and Authorize Co. Exec. to Execute Agreements to Implement this Resolution (\$122,424)**

This is additional State grant funds to be used for the prevention of lead poisoning.

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

b. **Create Environmental Health Technician, II, Gr.09 @ \$40,449 – \$44,471 effective Nov. 7, 2009**

Mrs. Karmen said that this is a unique title, promotional position from environmental Health Tech 1 position. It will keep an individual, who is experienced in the department and continues to absorb the work created by the grant for prevention of lead poisoning.

Mr. Buckel said that in the lead grant, it allocates money for existing positions; we are not hiring anyone new. Mrs. Karmen agreed.

In answer to Mr. Laguzza, Mrs. Karmen agreed that when the grant runs out, the positions are gone. The original term of the grant was 3 years, but is now permanent from the State Legislature.

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

d. **Amend Budget to Accept NYS Office of Homeland Security Funding for Public Health Emergency Preparedness and Authorize Co. Exec. to Execute Agreements to Implement this Res. (\$129,981)**

Accept federal funding. Last year funding was lost from NYS for public health emergency preparedness. OHS has agreed to provide one-time funding in the amount of \$129,981.

A motion by Mrs. Rapp, seconded by Mr. Stott to approve this item.

Mr. Buckel asked if there are any new employees with this. Ms. Karmen said "no", it is to be used to cover the existing program.

Mr. Laguzza asked why the State cut the funding. Dr. Morrow said that it was the biggest issue that health departments fought for last year in the budget – to not cut preparedness grants. In answer to Mr. Laguzza, Dr. Morrow did not know why the State cut the funding.

Passed unanimously; MOTION CARRIED.

c. Amend Budget to Accept Federal Funding for Novel H1N1 Influenza Activities, and Authorizing the County Executive to Execute Agreements to Implement this Resolution (\$1,000,247)

Accepting federal funding; the total grant award was \$1.29 million; there were some available appropriations in the 2009 budget, so \$1,000,247 is being requested. The grant is awarded in 3 phases: the first 2 phases are for planning, personnel, equipment, supplies and training to meet public health emergency preparedness deliverables and prepare for H1N1; phase 3 is implementation of community wide vaccination activities. A portion of the money will be used towards contracting with a mass vaccinator.

Chairman Warner asked if some of the money from item 1d could also go into this program. Ms. Karmen said that some of that money is going toward public health preparedness staffing.

Mrs. Rapp asked about using our own staff. Ms. Karmen said that county staff will be used; the money will also be used for overtime for their own staff. It will be a huge undertaking. Just with school children there are about 70,000 to vaccinate. They are partnering with a mass vaccination provider, University of Rochester Passport Health.

*Mr. Kilmartin arrived at the meeting.

Mr. Laguzza said that some mathematicians are saying that it is moot now to administer the vaccine. Dr. Morrow said that we have known all along that it is a race. Right now it is about how quickly can we vaccinate our kids; as they are the main spreaders; are we going to get enough vaccine in time for the community or will the disease be here in full force. She said that she is concerned about the race. Mr. Laguzza asked when the vaccine is anticipated to be here to start with the schools. Dr. Morrow said that they have received a few hundred doses; much of it has been deferred to the hospitals, because it is really important to vaccinate health care workers who are on the front line. First responders are not first priority. They are doing health care workers, tomorrow they are doing school nurses; Thursday they are doing day care providers, who care for children under the age of 6 months. They anticipate that by mid-November they will start school based clinics because the expectation is that by mid-November they will be able to start and will have plenty of vaccination by the end of November. They can't start doing clinics until they have the vaccine.

Mr. Laguzza asked how schools will be prioritized and is there any resistance from schools. Dr. Morrow said that there is no resistance; have been working with them for 4 months now. They will start with smaller districts, combining where appropriate, and work their way to the largest ones. It will be an undertaking that they have never seen before and need to learn in the smaller clinics and use those lessons for the larger ones. The reality is that some school children will be vaccinated 3 weeks before others. In answer to Mr. Laguzza, if there is no break in flow of the vaccine, the 70,000 school kids will be vaccinated by the first week in December.

Mr. Laguzza asked about having a timeframe between seasonal flu shot and H1N1. Dr. Morrow said that you can get inactivated (shots) at the same time. You can't do two nasal sprays simultaneously; they must be spread 4 weeks apart. She explained that children under the age of 10 need 2 shots for H1N1; the ideal spacing is 4 weeks. If they have never had seasonal flu and are under age 9, they need 2 shots for seasonal flu. They are decompressing the primary care providers in doing the first go round of H1N1 shots--are asking primary care providers to pick up the second round of shots. They will hold "mop up" clinics, which are clinics that will be held later on to get anyone that were missed, or for children under the age of 10 who were not able to get it from their primary care provider. Everyone who is given the H1N1 vaccine under the age of 18, is required by law to put all of their data into a central database. Then, if they are given a shot in a public clinic, their doctor will see that they got a shot through the registry.

Chairman Warner asked if there has been any resistance from parent that don't want their child vaccinated. Dr. Morrow said that it is voluntary, so there will be a lot of people who don't want their children vaccinated.

Mr. Buckel said that as data is being mapped, has this been war gamed enough to instantly put the brakes on and change if necessary and allow for permeations. Dr. Morrow said that they will allow for them. She has started once a week press updates with the media. This Thursday they will have a place on the Health Dept. website to ask... if eligible, are you going to get a vaccine; if you are a parent, are you going to get your children vaccinated. Also, for the school clinics, parents will be requested to go on their school website to link to a registration. They will be able to most efficiently serve parents if parents let them know that they are coming. Mr. Buckel asked if on-line registration is limiting to a huge population. Dr. Morrow said that it was a suggestion of the schools to do it that way; they thought it would work best. The County actually has more registrations on line than for the hotline. However, the hotline option will also be available for parents of school age children as well.

Mr. Buckel asked if there is any type of funding available for public service announcements. Dr. Morrow said that they can use some of the H1N1 money for it. They are very fortunate that the media has been very good about sharing messages. In fact, they have one partner who asked if they could air messages for the Health Department. Mr. Buckel asked Dr. Morrow to send the legislature the data that she submits to the media each week. Dr. Morrow said that they have been updating the website; she does not give the media anything, but is available to answer questions. However, she can certainly share information.

Dr. Morrow showed the committee a graph on CDC.gov, which showed data on influenza like illness nationally. She said that there is no question that this is hitting the country hard; it really hasn't hit us that hard yet, but is worried about the numbers that she heard today.

Mr. Buckel asked if it hit a region of the county, would Dr. Morrow report that to the Legislature. Dr. Morrow said it is everywhere in our community right now. Mr. Buckel asked Dr. Morrow if she saw a spike in a particular location, why wouldn't she want the legislature or community to know that. Dr. Morrow said that they will let the community know if there is a spike, but the problem is that it creates a false sense of assurance in communities that are not seeing the spike. She said we are in a situation where it may be school district "A" today and school district "B" tomorrow, etc.

Chairman Warner said that if this gets to a situation where there needs to be a special committee meeting of the Health Committee to do something, then one will be held.

Mrs. Rapp asked about the vulnerable population. Dr. Morrow said it is anyone below the age of 65. School age children are the most likely to get it; school age children under the age of 4 are the ones most likely to be hospitalized from it. Young adults are likely to get it; pregnant women, adults with underlying health conditions are all at increased risk. The biggest priority has to be school age children because they have the highest attack rate and they are the most efficient spreaders.

Mr. Stott complimented the onflu.net website, a wonderful scheduling tool. He asked if the department could also throw out facts to legislators for the future, so legislators can get word out to constituents.

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

2. **MENTAL HEALTH:** Robert Long, Commissioner

a. **Amend '09 County Budget to Accept Grant Funds for the Department of Mental Health and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$1,000,000)**

Accepting federal grant dollars-new grant applied for in January received 1 of 20 grants awarded nationwide through competitive process. It is a joint initiative with Mental Health, DSS, and Probation – funding will be used throughout the 3 departments to improve the way services are delivered to children with serious emotional disturbances. It is an infrastructure grant to begin improvement with cross system evaluation, planning, service delivery, financing, to promote policy reform on both the local and state levels. There are 8 other communities in NYS who in the past have received these grants. There is a coalition of the 8 counties trying to move the State in a direction in terms of policy and financing to implement some of the changes.

Chairman Warner asked if there are any jobs associated with it. Mr. Long explained that there will not be any new county employees, will do contracting through not-for-profit agencies. Chairman Warner asked if there will be an RFP. Mr. Long said that some of the agencies participated in putting the grant together and have probably do some positions through those agencies; some positions will be going through RFP. Mr. Laguzza asked why all positions wouldn't have to be RFP'd. Mr. Long said that if it is a soul source, an argument can be made that it doesn't have to be RFP'd. Mr. Laguzza questioned why we wouldn't just do it for transparency. Mr. Long said the only difficulty is that it delays the process usually by a month or two. Mr. Laguzza encouraged that an RFP be done. Mr. Long said that part of the difficulty is that the federal government notified them in mid September that they had received the grant, and the federal fiscal year starts October 1st. They are already a month behind in terms of being able to produce the results in the first year to get the second year grant.

Mr. Buckel asked what the nonfederal match in kind pertains to. Mr. Long said that it pertains to personnel in the County system or in the non-for-profit system that they contract with that are being used as part of this initiative. .

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

3. **VAN DUYN:** Roberta Sprague, Commissioner

a. **Amending the 2009 County Budget to Appropriate Unbudgeted Interest Income to Improve Resident Living Conditions at Van Duyn (\$121,422)**

Transfer from interest account to capital projects account. Interest had accumulated due to fund balance – IGT money that has been sitting in there. There are issues in the facilities not being addressed such as nourishment stations (18) that are in very bad shape.

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

Mr. Kilmartin asked if there weren't an issue with the nourishment stations, what would these funds be used for. Mrs. Sprague said that they would really like to do some more of the repairs; everything is 30 years old. It might be used for some of the bathrooms-have some very large bathing tubs and the plumbing and floors underneath are decaying. Recently they have had to pull out the ones on the 6th and 7th floors, which has caused problems with the flooring itself. There are always things that need to be done and desire to use some money to improve the life of the residents.

Mr. Laguzza asked if there is still Q & A Board. Mrs. Sprague said that they are required to have it; Marty Masterpole is the County Legislature's representative. Mr. Laguzza noted that the repairs being talked about are repairs that were discussed when he was on it 6-8 years ago. Mrs. Sprague said

that there hasn't been money to fix them, and they are at the point that they need to be done.

Passed unanimously; MOTION CARRIED.

b. Transfer of Funds from Reg. Emp. Sal. Acct. 101 to Professional Services Acct. 408 (\$300,000)

A recurring theme year to year - because employment money goes into multiple accounts - 101, overtime, temporary and contract money - they then to need to move money from one account to another because they have difficulty filling the 101 and have to fill the shifts. Right now they have 36 vacant CNA positions and another 10 people who are out on long-term disability. It leaves 33 shifts/day that they need to cover. In order to cover it, they have to do it with overtime or contract agencies.

Chairman Warner asked for the difference in contracting with agencies vs. overtime. Mrs. Sprague said that what goes into overtime is not just that a person gets paid 1.5 times their salary, but overtime line includes shift differential, charge pay, holiday premium and a quarter hour report time for the RNs who are head nurses or charge nurses every single time they come in. There is also a chronic care pay amount that every CNA gets. The average agency rate is roughly around \$16.82/hour for a CNA; the County's average salary was \$11.76. with 45% fringe (another \$5.06). It is roughly \$5 an hour cheaper to contract. What is lost with it is the consistency of the personnel.

A motion by Mr. Laguzza, seconded by Mr. Stott to approve this item. Passed unanimously; CARRIED.

c. Transfer Funds from Other Emp. Wages Acct. 103 to Supplies and Materials Acct. 300 (\$170,000)

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

Mrs. Sprague explained that every year the supply amount only goes up incrementally and notes some of the reasons for the increase in costs:

- H1N1, increase of MRSA, and Legionella increased their cost because they had to have a new water treatment system.
- Cleaning more, putting hand sanitizers because of the health issues that are coming up
- Have more people that are indentified every year with dementia -- a wander guard system is in place--it takes bracelets, batteries, chair and bed alarms.
- Have some clients that are large and need the large, XL or XXXL incontinence products. Dept. of Health has encouraged not diapering all residents that are incontinent, but instead using products similar to Pull Ups
- Now using pill pouches to prevent cross contamination.
- One young resident has a specific type of catheter, cost close to \$4,000

Chairman Warner asked if there is a fixed amount in the 103 account every year. Mrs. Sprague said it is set up every year with a specific dollar amount and reported on the following 2009 projected accounts: 101 \$17,246,584; 102 \$1,725,710; 103 \$ 458,417.

Mrs. Hahn reported that the amount in the budget is significantly higher; i.e. budget amount in 103 is \$811,000; they are spending about half

Mr. Laguzza said it is historic that they are understaffed, have vacancies that they can't get filled, still budgeting at an amount that would be for filled positions, and we are not getting over the hump. The only good thing is that money is being moved around to take care of other certain circumstance, i.e. capital improvements. The health of the facility is terrible because we don't have the positions filled. Mrs. Sprague said that if you look at what was spent in 2008 compared to what will be spent in 2009 it is up by 2.3%; raises themselves were 3%.

Chairman Warner seconded the motion. Passed unanimously; MOTION CARRIED.

d. INFORMATIONAL - Update on Bonadino Group Findings

Mrs. Sprague distributed a status report (attachment #1) and noted the following:

- Bonadino Group was engaged to look at Van Duyn's financial viability and give some information regarding 3 different scenarios:
 - o Staying County owned and operated
 - o Free standing nursing facility
 - o Hospital based entity
- Thus far have looked at historical cost; have to include current projects underway—capital projects, future ones laid out in capital plan - these things will give them a baseline of finances than then can project it out to the future - a 3 year projection was asked for
- Study interrupted by the scenarios that may or may not happen with funding - since '04 have not receive what they were told they would get from the State
- Current scenarios:
 - o Rebasing for one year
 - o New methodology, a regional rate
 - o 10% proposed decrease on rate by Governor on - approximately \$1.85 million

Chairman Warner asked when the final report is expected. Mrs. Sprague said that because it is not know what when the State will come out with what they will impose on us, the revenue side will be more difficult. They can come back at the beginning of the year and let the committee know where they are. Mr. Warner asked if the report will be final enough to provide what the future of Van Duyn will be. Mrs. Sprague said that she doesn't know when it will be

final; often times they don't even know what the rates are going to be until the Spring of the next year. Chairman Warner asked if there will be an idea before the budget process begins next year. Mrs. Sprague said that she anticipates that they should.

Mr. Buckel asked if Van Duyn is serving a population that has no viable alternative under Medicaid or Medicare. Mrs. Sprague said that there is an indigent population that still needs to be served and Van Duyn is one of four facilities locally that share in helping those folks out. There are proposals on the table that some of the other facilities may be changing or are struggling. Van Duyn has been resilient and able to help out because of the tax base. Additionally, she does not believe that there are 500 slots anywhere in this community currently to absorb those people that Van Duyn cares for. Over time we will see more assisted living programs, but it has been slow. Loretto has a proposal to do some of the "pods" – it will shift some of the population as to how people get served. Mr. Buckel asked if this study will also provide an assessment of where the needs are. Mrs. Sprague said that the numbers will come out of this study, but in tandem they are working with SSCF, the contractor brought on board through Berger Commission and grant money. They are looking at what the community needs are.

Mr. Kilmartin said that of all 3 options considered by the study, none entail leveling the facility, selling of the property to another entity – it looks like it would stay primarily as a nursing facility. It is more of a question of those with special financial needs, would they have access to care that they presently have. It is not so much a contemplation of elimination of the beds, but how it would better be administered, financed, etc. Mrs. Sprague said that as the other facilities focus change, it can't be predicted how many people they would take care of that would be considered indigent population. Also, it is not limited to the 3 options laid out.

Mrs. Rooney said that they want to look at the whole community. Bonadio was not asked to look at the value of the real estate, which obviously has value. That would be something separate further down the line.

4. **ProAct Update** – Dave Warner

Chairman Warner said that in the budget process the CanRx concept was passed, which may come into direct conflict with this program.

Mr. Warner distributed a report (attachment #2).

He explained that it is the County's cash discount card since 2007. It is for the uninsured and under insured population of the County. Through Sept. 2009 there has been about a 42% savings over the cash price that they normally would have paid at a retail pharmacy for the prescriptions.

Chairman Warner asked what the percentage of savings was in 2007; Mr. Warner explained that in 2007 it was only for about two months and the savings was 19%. A lot a saving are because more generics are hitting the market, more competition with generic market that is driving down the cost, increasing the savings.

Chairman Warner said that it seems since discussion started about CanRX, the prices started falling. He asked if this is the first time the savings ever each 42%; Mr. Warner said "yes, on average."

Mr. Buckel said the number of cards has been fairly leveled off for the past 14 months and asked why. Mr. Warner said that it is getting access to it, getting more cards in hand. Also, a number of retail chains have come out with their own discount programs; a lot more programs are now available.

Chairman Warner said that CanRx has said that they get rid of the \$17 co-pay; there are 13,000 people in Onondaga County, multiplied by the number of prescriptions they have – it is savings to the people of the County. He asked how ProAct operates with co-pays. Mr. Warner explained that is with the employee business, and on average with 13,000 it is about 1 prescription per member per month – about 12 per year for those 13,000. About 40% of those 13,000 are utilizers; the other 60% of people in the plan don't utilize the plan at all. ProAct does not get involved in co-pays; it is County personnel.

The meeting was adjourned at 11:02 a.m.

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

PUBLIC SAFETY COMMITTEE MINUTES – October 20, 2009
CHAIRMAN RICHARD LESNIAK

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

MEMBERS ABSENT: Mr. Rupprecht

ALSO PRESENT: *see attached list*

Chairman Lesniak called the meeting to order at 9:00 a.m. ***A motion was made by Mr. Warner, seconded by Ms. Williams, to waive the reading and approve the minutes of the previous meeting. CARRIED.***

1. **DISTRICT ATTORNEY:** Rick Trunfio, First Chief Deputy District Attorney

a. **Transfer of Funds from Professional Services Acct. 408 to All Other Expenses Acct. 410 (\$3,000)**

Mr. Trunfio said that the transfer will be used to pay bills for witnesses; have two outstanding bills currently –one for \$1,500; one for \$800. He noted that travel costs have increased with fuel prices and plane fares increasing. It was noted that \$3,000 may not be enough to get them through the end of the year.

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

2. **EMERGENCY MANAGEMENT:** Kristi Smiley, Analyst

a. **Amending the 2009 County Budget to Accept Homeland Security Funds from the Interoperable Emergency Communications Grant Program for the Department of Emergency Management and Authorizing the County Executive to Enter into contracts to Implement this Resolution (\$100,000)**

Ms. Smiley stated that it will be used to expand the build out for interoperable communications – 6 counties; NYS Homeland Security funds.

Mr. Buckel asked if these funds will impact the fee or life of fees for landlines. Ms. Smiley said that it shouldn't. Chairman Lesniak said that there have been conversations that it could affect the length or term of bonding or reduce the surcharge. Mr. Kinne questioned why it couldn't be used for those purposes. Ms. Smiley said that she would look into it and report back to the committee.

Mr. Holmquist questioned how many more possible grants funds might be coming in. Chairman Lesniak said that there has been some positive discussions about State dollars in relation to the 911 surcharge on cell phones, in light of the SWIN system deteriorating.

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

3. **CORRECTION:** Tim Cowin, Commissioner

a. **Authorizing the County Executive to Enter into an Agreement with the Town of Dewitt for Improvements to the Water Supply system at the Jamesville Correctional Facility (\$114,381)**

In May 2007 the water tank was examined, which is supposed to be done every few years. Many problems were found and the repairs at the time were estimated to cost about \$350,000. They asked the Town of Dewitt if there was a way to bypass the water tower and pump the water into the facility. O'Brien and Gere looked at it and came up with a possible solution. It has passed through the Town of Dewitt and now needs to go through the legislature. It would eliminate the water tower, bypass it, put in a pump and pump the water directly into the facility. Additionally, the department can use Dewitt's tower, which is above City Lights. It saves about \$250,000 plus energy costs.

Chairman Lesniak asked what will be done with the tank. Mr. Cowin said that at some point it will be taken down, estimated to cost \$22,000-\$27,000. Right now they get rent from towers – cell companies that rent about \$1200 ea/month. They can transfer over to the new tower that was put up.

Mr. Kinne said that the people in Jamesville wanted water going down Apulia Road, and it passed--a pipe was to be run to the Jamesville facility as part of the deal. Mr. Cowin said that was several years ago and is the water line now that comes up to the front of the building and feeds the tank. The water comes from Dewitt's facility, up the hill from Solvay Rd. into the tank. It is proposed to bypass the feed into the tank; the facility is hooked into the tank. Pressure was the issue—it is a fire issue; have to make sure they can maintain a certain pressure on that line. A pump has to be put in because if the tank above City Lights got extremely low or empty, they would need pressure with a pump. In answer to Mr. Kinne, the Town of Dewitt is involved because it is their water, their property. They are doing the County a favor. The County has a contract with the town to pay \$400 minimum--it always goes over that amount--about \$600-\$700 per year for water. Mr. Kinne was not sure why the town is involved with a county facility. Chairman Lesniak said that there are other towns that do similar things--Town of Clay buys the water from OCWA and distributes to some of their areas; the City buys it from OCWA and distributes it. Mr. Kinne asked why there isn't a direct feed. Mr. Cowin said that they could ask, but knows that it would cost hundreds of thousands of dollars to bypass Dewitt's line and run a line to the facility.

A motion by Mr. Warner, seconded by Ms. Williams to approve this item. AYES: 5; NOES: 0; ABSTENTIONS: 1 (Kinne). MOTION CARRIED.

4. **Requesting the Chief Fiscal Officer to Explore the Feasibility and Potential Cost Savings of Discontinuing Sheriff's Road Patrol Services Except to the Extent that Municipalities Without Local Police Request Such Services From the Sheriff on a Contractual Basis** (Sponsored by Mr. Stanczyk)

Chairman Lesniak asked if there was a motion; hearing none, the item was withdrawn.

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,

EDUCATION AND LIBRARIES COMMITTEE MINUTES – October 21, 2009
CHAIRMAN PATRICK KILMARTIN

MEMBERS PRESENT: Mr. Corbett, Mr. DeMore, Mr. Kinne, Mrs. Rapp, Mr. Masterpole, *Mrs. Winslow

ALSO PRESENT: *see attached list*

Chairman Kilmartin called the meeting to order at 9:03 a.m. ***A motion was made by Mr. Corbett, seconded by Mr. DeMore to waive the reading and approve the minutes from the previous committee meeting. CARRIED.***

1. OCPL:

a. **Confirming Appointment to the OCPL Board of Trustees (Babette Morgan-Baker)**

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

Chairman Kilmartin took the agenda out of order.

3. UPSTATE BALLETT: Kathleen Rathbun, Artistic Director

a. **Discussion – Release of \$4,000 From Contingency Fund**

Ms. Rathbun said that she grew up in Syracuse Ballet Theatre; moved away; came back home to settle down and Syracuse Ballet was defunct. She started her own company 11 years ago wanting to appeal to young children and grow the audience. It was a huge success; they were hired by the Syracuse Symphony and performed full length ballets. To look at the product, it was great, but the organization behind the product wasn't--it was basically 2 other people and herself. The board was tired and it was tough. She then tried to hire the right people, which took time. She found a development director and associate director in the past year. There is a new board in place. They have acquired a PACE grant from CNY Community Foundation, a 3 year, \$15,000 grant to help the organization and help teach the board. A membership drive was started and is going well. She feels the money was put into contingency because nothing was done performance wise in a year, but a lot was going on behind the scenes. They have lost \$34,000 in funding and their budget is over \$150,000. Anything they get goes a long way, as they have many volunteers.

Chairman Kilmartin asked what is planned for the remainder of 2009 and 2010 calendar year. Ms. Rathbun said that they are continuing to develop their board. This weekend they are performing Dracula at the Landmark Theatre. She provided information on the performance and on the membership drive. The Nutcracker will be performed the week before Christmas. They partner with a lot of not-for-profits: Make a Wish, Elmcrest Children's Center, Vera House, Red Cross. They work with most of the arts organizations in the area.

Chairman Kilmartin explained that the \$4,000 was appropriated in 2009 and put into contingency. At that time the agency was asked to come in a give a short presentation.

2. OCC: Dr. Kathleen McColgin, Vice President

a. **Presentation on North Campus Site –**

Dr. McColgin gave the following presentation and provided the executive summary. (on file with Clerk)

*Mrs. Winslow arrived at the meeting.

Onondaga Community College

North Site Report 2009

Executive Summary

Educational Mission

"Onondaga Community College makes high-quality educational programs accessible to our diverse citizenry, empowering individuals to explore and discover their inherent potential and to transform themselves to live, work and thrive in our global community."

Framework for Success – Strategic Plan

Student Access – Convenience in location, time and mode of delivery

"A variety of delivery modes and flexible scheduling will be implemented and assessed to increase student accessibility to courses."

History

In keeping with the College's mission and strategic plan to increase accessibility, a permanent presence in northern Onondaga County was established in 1999 at Seneca Mall to meet the needs of the residents.

OCC North

Location and Services

- . Opened – Fall 1999
- . Located in Seneca Mall , Rt. 57, Liverpool
- . Approximately 11,000 square feet, housing 6 classrooms, 2 computer labs, student space, faculty and administrative offices
- . Day and evening classes that include: art, business, computer studies, criminal justice, English, geology, health, history, math, philosophy, psychology, sociology (approximately 100 sections offered annually)

Students

- . Over half of the students who attend OCC North live within a 20-minute driving radius:
- | | | | |
|---|-------|----------------|-------|
| 1 | 28.9% | Baldwinsville | 12.4% |
| e | 8.5% | North Syracuse | 6.0% |
| | 5.2% | Clay | 4.8% |

. Students report the top reasons they choose OCC North is location and availability of courses

Additional Benefits & Services

- . Student Services - academic advising and pre-admission testing
- . Workforce Development and Training – professional workshops and Coalition of Local Governments
- . Incubator for new initiatives – late semester start and block scheduling

Additional Sites

Driver's Village

- . Located 5885 East Circle Drive, Cicero
- . Opened in 2004
- . Offer general education courses

College Credit Now Program

. Allows high school students to earn college and high school credits simultaneously prior to high school graduation. Classes are delivered by high school teachers in cooperation with Onondaga Community College mentors.

| | | |
|-------------|----------------|-----------------------|
| ldwinsville | Central Square | Cicero North Syracuse |
| rnibal * | Liverpool | Phoenix |
| xico * | | |

* denotes Interactive Video Conferencing only

Online Learning

. Nine programs offered completely online via SUNY Learning Network

Future Direction

Feasibility Study was conducted in fall 2008 that included: findings of student opinion survey and focus groups, area demographics, competition, and review of location analysis.

Recommendations

- . Location – high visibility and easy access from major arteries; minimum 20 minute drive from main campus
- . Size – minimum of 50,000 square feet
- . Increased opportunities – full academic programs and enhanced support services

Mr. Corbett asked what the Coalition for Local Government is. Mr. Sensor explained that it is group of representatives from different municipalities, county and town groups that have banded together to have monthly meetings. They pool resources and are supplied professional training. Out of a coalition fee that they put together, OCC builds an account for them and custom delivers training for the group.

Mrs. Rapp asked about the status of obtaining 50,000 sq ft. Dr. McColgin said that the first phase of the feasibility study has been conducted and are currently in the process of looking at different locations. Mrs. Rapp said that the Liverpool Golf Course feels they are the perfect place for the campus. Mr. Sensor said that they have looked at them; they are inside the 20 minutes. However, nothing is ruled out; they were included as one of the tests. At that site it is just land, so a facility would have to be built.

Mr. Kinne asked what the response is to people that feel this is the wrong way to go; the campus would only serve 460 people; there is a big investment in the main campus, which is centrally located, easy to get to; some feel that this would divert too much away from the main campus, where there are sports. Mr. McColgin said that if someone wants the full collegiate experience, the main campus is the place for them to be. As enrollment continues to grow, they are at maximum during the peak hours at the main campus and cannot add another section of a course even if they wanted to. The north site offers 2 additional strategies: allows more section courses; allows for students in the northern Onondaga County to not have to commute to the main campus and get the courses they need closer to home. It is six additional classrooms at peak times that they do not have on the main campus. Mr. Sensor added that there is long history of national research regarding the distances that people in their busy lives can go if they want to get an education, especially non traditional students. We are in lock step with the national surveys. To look at trends within the state--SUNY and community colleges across the state have been doing this for quite some time. OCC has always had a presence off campus, whether through area high schools or other area facilities.

Mr. Corbett asked if any research has been done on age; feels that OCC North may be the release valve for people that want to take courses but don't have the time to commute to the main campus. Regarding the housing at OCC, there is a waiting list and feels more will need to be added. He doesn't think the northern campus will deflect from that. Mrs. Rapp said that at 6:00 p.m. it takes 40 minutes to get through the City and up to OCC from where she lives.

Chairman Kilmartin asked if there is an active search on going for sites. Mr. Sensor said that the college is always data drive in what they do; Dr. Sydow is always looking for whatever opportunity there is that will enhance what they do and support the community. There is no doubt that it is active; it is constant.

The meeting was adjourned at 9:34 a.m.

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

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – October 21, 2009
CHAIRMAN JAMES A. CORBETT

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

MEMBERS ABSENT: Mr. Rupprecht

ALSO PRESENT: *see attached list*

Chairman Corbett called the meeting to order at 10:00 a.m. ***A motion was made by Mr. Masterpole, seconded by Ms. Williams to waive the reading and approve the minutes of proceedings of the previous committee. CARRIED.***

1. **LAKE IMPROVEMENT:** Patty Pastella, Commissioner

a. **ACJ Update**

Sewer Separation

- CSO 051 (South Ave/Colvin St) – 80% complete,
- 4,230 linear feet of mainline sewer installed
- Anticipated to be complete by the end of November

Harbor Brook Interceptor Sewer Separation

- Advertised Sept. 29th; opening bids on November 2nd
- Part of stimulus grant; project needs to be awarded by Jan. 1, 2010.
- Interceptor replacement from Fayette St. to Velasko Rd.

Negotiations for ACJ

- Continued in Sept; met with Judge Scullin on Sept. 22nd

Save the Rain Program

- Several billboards will be put in place

Mr. Masterpole asked when the construction for the Harbor Brook interceptor sewer will begin. Ms. Pastella said that the notice to proceed will be at the end of this year. It has to be awarded by Jan. 1st; will take 2 years.

Chairman Corbett took the agenda out of order.

2. **WEP:**

a. **Authorizing Acceptance of Grant Funds Under the American Recovery and Reinvestment Act Program and Authorizing Execution of Grant Agreements to Implement the Intent of this Resolution**

Applied for grants for 6 green projects; have received notification of award of grants for 3 of them: creek walk, rain barrels on West side; and Green Roof demonstration project at the Correctional facility. This resolution authorizes acceptance of the grants, \$1,215,000. Chairman Corbett noted that when the resolution was first published, the dollar amount was not known, so he will amend the resolution to include the dollar amount. Chairman Corbett reported that the bio retention/porous pavement at Creek walk total \$900,000; rain barrel program can receive up to \$180,000. He asked how the program will work. Ms. Pastella said that it will be offered to residents on the West side. Mr. Masterpole asked if all rain barrels will come to WEP. Ms. Pastella said that the actual details aren't worked out yet, but thinks it will be similar to the leaf bag program—received at WEP and distributed. Mr. Masterpole asked if there will be any opportunity for someone who lives outside of the boundaries to purchase rain barrels. Chairman Corbett said that it is a pilot program and it is a

measure and build; may have to see how it works and then may need to make adjustments and possibly open it up to everyone else. In answer to Mr. Masterpole, Ms. Pastella said that they can look into seeing if the rain barrel company will sell them to residents at the same cost to the County. It is not known yet if WEP is getting a reduced price.

Chairman Corbett noted that the 3rd project is for up to \$253,023 for the green roof at Correction. He said that it is nice to see that our people have been proactive. This committee has asked that they look into as many applicants for grants as possible; he sees us becoming one of the leaders in government in NYS in implementing this.

Chairman Corbett asked for a motion to amend the resolution to include the amount of \$1,215,000. ***Mr. Masterpole made a motion to approve the resolution as amended by adding the amount of \$1,215,000, seconded by Ms. Williams. Passed unanimously; CARRIED.***

b. **Authorize County Executive to Enter into a Contract with the USA, Department of the Interior, for the Operation and Maintenance of Stream Gauging Stations in the County of Onondaga**

Mrs. Pastella said that this is for a contract with U.S. Dept. of Interior for maintaining 10 discharge gauging stations on the tributaries in Onondaga Lake and Seneca River; approximately 60%-40% split for the cost to maintain them. The stations are used for monitoring and modeling of the lake and the tributaries.

Mr. Masterpole asked if the \$74,240 is budgeted. Ms. Pastella said that it is.

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

1b. Discussion – Proposed Stipulation and Order Amending the ACJ

* Mr. Jordan arrived at the meeting.

Ms. Pastella reviewed the highlights:

- Stipulation agreed upon by all parties (DEC, ASLF, County)
- Went before Judge Scullin in Sept. – it is required that the legislature approve signing of the document within 45 days. If it doesn't occur, the document is null and void and go back to the original ACJ.

Chairman Corbett asked if it goes back to the original ACJ, would it include an RTF. Ms. Pastella said "yes".

- Replaces the CFO program, which was a gray program, with a green/gray infrastructure program to be implemented over the next 9 years. Requires 95% removal of CSOs system wide – 88.7% in gray and 6.3% in green
 - o Capture schedule: 89.5% by 12/31/2013; 91.4% by 12/31/2015; 93% by 12/31/2016; 95% by 12/31/2018
- Under gray component projects required to be completed:
 - o Midland pipeline to CSO 044
 - o Storage facility in Clinton sewer shed, Trolley Lot, 3.7 million gallons
 - o Storage facility in Harbor Brook, near State Fair Blvd., 3.2 million gallons
 - o Interceptor replacement project for Harbor Brook (stimulus funding)
 - o Modifications to Erie Blvd storage system
- Floatable control plan for remaining CSOs required to be developed and submitted
- 5 CSOs to be further evaluated within one year from the date of the stipulation
- Yearly reporting requirements for tracking the percentage of capture
- Effluent phosphorus removal for Metro: current ACJ would require revised phosphorus proving that phosphorus effluent levels have been met – deadline was Feb. 1, 2009; new deadline is Dec. 2011. At that time DEC will determine if there are more stringent effluent limits required. If required, the limits will be extended from 2012 to 2015. Additional 6 month periods to extend further if needed.
- Phosphorus: within 1 year of stipulation the Metro measured effluent phosphorus limit will go from .12 to .1/mg/liter; if the final phosphorus effluent level is changed to be more stringent, a study will be done to determine phosphorus availability in Onondaga Lake – how available the phosphorus is to aquatic plants; a hydrologic study to evaluate the impact from the Creek to the Lake; evaluate how to optimize the treatment facilities at Metro to more effectively remove phosphorus in the effluent; a study to evaluate available technologies—treatment process and cost—to remove phosphorus down to the lowest possible level.

**Mr. Rhinehart arrived at the meeting.

Chairman Corbett said that regarding the evaluation of technologies to reduce the phosphorus discharges, he is glad that we have to do that, as there are a number of people that feel there is an influx of it coming down through Onondaga Creek, which probably could be addressed upstream.

- Reporting requirement for compliance to meet the percentage of capture
- Revised reimbursement to Atlantic States Legal Foundation for oversight of the ACJ.

In answer to Mr. Rhinehart, Ms. Pastella said that their cost increased from \$25,000 per year to \$35,000 per year. There is also \$60,000 for oversight of the ACJ. Part of the original ACJ required monitors for DEC to monitor the improvements and activities of the ACJ. It has been reduced to one monitor; that cost is used to offset the \$60,000 cost of the Atlantic States contract. Mr. Rhinehart asked if Atlantic States provides a summary of where the funds go. Ms. Pastella said that they submit invoices on a monthly basis.

- Stipulation provides for a timeframe that the County can petition the courts when that it is fully done and can actually be released of the ACJ.

Chairman Corbett said that it has been a number of months and Atlantic States, DEC, and the County have negotiated this settlement/stipulation for the amended ACJ. All legislators were afforded the opportunity to have the packet of information explained to them. This document shows that it will be a little while before the green starts to take over the gray, or at least the percentage gets higher--nice that it has been recognized. They have recognized what has been done with the phosphorus and have lowered the level to what we actually have right now. As the Chairman, he recommended that the committee endorse this; this item will also go to the Ways and Means Committee.

c. Approving and Authorizing the Execution of the Proposed 2009 Stipulation and Order Amending the ACJ in Atlantic States Legal Foundation, et al. vs. County of Onondaga, et al., Index No. 88-CV-0066, Relative to Onondaga Lake, the Proposed 2009 Stipulation and Order Revising Fees Payable to ASLF, and to Implement the Terms of this Resolution

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

The meeting was adjourned at 10:33 a.m.

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

WAYS AND MEANS COMMITTEE MINUTES – OCTOBER 27, 2009 CHAIRMAN JAMES RHINEHART

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

ALSO PRESENT: *see attached list*

Chairman Rhinehart called the meeting to order a 9:30 a.m. ***A motion was made by Mr. Warner, seconded by Mr. Corbett, to waive the reading and approve the minutes of the previous meeting. CARRIED.***

1. DISTRICT ATTORNEY: Lucy Luke

- Transfer of funds from Acct. 408 Fees for Services to Acct. 410 All Other Expenses in the amount of \$3,000 to cover expenses associated with prosecution witness travel fees (\$3,000)**

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

2. EMERGENCY MANAGEMENT:

- Amending the 2009 County Budget to accept Homeland Security Funds from the Interoperable Emergency Communications Grant Program for the Department of Emergency Management and authorizing the County Executive to enter into contracts (\$100,000)**

This is for additional planning on design build out connected to the interoperable communications plan that is currently being worked on under the previous year by this same grant.

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

3. CORRECTION: Tim Cowin, Commissioner

- Authorizing the County Executive to enter into an agreement with the Town of DeWitt for improvements to the water supply system at the Jamesville Correctional Facility (\$114,381)**

A couple years ago they had the 150,000 gallon above ground water take inspected and found that it had several problems, a cost of \$250k - \$400k to repair. It is 75 years old. Alternatives were looked at and found that there was a possibility to hook into Dewitt's water line and use their water tank. The engineering has been done and an agreement worked out, which passed the Dewitt Town Board. It will cost \$111,000 to hook into their tank and save considerable dollars.

*Mr. Kinne arrived at the meeting.

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

4. **VAN DUYN:** Roberta Sprague, Commissioner

a. Amending the 2009 County Budget to appropriate unbudgeted interest income to improve Resident Living Conditions at Van Duyn (\$121,422)

Desire to use this money for internal capital projects that they would not otherwise be able to fix – i.e. 18 dietary stations on every floor are 30 years old and falling apart.

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

Mr. Stanczyk asked why there is unbudgeted interest income at the end of 2008. Mrs. Sprague explained that it was from the IGT money that was put there and other money that was not spent that goes into their fund balance. Ms. Kenny explained that this is interest being allocated to the fund balance that was left in the account at the end of 2008. The County hadn't been previously allocating interest at Van Duyn because of negative cash, and IGT money was expected at the end of 2008. In further answer to Mr. Stanczyk, Ms. Kenny explained that Van Duyn had negative cash prior to the end of 2008, when the IGT money came in there was a cash balance, now Onondaga County is allocating interest income. It was allocated throughout 2009. Mr. Stanczyk asked if this resolution weren't here now, when would the unallocated amount be swept into fund balance. Ms. Kenny said that it is currently there; it just hasn't been budgeted for. Chairman Rhinehart asked if there is more; Ms. Kenny said that this is an estimate through 2009. Mr. Seitz said that the money was not just hanging out there; it was known that the money was there and had been planned to use the surplus interest for expenses that Van Duyn has come in with.

Mrs. Rapp asked what other things the money will be used for. Mrs. Sprague explained that there was a recent program on the 7th floor spa/bather room – water problem leaked from 7th floor to 6th floor – tub has been ripped out, tile work being done, bathrooms are not appropriate for larger trolleys that are used. They hope that they can use some money to repair the worst nutrition station and to finish this project. However, each nutrition station equipment costs \$15,000 plus \$15,000 to install.

Mr. Kilmartin seconded the motion.

Mr. Warner asked when the study will be done. Mrs. Sprague said that there are a couple of studies. The SSCS study, which started based on the Berger Grant money, is still in process. The Bonadino Group is working on feasibility—financial projections. Because of the State not knowing how they will establish the budgets going forward for rates; it is still an unknown—if on regional rates or on rebasing. A next meeting to make some decisions on what would be done is scheduled. Mr. Warner asked to be kept abreast of it.

Passed unanimously. MOTION CARRIED.

b. Transfer of funds from Acct. 101 Regular Employee Salaries to Acct. 408 Fees for Services in the amount of \$300,000 to cover costs of contract nurses (\$300,000)

This is because of the inability to attract full time staff at Van Duyn, in particular CNAs. There are 36 vacancies in addition to 10 other employees that are out because of medical leave.

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

Chairman Rhinehart asked about the program in conjunction with OCC. Mrs. Sprague said that because it was desired to extend it to any county resident who wanted to go to nursing school, it got to be unwieldy. Also, because the seats are all full, OCC basically said that they would do what they can, but the person still had to be at the top of the list to get into nursing school. It did not end up being profitable for Van Duyn.

Passed unanimously; MOTION CARRIED.

c. Transfer of funds from Acct. 103 Other Employee Wages to Acct. 300 Supplies & Materials in the amount of \$170,000 to purchase supplies not anticipated in the 2009 budget (\$170,000)

This is partly because of H1N1, Legionella and MRSA, more had to be done with cleaning supplies and being attentive to the facility—hand sanitizers installed, new products that the State Dept. of Health has encouraged them to use, more dementia patients which means wander guard bracelets and other products, and prices have gone up.

Mr. Warner asked what was being saved by privatizing the nurses as opposed to having our own employees per year. Mrs. Sprague said that the average agency rate for a CNA for straight time is \$16.82/hr. The average county CAN, with 43% fringe benefits, is \$16.82/hr. The difference is in overtime. A county employee with overtime, including benefits is approximately \$22.70/hr. One of the agencies, who does the majority of overtime, is roughly \$27.00/or or \$28.50/hr.

Mr. Stanczyk said that the County Executive suggested in the budget process to take all of the money from fund balance to run Van Duyn's anticipated shortfall for 2010. Mrs. Sprague said that it was about half. Mr. Stanczyk asked if the same thing is proposed for 2011, will Van Duyn run out of money before the end of the year. Mrs. Sprague said that if she were to guess, and no more money was put in for IGT, she thinks that they would just about make it to the end of the year.

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

5. WAYS AND MEANS MISCELLANEOUS: Brian Donnelly, Commissioner

- a. Authorizing the County Executive to enter into an agreement with the State of New York for snow and ice control on State Highways for the 2009-2010 Season (\$1,706,863)**

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

Mrs. Rapp asked if this is higher or lower than anticipated. Mr. Donnelly said that it had gone up every year, but it is slightly lower than what is in the 2010 budget. They have not had a season where they have not received more revenue because of the severity of the weather.

Mr. DeMore asked what the price per mile is. Mr. Donnelly explained that the State doesn't do it by mile; they do it by lump sum. Taking into consideration that it is 219 miles, and based on the amount for this year, it would be about \$7,800 per mile.

Passed unanimously; MOTION CARRIED.

- b. Adopting Director to fill a vacancy on the Onondaga County Tobacco Asset Securitization Corporation (Sponsored by Mr. Meyer)**

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

- c. Memorializing the Governor and the Legislature of the State of New York to keep the current Medicaid cap in place and to implement additional measures to reduce the local cost of Medicaid (Sponsored by Mr. Meyer)**

Chairman Meyer said that in going through the budget review process for years; there has always been a question mark issue with Medicaid funding. The State Legislature started having serious discussions in 2006, and in 2007 there was a "soft cap". There are some people in Albany that feel it is it a cap, but it isn't really a cap, it is a 3% cap. Albany has some serious budget issues right now and he has been told that they are seriously looking at this cap. If they are doing things similar with the Governor's budget as with schools, then the County could be next. If the cap should go away or be substantially modified, the County could be looking at double digit modifications to Medicaid. The State Legislature is going back in session soon after Election Day, and he would like them to see it then so they don't just pass something through. He wants to make sure the county taxpayers are protected and that this is not just a shift from State government to county government.

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

- d. Amending the 2009 Budget to appropriate Room Occupancy Tax surplus to the OnCenter Complex Management Corporation (\$575,000)**

Terri Toennies, President/CEO; Gary Lavine, Financial Chair, OnCenter Board; Peter Casper CSFO,

Ms. Toennies said that they are requesting additional funding from ROT appropriation for \$575,000. This is due to losses in operations from 2008 and 2009 that have depleted current assets and available cash such that they are not able to remain current with vendors and suppliers and beginning to get demands for COD payment and refusal to accept orders until invoices are paid. This needs to be addressed immediately. They are in a time of good cash flow, but have past due invoices to take care of. The War Memorial was closed for the entire months of June, July and August due to installation of track seating that was supposed to take place and did not take place in the summer months. It left them with an open arena that typically could generate at least \$500,000 in revenues. It was lost revenue this year and was budgeted and forecasted last year. They went into 2008 with an additional \$200,000 sitting in net revenue left over from 2007, which was used up in 2008. They virtually went into 2009 with a deficit of \$350,000 plus the loss of revenue during the summer months. Additionally, they had reporting and expense issues through the year basically because they had no financial department. The CEO resigned in October 2008, and the financial department left with him. There was no direct CEO or President in charge. An outside auditor came in to help audit the books; a CFO was not hired until July of 2009. By June 2009 they were able to reconcile the books from 2008 and realized that they were in a cash position that was going down instead of up. Additionally, there were increases in unemployment claims, due to the economy, and workers compensation premiums, both additional expenses that they did not anticipate.

Ms. Toennies said that they have many solutions going forward that they plan to put in place. Mr. Lavine has sat on the board of the Javits Center for 15 years and is the new financial chair for OnCenter Board. Peter Casper came on in mid July and has been involved in many startup companies over the last 13 years where he was a part of structure, accountability, profitability and analysis of a company's ability to make money. There is board governance and committee chair restructuring that is focusing on financial reporting and looking at internal financial controls with outside auditors. They have cost-cutting initiatives and changes in expense management that they are looking at. They have looked at the elimination of a 3% discretionary match on the employees' 403B plan, which has passed through the board. They are going to make some additional management changes and reorganizations with

reductions of staff, an estimated savings of \$400,000 in salaries and benefits over the next 8 months. They will look at consistent losses in the Civic Center cafeteria; look at some combination of efficiencies through janitorial services, mechanical and securities, throughout the Civic Center and War Memorial with the County. Additionally, she would like to re-evaluate utility costs and discuss any possibility of cost sharing programs with the County. Currently, the OnCenter pays approximately \$1.2 million per year in steam, electric, gas, and water costs; they get a \$1.9 million subsidy – almost 60% of that is going towards just running the building. There are revenue initiatives in place, including sponsorship and marketing to drive revenue; have restructured the sales and special event teams and are looking at more effective ways to get business from out of town and in. It is 12-18 month process in the convention world. In 2008 they generated over \$1 million in revenue for the community with events that were brought to the OnCenter from hotel occupancy tax dollars.

Mr. Lavine said that with over 30 years of combined service in Manhattan and here, he has seen the good, the bad and the ugly in convention center management and wanted to assure the committee of the good in this situation. The new management and changes in the board governance have initiated a top to bottom, side to side, inside and out assessment of how to operate. He assured the committee of the board's keen interest in assuring that there are adequate, internal controls established to avoid surprises in the future. The new management, with full support of the board, has initiated a series of productivity enhancements. The board is confident that they have the management now to reach fruition. The board's credo is "continuous improvements." There are lessons to be learned from less than optimal aspects of management in the past. Whatever improvements are made by the current management, the board's philosophy is that there is always room for further improvements.

Mr. Warner said that \$575,000 is being asked for today, but will the OnCenter be back again. Mr. Casper said that this money will get them current with the vendors up today. Regarding the 4th quarter, they have had a great October, cash flow positive; Oct. and Nov. looking on line with the budget; December is a little light, but there is a lot open and could book last minute holiday parties. Mr. Warner asked how this could go on for the length of time that it did without it being brought to light. Mr. Casper said that he believes that Mr. Cambareri realized that there were issues with numbers and brought the changes with new management. They didn't know the cash situation until June or July of 2009 with the change in the Finance Dept.; the consultant was working with the auditors just to get the books done. With the shortage in finances, it delayed the whole notification of the shortfall. Ms. Toennies said that when she arrived in April, the audit wasn't completed for 2008. From what the board knew, the last thing they saw was that they were cash positive ending in 2008 because there was no 2008 Oct., Nov., Dec. completion until March or April. The final audit was not approved until early June. It wasn't until early June that it was known that 2008 ended \$350,000 negative. There were 2 people put in charge of the finance department, but they were not financial people. They assumed that the people underneath them were keeping track of cash. Mr. Warner asked if there was a copy of the audit; Ms. Toennies said "yes". Mr. Warner asked if the County Comptroller would look at this. Mr. Antonacci said "yes" and noted that he had not seen the audit yet. Mr. Warner asked if the DA should be involved in this. Mr. Casper said that he didn't think so. Mr. Warner asked if Mr. Antonacci would review the audit with that question in mind. Mr. Lavine said that the new management has brought a much more acute sense of enterprise risk management. It is an important part of the upgrade of the internal control regime, which is already started. Part of enterprise risk management is challenging assumptions. The board has to challenge assumptions; the senior management has to challenge assumptions. They are in the process of doing that now, so that there is not a repetition of these things.

Mr. Corbett said that if this resolution passes, the legislature needs assurance that things will be handled differently. He understands that the seats and other things will be done while the Crunch is still in there, so we won't have that problem. Also, consolidation of vendors should be looked at. Ms. Toennies agreed; there is a great need for accountability, which is being studied right now. Per the management agreement, they are to report to the Board every month, and every quarter to the Legislature.

Mrs. Rapp said that she is glad the problems were discovered and some solutions figured out, but it needs to be managed all the way through. Should this go forward, there is no more revenue, no pot to go to next year.

Mr. Stanczyk said that we just went through a brutal budget and in the midst of it, he pointed often to the fact that there was \$1.2 million surplus in ROT. It is undesignated fund balance – can be used to take care of concerns in the budget. He was told by members on the Republican side that OnCenter has some serious problems but was not coming in until after the budget. Obviously, this was a call that was made to deal with this after the budget. We just laid off 135 people and now find out about all of this. He trusts that a good job will be done going forward. This was not made transparent in the budget; it wasn't a part of the discussion and it is appalling. If it was known there was a problem it should have been handled during the budget process. This is opposite of what should be done in the process; it is being opaque and secretive; it is being what caused a lot of the problems in the past that are now being uncovered. He hopes this won't happen again in the future. A process was done for the stumbling decision to put in a new scoreboard; the process was byzantine. Funding was coming from 4 different sources to put it in place; the legislature was told it was necessary because management was negotiating the Crunch lease. It was known there was an ongoing problem at the facility, and yet a lease is being negotiated with the Crunch in the interim, but he doesn't know what type of revenues were maximized because of it. The OnCenter operation lives and breathes on the tax dollars the county gives them, but it is being handled like it is not a part of government, when it is. The \$1.9 million is an operating subsidy; it doesn't take into account the monies for the capital projects, or that we built the place, or that we pay bonds. The chilled water and steam that the County provides to the OnCenter, and they give the County a payment for every month, has no gauge on it. No one has any idea how much chilled water and steam they use. The County paid Carrier Corp. an incredible amount of money to do a study to tell us how we are supposed to save energy, and there is a huge operation that we don't even have a gauge on. There is no way in knowing if OnCenter is being charged too much or one quarter for chilled water and steam. Many things in government have been done on a handshake deal, and it leaves the public and members of this body in the dark about operating arrangements. He wants to see the budgets for 2008, 2009 and be given more than what is provided. The money that is being given is taxpayers' money; money that we said we didn't have enough to give and had to cut out jobs from our own operation just two weeks ago. He questions if it makes sense to give this sum of money,

is there no way that the taxpayers will get back some of these dollars; is it lost. He needs to have assurances and future operation, needs to be shown how it got here and how to get out of it. The OnCenter only lives and breathes because it is given a huge subsidy; they work for the government.

Mr. Kilmartin complimented Ms. Toennies and Mr. Cambareri; knows that they have been working hard over the last 6 months to right the ship and conduct ongoing operations for 3 buildings and at the same time analyze the past, learn from the past, and move forward. There have been some significant improvements at the OnCenter that have made the operation transparent: an extensive budget presentation was given, a vastly improved scoreboard process over what had taken place in the past—a triangularization of 3 parties: OnCenter, Executive, and Legislature intimately involved in the process; extensive review a number of months ago regarding transparency of the OnCenter – made board meetings transparent; documents readily available to press and Legislature. He asked about procedures going forward in terms of financial management. Mr. Lavine's experience, especially with the Javit's Center, will be a significant improvement for the board. Ms. Toennies said that they are putting in place labor controls – there was never any direct labor system where employees swiped and controlled labor hours; it was all manual. The new system was purchased and should be fully in effect next month. A purchase order system was put in place; there was never a PO system to match an invoice. Invoices were coming in, but there was no PO to show that it was ordered. The financial team was realigned and a Purchasing Manager was hired, who will consolidate the purchasing for all three buildings. Mr. Lavine stated that from the board perspective, it is critical to have robust functioning committee system. Mr. Cambareri has made tremendous improvements in enhancing the board governance in terms of getting business done, issues explored in committee process. The Board members are volunteering their time and have other personal/professional commitments, so the committee structure is vital to make sure that there is a division of responsibilities so that there is a comprehensive review of the critical issues. More emphasis has been put on best practice bench marking, demanded by the board of the new management. The new management has been very responsive.

Mr. Antonacci clarified that when the first comment was made about the report, he assumed they were talking about a consulting report, which he has never seen. Regarding the audit report, it is possible that it is in his office; it was received late. When the County issued its financial statements this year, it was done with the prior year financial statement; this report is dated June 24th. He will review the management letter comments. He asked the Board to address the parking lot audit that was issued in July and whether or not there has been a resolution of that agreement. Ms. Toennies said that it is coming up this week.

Mr. Warner asked Mr. Antonacci what will be done with this. Mr. Antonacci said that in light of the management letter comments, his office should undertake an independent review, and in light of the request being made of over \$500,000, he will send over an audit team to take a look at the prior year audit.

Mrs. Rapp said there is not a legislative representative on this board, and wonders if that should be considered. Ms. Toennies said that the bylaws state how the appointments are made and who they are appointed by. They are taking a look at the bylaws along with the management agreement going forward. Ms. Rapp said it would create more transparency and communication with the Legislature.

Chairman Rhinehart said these are County properties, owned by the County; the County does support them. There have been issues there, but there is an awesome management team in place, a group did a national search to bring Ms. Toennies here. We have already seen changes and there are many more in the works.

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

Mr. Kinne said that he has issues with this because during the budget time, several members of the legislature kept saying that we have to act more like private business. In the past there was a lot of mistakes going on--wants to know where the government was then, where was the oversight, why is this coming to the table now. In private business, they wouldn't have anyone to go to for half a million dollars. It is one of the reasons not to compare private business with government. He would like to know what will be done about some of the built in problems; not knowing how much energy the OnCenter uses is a major problem; it should have been addressed during the Carrier study. He did not like the scoreboard process; he was in favor of the scoreboard, but the whole thing was wrong. It doesn't think the way it is funded helps the OnCenter in the long run. The community needs the OnCenter; the hotel should have been built when the OnCenter was built and it wasn't; it should have been built 6 – 9 years ago and it wasn't; it is still not being built. Now there are problems like this; he would like to believe it won't happen again. This is taxpayers' money; there are so many things wrong with how we got here.

Mr. Stanczyk said that he realizes the need for the cash infusion, but government goes through phases; he is acutely aware of at the fact that the OnCenter's business is very challenging right now – less opportunities to bring in revenue. A lot of things were done, that wouldn't be done when times are lean like they are now. He is concerned that if given the opportunity, it is easy for government to get fat, dumb and happy. He bristles at the request for \$575K with no mention of repayment. He is hopeful that at some point in time this economy will rebound. He believes that at some point a convention center hotel will be built; if these things do happen, the operation will get wind in the sails and things may be a little easier. If they are, he would like a mechanism to recapture some of the tax dollars.

Mrs. Rapp said that that the reality is that the reason we are able to be in this position to offer this money is because over time a surplus has been built up that can only be used for tourism purposes. There is money to help through this difficult time. As times get better, they will in fact be paying the County back by recreating the kind of surplus that was created over the last decade and a half. Sometimes we need to make the hard decision – its either close the place down or take the money that we put in surplus for this purpose to allow them to move forward with far greater controls than we have seen up to this point. Mr. Stanczyk said that the hard decision is to abstain on this and make it clear that this has to be crafted differently before they are given the

money. The easy decision is to give them the money; the tough decision is asking what type of assurances there are. We best start monitoring energy, start having normal controls of situations, and have a mechanism to get a return on these monies.

A vote was taken on the motion. AYES: 6 (Rhinehart, Corbett, Rapp, Kilmartin, Holmquist, DeMore); NOES: 0; ABSTENTIONS: 3 (Warner, Kinne, Stanczyk). MOTION CARRIED.

e. Confirming the joint appointment to the Board of Directors of the Onondaga Civic Development Corporation (Scott Koldin)

Mr. Kilmartin asked to be listed as a cosponsor and noted that he has know Mr. Koldin for over 10 years; a very bright, young talented lawyer and businessman, grew up in Onondaga Co, a former assistant district attorney, very sharp and talented and will be an asset to the board. Mr. Stanczyk said that Steve Cambareri chairs the OnCenter board and the same firm is providing another partner for this board. Mr. Kilmartin noted that the resolution is incorrect, as he is with another law firm now; he is formerly a partner in Cambareri, Cambareri & Koldin.

A motion was made by Mr. Kilmartin, seconded by Mr. Holmquist to approve this item. AYES: 6; NOES: 0; ABSTENTIONS: 3 (Kinne, Stanczyk, DeMore). MOTION CARRIED.

f. A Local Law establishing certain fees collected by the Onondaga County Department of Finance, and further amending Local Law 15-2002 as previously amended by Local Laws Nos. 12-2004 and 6-2005

Ms. Carney said that these are not new fees; some were increased this year. In answer to Mr. Stanczyk, Ms. Carney said that the new fees are under custom reports - \$90 for electronic format or hard copy – when all of the data was on the mainframe, IT would run custom reports for people who request them. Once it got put on pcs and stored on the server, the Finance Dept. ran all of the special requests and reports. They all require programming. The State has come out with a FOIL file that anyone can request and get all of the assessment data for free, but that is really not what the customers want. They want to take bits and pieces of the assessment data and have reports created. The reports are created and offered in a variety of different formats; it is a very time consuming process. She surveyed other counties to see what they are charging for similar services; the proposed fees are very much in line with what other counties are charging. In answer to Chairman Rhinehart, they are not required to provide the reports.

Mr. Stanczyk asked about the unpaid parcel fee. Ms. Carney said that it was changed in 2003 from \$60. It is part of the tax sale fee authorized; it is for parcels that remain unpaid, which they then have to process and advertise for tax sale advertisement, which will go to tax sale on Oct. 1st. Mr. Stanczyk asked if it is like a penalty assessed to the person; Ms. Carney agreed. There is a lien every October 1st. Reminder notices are sent in June and July letting people know that the taxes have not been paid at the town for current year. A tax sale letter is sent out that if they haven't paid after Aug. 31st then they will be charged \$60, now \$70, for tax sale fee to cover the administration costs.

A motion by Chairman Rhinehart, seconded by Mr. Kilmartin to approve this item. AYES: 7 (Rhinehart, Kilmartin, Holmquist, DeMore, Rapp, Corbett, Warner); NOES: 1 (Stanczyk); ABSTENTIONS: 1 (Kinne). MOTION CARRIED.

g. A Local Law amending the fees collected by the Onondaga County Sheriff's Department and amending Local Law No. 20-2002

Chief Peverly explained that a fee was inadvertently left off of the local law that was adopted in 2002. People are using CDs for photographs more than video tapes and a fee has been added for them; also with other fees they are rounding them so they are not dealing with change. In answer to Mr. Stanczyk regarding photos, Chief Peverly explained that they are requested when there are accidents by attorneys, requests for them when there are investigations for evidence, defense attorneys request them. In answer to Mr. Stanczyk, Chief Peverly said that all together fees bring in about \$80,000.

Mr. Warner asked who has access to criminal records. Chief Peverly said that people can only request their own records. There is a provision that they can request a criminal history if they are unable to come in themselves, there is a form that can be signed off and notarized for someone else to get the criminal records. Other police agencies do not pay the fee.

Mr. Kinne asked if the County keeps all of the money on the pistol permit fee. Chief Peverly said that the County keeps \$45.75; there is also another \$94.25 that the State charges. With the new fee schedule, people will be charged \$140, instead of \$140.25. There are limits on how much can be charged for the fees – they look at that time it takes to process applications. There are statutory limits imposed by the State.

In the rounding issue, there are some increases, i.e. Sheriff's ID card went up \$.50. Chief Peverly explained that for Cathedral refers to people that are referred from an agency and have limited means; that fee was reduced from \$3.25 to \$3.00. Regarding the fingerprinting service, an additional card is usually required; fee was increased an additional \$.75.

A motion was made be Chairman Rhinehart, seconded by Mr. Corbett to approve this item. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Stanczyk).

h. A Local Law amending the fees collected by the Syracuse Onondaga County Planning Agency and amending Local Law No. 21-2002

Mr. Jordan explained that there are increases for GIS maps from \$10 - \$20 (poster size maps); increase fees charges for 2010 plan from \$15 to \$30; Syracuse City Zoning ordinance for \$40 - \$45; City zoning atlas sheets from \$5 to \$20/sheet—now the atlas is poster size color; digital street center line file

from \$120 to \$125. In answer to Mr. Stanczyk, Mr. Jordan said that not very much is brought in from the fees in a year because all of this information is available through the website. Most people download it for free from the website – \$1,500 is budgeted for misc. income.

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

i. A Local Law amending the fees collected by the Onondaga County Department of Parks and Recreation, and amending Local Law Nos. 7-2008, 20-2008, 1-2005, 4-2005, 23-2002, 22-2002

Mr. Lansley said that this was discussed at the budget presentation. He distributed a sheet which details the changes. Mr. Stanczyk said that there will be \$103,000 additional revenue because of these increased fees and asked what is brought in right now if fees and what is projected to be brought in for 2010. Mr. Cooley explained that collective revenues are about \$2.7 million. The zoo brings in about \$960k per year. Mr. Stanczyk asked if we count what the Friends of the Zoo gets as our revenue for their annual memberships. Mr. Cooley said that the Friends give a commission payment, about \$70,000 per year, which is about 15% of what their members pay to go to the zoo. Mr. Stanczyk said that the \$500k that the Friends get is not included \$2.7 million; Mr. Cooley said that was correct. Price changes at the zoo are generating another \$52,000. Mr. Stanczyk asked what is received from the donations at Highland Forest. Mr. Cooley said it has been averaging \$10,000. They think it will grow because they have been inconsistent. Last year they began charging \$3 per person to cross country ski; and the person who hikes and snowshoes isn't charged but is asked to donate. It is more logical to charge every person at that venue. Mr. Stanczyk said that it is a park that we pay millions of dollars for with taxpayer money. Not everybody has the dime to go through the toll booth. Some of these things should be free and available and if people want to donate then they can. This is forcing people, especially in hard times, to pay that want to go to parks. Parks are normally something that the public pays for to provide a venue to enjoy something; this is forcing them to pay money from something above and beyond what they are paying in their taxes. Mr. Cooley said that the bottom line is that they have to manage the product, Onondaga Lake Park has about 1.3 million visitors and half of the visitation to the parks are free. This revenue is keeping the operations afloat and the value is there. Mr. Cooley said that difference is 2 staff people, keeping the bathrooms clean and the trails open.

Mr. DeMore said that if he goes to Highland Forest for a picnic, he shouldn't pay a large amount. If he goes cross country skiing, someone has to groom the trails, check the trails afterwards to make sure someone isn't left there; they need a place to change clothes, get skis, etc. There is big difference to go skiing vs. a walk in the park. It is \$3; to go across the valley to Toggenburg a day pass is \$35-\$40. A season's pass at Toggenburg is \$300-\$400; a season pass at Highland is \$15; at Whiteface, a State facility, a person pays top dollar. People expect to pay for that service and it shouldn't be free.

Chairman Rhinehart said that the reason the County went to \$3 for cross country trails at Highland is because the County invested in groomer there; it was an expensive proposition. He added that some people don't like the groomed trails and like it natural.

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

Mr. Kinne said that there is inconsistency; i.e. if he goes to Jamesville Beach to have a picnic, he will still be charged \$5. Mr. Cooley said at Green Lakes the charge is \$6. Mr. Kinne said that now there is a desire to charge to go to Highland Forest, but not at the biggest park, Onondaga Lake Park. There is an inconsistency in the charges. Mr. Cooley said that collectively the data they are getting back from the public is that they would pay more to use the parks if they were assured that all of those dollars went to operate the parks. Regarding Onondaga Lake Park, it is 5 miles long and not practical to charge general access.

Chairman Rhinehart asked about fees at veteran's cemetery. Mr. Lansley said that they are for disinterment, when they have veterans in there at a certain depth – years back they were dug at 6'. To accommodate two people in there, it has to be extended to 7.5', which all of them are dug at now. To go back into a prepared surface of the cemetery that this grassed and established and do a disinterment--dig the level down deeper and intern another loved one; it is a lot of additional labor cost in putting the property back the way it was. It doesn't happen often; they had one this month. Mr. Cooley said that the price to bury at the Veteran's Cemetery is unchanged; it is \$500/veteran or spouse. Disinterments are the customer's choice.

A vote was taken on the motion. AYES: 7; NOES: 2 (Kinne, Stanczyk). MOTION CARRIED.

j. A Local Law relating to certain fees collected by the Onondaga County Health Department Center for Forensic Sciences for Medical Examiner Services and further amending Local Law No. 13-2006, as previously amended by Local No. 23-2008

Ms. Karmen explained that changes were made to offset decrease in revenue seen recently and leaves the budget flat for 2010. There was a decrease in some services seen in 2008. Approximately \$245,450 is anticipated to be brought in for out of county autopsies. This fee increase is actually \$22,450 less revenue than the 2009 BAM. They saw a decrease in usage and increased these fees because they hadn't been increased since 2006. This offsets the decrease in revenue, about a \$10,000 increase.

Mrs. Rapp asked if because a new pathologist was hired, will usage increase. Dr. Morrow said "no"--basically there are some far outreaching counties that only use Onondaga County sporadically and a decrease in usage was seen.

A motion was made by Mrs. Rapp, seconded by Chairman Rhinehart to approve this item. AYES: 6; NOES: 1 (Stanczyk); Out of Room: 2 (DeMore, Holmquist). MOTION CARRIED.

k. A Resolution authorizing the issuance pursuant to Section 90.10 of the Local Finance Law of refunding bonds of the County of Onondaga, New York, to be designated substantially "Public Improvement (Serial) Bonds", and providing for other matters in

relation thereto and the payment of the bonds to be refunded thereby

Mr. Rowley said that this is a proposal to refund some of the older bonds at better rates and save money for the County. There is a projected savings just above \$2 million. The bonds have a stated coupon rate and they have been watching the yields on bonds come down and will go to market and refund them at a lower rate. The big savings comes into play because of the credit rating. Buyers will buy our bonds at a premium, which will generate savings on average \$144,000 per year on debt service costs.

In answer to Mr. Stanczyk, Mr. Rowley said that it was looked at during budget time. Yields in June were above 3%; in September they were down to about 2.7% range. Mr. Stanczyk said that this should have been included in the budget discussion. Mr. Rowley said that they looked at it then, got a consultant to give a more thorough analysis. Mr. Stanczyk said it is very straight forward and it should be more transparent in the budget process.

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

6. **WEP:** Patty Pastella, Commissioner

a. Approving and authorizing the execution of the Proposed 2009 Stipulation and Order amending the ACJ in Atlantic States Legal Foundation, et al vs. County of Onondaga, et al, Index No. 88-CV-0066, relative to Onondaga Lake, the proposed 2009 Stipulation and Order revising fees payable to ASLF and to implement the terms of this resolution

Ms. Pastella said that the last several months have been spent negotiating the document with DEC and Atlantic States. This is a result of those negotiations: The document requires that the Legislature approve this agreement within 45 days; in the event it is not approved within the 45 day, the original ACJ requirements would remain in place—it would include the gray projects with the RTF to be constructed by Jan. 2013 and to have Metro phosphorus affluent limits revised and met by Dec. 2012.

Mr. Stanczyk asked what the benefit to the County is for these renegotiations. Ms. Pastella said that there is a cost savings by going from a traditional gray project to a combination green and gray. The actual capital costs are less. It opens up more possibilities for funding. It extends the time frames now spread out over 9 years. Mr. Stanczyk asked if it helps the environment. Ms. Pastella said that it is more sustainable; there are many benefits, other than removing CSOs, to green infrastructure. Regarding phosphorus, under the original ACJ there is a requirement for the Metro Treatment plant to meet a requirement of .02. NYS DEC is looking at Onondaga Lake and will be determining what the total maximum daily load of phosphorus to the lake is and at that time they will determine if our affluent limit will change to a value of .02 or something higher. The lower the limit, the less cost. Mr. Stanczyk asked if we are comfortable that DEC will make a determination that will increase that level and make it less expensive for the County. Ms. Pastella said that the lake has improved significantly, so she is optimistic. She explained that the County will have to do 3 studies that they will use to determine it: viability study to determine how much phosphorus the lake will uptake, optimization study to determine how well they can operate the process at Metro now to lower the phosphorous in the affluent, and a work plan to study what technologies are available for removing phosphorus. Mr. Stanczyk said that calculations were made about what rate should be charged for sewer use fee based on the deadline of 2012 and 2013; will it change the amount of money put into the whole process going forward. Ms. Pastella said that she is sure that it will change, but noted that the gray projects have the deadline – a list of 5 to be done by 2013. The bulk of the gray projects will be done in the timeframe of the original ACJ. Of the 95%, 88.7% is gray: Midland pipeline; Clinton storage, Harbor Brook storage, Harbor Brook Interceptor, and Erie Boulevard gate modification. Mr. Stanczyk asked if benchmarks will be revised in terms of what we want sewer use fee to be over the next 10 years based on this new plan. Ms. Pastella said that she would anticipate that.

Mr. Warner asked when the 45 days starts; Ms. Pastella said it was 45 days from the date they met on September 22nd.

Chairman Rhinehart asked if the gray portion is limited by meeting a one-year storm. Ms. Pastella said that the gray infrastructure is designed to meet the one year design storm.

Mrs. Rapp asked if the judge signed off yet. Ms. Pastella said "no"—he is waiting for 2 things: recommendation from EPA and approval by the legislature.

Mr. Corbett said that a tremendous job was done; it was a real collaborative effort with all of the parties and highly recommended the committee to support this.

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

b. Authorizing acceptance of grant funds under the American Recovery and Reinvestment Act Program and authorizing execution of grant agreements to implement the intent of this resolution (\$1,315,000)

Ms. Pastella said that these are stimulus funds for 3 projects: 1. Greening at creek walk; 2. Greening at Correctional facility roof; 3. Rain barrel project in Harbor Brook area. In answer to Mr. Stanczyk, Ms. Pastella explained that the detail of the rain barrels program are not finite, but rain barrels will be given to residents; the total amount is \$2.5 million which includes rain barrel and bioretention; the average cost for a rain barrel is about \$100.

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

c. Authorizing the County Executive to enter into a contract with the United States of America, Department of the Interior, for the operation and maintenance of stream gauging stations in the County of Onondaga (\$74,240)

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

7. **HEALTH:** Linda Karmen, Deputy Commissioner

- a. **Amending the 2009 County Budget to accept additional State grant funds for the primary prevention of lead poisoning and authorizing the County Executive to execute agreements to implement this resolution (\$122,424)**

Mr. Warner asked if the grant goes away, will the position go away. Ms. Karmen said "yes".

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

- b. **Create Environmental Health Technician II, Gr. 09 @ \$40,449 - \$44,471 effective November 7, 2009**

Ms. Karmen said that this is 100% grant funded and would be hired after the first of the year.

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

- c. **Amending the 2009 County Budget to accept federal funding for Novel H1N1 Influenza Activities, and authorizing County Executive to execute agreements (\$1,000,247)**

Ms. Karmen explained that this will come in 3 allocations: the first 2 for planning, equipment and supplies; phase 3 is for delivery of the vaccine and implementation of the vaccination plan.

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

Mr. Stanczyk asked about the amount of vaccine vs. the need and the charge. Ms. Karmen explained that they won't be charging at all. Right now they are starting to get smaller allocations than anticipated. There are targeted groups – they have a priority list – have done a clinic for school nurses, for day care providers for children under 6 months, provided some vaccine to hospitals to supplement their supply. The next targeted group is the schools – hope to do them in November.

Passed unanimously; MOTION CARRIED.

- d. **Amending the 2009 County Budget to accept NYS Office of Homeland Security funding for public health emergency preparedness, and authorizing the County Executive to execute agreements (\$129,981)**

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

8. **MENTAL HEALTH:** Robert Long, Commissioner

- a. **Amending the 2009 County Budget to accept grant funds for the Department of Mental Health and authorizing the County Executive to enter into contracts (\$1,000,000)**

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

9. **Law Department:**

- a. Settlement of Claims

Mr. Corbett made a motion, seconded by Chairman Rhinehart to go into executive session to discuss a matter of pending litigation entitled "Corina Ineich as Parent and Natural Guardian of Cassandra Mika, Jessica Mika and Steven Mika, Jr., all minors under the age of 14, Plaintiff vs. County of Onondaga, Defendant. Passed unanimously; MOTION CARRIED

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

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

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