

Office of the Onondaga County Legislature

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SPECIAL FISCAL WAYS AND MEANS COMMITTEE MEETING - December 5, 2007
CHAIRMAN WILLIAM H. MEYER

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

MEMBERS ABSENT: Mr. Ryan, Mr. Rhinehart, Mr. Farrell

ALSO PRESENT: *see attached list*

The meeting was called to order at 10:00 a.m.

A motion was made by Mr. Meyer, seconded by Mr. Warner, to waive the reading of minutes of proceedings of the previous meeting. MOTION CARRIED. A motion was made by Mr. Meyer, seconded by Mr. Corbett, to approve the minutes of proceedings of the previous meeting. MOTION CARRIED.

Mr. Colon read the following presentation:

Onondaga County is the first of all local governments who will have to report the fiscal impact of OPEB (Other Post Employment Benefits) to comply with GASB 45. We will be followed by the City of Syracuse this summer, most of the School Districts next year, and finally the Towns and Villages. Last year we hired AON consulting to establish an actuarial valuation for OPEB -Other Post Employment Benefits. These are benefits paid for retirees other than pensions. In the case of Onondaga County this is healthcare benefits, which are only medical and prescription benefits. In other municipalities it may include a wider range of benefits including dental, vision, life insurance, legal services, etc.

The value of these benefits has always been discussed in the budget documents and the CAFR. For example in the 2001 CAFR on page 33, footnote 9 states that the cost of retiree health benefits for 2001 was \$9.4 million offset by \$1.13 million in retiree contributions, for a net cost of \$8.27 million. In the 2006 CAFR, page 34, footnote 9 states that retiree healthcare costs are \$15.3 million offset by \$2.4 million in retiree contributions, for a net cost of \$12.9 million. Beginning with our financial statements for 2007, there will be a dollar amount listed on page two for the entity wide statements under - Long-term obligations due in more than one year. There is no requirement to fund this obligation any more than there is a requirement to pre-fund the other major component of this item, which is long-term, bonded debt. Furthermore, New York State Law does not currently allow pre-funding of this liability and in my opinion it would make no more sense than pre-funding your bond payments.

It is important to note that nothing has changed concerning the financial condition of the county or what we report to the taxpayers other than this one mention of the accumulated long term liability. We have always had this expense and we have always paid it each year on a current basis. The cost for Medicare eligible retirees is partially offset by payments from the Federal Medicare program of about \$1.5 million in 2007. In addition Medicare is primary for those eligible. At present the cost amounts to about 25% of our total employee healthcare costs.

The representatives from AON have a PowerPoint presentation further discussing this issue. Their discussion will explain the nature of this obligation and ways to mitigate it. Before they begin I would like to add that as GASB 45 is implemented in other municipal financial statements there will be many discussions about how to decrease the accumulated liability and furthermore there have already been some court cases discussing diminution of benefits for current retirees. The subject of retiree health benefits is a mandatory subject of bargaining. The courts are steering many of these cases to arbitration even though Unions cannot represent retirees. In a City of Geneva case the courts held that there was no right to continued health benefits provided under past practice absent an express Collective Bargaining Agreement. In a Village of Hamburg case it was determined that retirees may have enforceable rights under a Collective Bargaining Agreement or under statements creating an implied promise of benefits. In City of Schenectady (Della Rocco), the court said it would be unusual for the Union to negotiate if they did not intend

a lifetime benefit. In City of Schenectady (Myers), a past practice case, the practice of paying premiums and providing other retiree health coverage, post expiration of agreements under which retirees retired, was evidence of lifetime coverage.

Mr. Stanczyk said the key components are that health care costs are going up, the pool of retired employees is growing, and people are living longer. Mr. Colon agreed and said that there are probably a dozen other factors, which is why they had to hire an actuary. It is an extremely complex assignment to put a valuation on this. He has no employees in his office with that type of experience. In order for these numbers to be valid, they must be certified by an actuary. Mr. Colon said that Onondaga County is the first to come out with this, but they will be coming out on a regular basis as other municipalities report.

Mr. Colon introduced Mike Morfe from AON. Mr. Morfe said he that he is Senior Vice President and consulting actuary with AON Consulting, one of the worlds largest consulting firms regarding employee benefits. They obtained a contract with the County through an RFP process. They have been working for about one year to create an actuarial evaluation pursuant to GASB 45 regarding other post employment benefits (OPEB). AON as prepared a draft report, which will be finalized at the Comptroller's discretion on the valuation results. Because this has been worked on for a year, the valuation is dated 2006, which will be adopted in 2007.

Mr. Colon said that for a municipality of Onondaga County's size, this valuation has to be done every 2 years. Smaller municipalities will have to do it on a 3-year cycle.

Mr. Morfe gave a power point presentation (**attachment #1**).

Mr. Corbett said that it is not required to pre-fund and asked if there is a value in doing that. Mr. Morfe said that there is. The value of funding shows up in two places: 1. overall liability ends up being lower because the time value of money that is used in calculating liability gets to be a greater rate; 2. if there is money in there, it is earning assets that has to yield and actually reduce expense. Mr. Colon said that under NYS Law, it cannot be pre-funded at the present time.

Mr. Warner asked if police and fire are part of this. Mr. Morfe said that they are. Mr. Warner said that sick leave is not part of OPEB, and asked if each agency can use it differently-i.e. a year of sick leave is built up when a person retires, does this program take into account how that can be used for the retiree to offset the cost of future health benefits. Mr. Morfe said that there is a different accounting mechanism for accrual accounting for sick leave. It would be included in the financial statement.

Mr. Stanczyk asked if the County were able to push in \$51.6 million as an annual expense, would the expense of \$666.2 million stay the same next year. Mr. Morfe said that the liability would be growing. The accounting standard doesn't work on a net basis; it shows liabilities and assets. As part of the disclosure statement, there will be a funding ratio. To the extent that more money is put in, the funding ratio is greater. Mr. Stanczyk said that we are paying \$15 million right now; actual cost is \$51.6 million. If \$51.6 million were put in, what would the number be for next year. Mr. Morfe said that liabilities continue to grow, the fact that you have assets or not doesn't impact the liability. As people get older, have more service, as cost go up, the liability continues to go up; that number will always continue to grow. There is a liability that will always grow, and then there is a liability that is on the financial statement, which is a different liability. It is called the net OPEB obligation.

Mr. Kraft said that the factor of inflationary cost is estimated in future value; how much is the difference between the future and present value discounted. Mr. Morfe said that the time-valued money, the discount rate, is \$4.25%.

Mr. Stanczyk said that that there should be more information on the Medicare advantage, if it will make a significant reduction without reducing the coverage. Mr. Morfe said that the ideal goal is similar coverage at a lower cost. Mr. Stanczyk said that it is changing the dollar movement from a retail environment to a wholesale environment, but costs less for the same service. Mr. Stanczyk said he would like to get more information on this, as it can help get a handle on this very large number. Mr. Morfe said that AON would certainly explain in detail the pros and cons if the County wanted assistance in that endeavor.

Mr. Kraft questioned how the cost of just the retiree benefit can be the same as active employees, \$51.6 million. Mr. Morfe said that it is coincidental that it is the same, but it is not unexpected that the overall cost is 3 - 5 times the pay-as-you-go cost. Mr. Morfe said that the \$51.6 million is taking all of the present value and allocating it to one year.

Mr. Stanczyk asked what the anticipation is for medical costs. Mr. Morfe said that it grades down 1% per year; 5% is the ultimate rate. Mr. Stanczyk said that he would like a one or two page explanation of the different assumptions. He wants to know the growth in the pool of retirees. Mr. Morfe said that they assume for people that are active, as the get older, when they reach certain ages, that there is some chance that they may retire. There is a number for it for every year for the next 100 years. All assumptions, in a much more detailed analysis of the actual active population, are contained in the report, which the Comptroller has a copy of. The report includes a display of the active population categorized by age and how much service they have.

Mr. Colon said that within the complete report there are 100's of assumptions being made. The database that this started from included a list of all employees, all retirees, ages, ages of dependants; it was a huge database.

Mr. Kraft said the pension plan is 5 years to vest and draw benefits; can go out at age 55 on all tiers, but with some there is a reduced benefit. He asked about health insurance, which is separate from the NYS Retirement System. Mrs. Walter said that someone can take benefits into retirement if they are eligible for a pension; in most cases it is age 55 with 5 years of service. Mr. Kraft asked what happens if someone leaves County employment. Mrs. Walter said that if they left the County and were eligible for a pension, they can take their benefits with them. Mr. Kraft asked what happens if there are health benefits available where they go to work. Mrs. Walter said that family coverage with another employer takes precedence. Mrs. Walter said that it is conceivable that someone may not be in the pension plan; if they have 10 years of service and are age 55, they still have the ability to take their health benefits. Not everyone has to be a member of the retirement system. **Mr. Kraft asked to be provided with the eligibility requirements in writing.**

Mr. Corbett asked if most of what the employees get is dictated by collective bargaining. Mrs. Walter said that most of the contracts do not have language in them about retiree benefits. There is for health benefits for active employees. Health benefits for retirees are not covered in most of the contracts, for the reason that once it is negotiated in a contract there is an obligation to provide it.

Mr. Stanczyk said that there has been a long-standing obligation of paying health benefits for retirees. There is a moral obligation to continue it unless there is a specific line drawn and we tell everyone that we are changing it.

The meeting was adjourned 11:00 a.m.

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

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SPECIAL PUBLIC SAFETY COMMITTEE MEETING - December 6, 2007
CHAIRMAN KEVIN HOLMQUIST

MEMBERS PRESENT: Mr. Lesniak, Mr. Kinne, Mr. Warner, Mr. Kilmartin, Mr. DiBlasi

MEMBERS ABSENT: Mr. Ryan

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

INTEROPERABLE RADIO COMMUNICATION SYSTEM: Mr. James Albanese, Physical Services Administrator; Mr. John Balloni, Commissioner, Mr. David Stevenson, Consultant, Mr. Charles Gabriel Consultant

Mr. Albanese stressed the importance of this project; its core mission is public safety. It has been a community effort, which has involved a lot of hard work.

Mr. Balloni said that he has provided the committee with a letter that states that there is no mandate to join any regional interoperable radio system and that through the county's radio system there will be ability to communicate with the statewide system when both systems are complete (on file with Clerk).

Mr. Balloni provided a power point (***attachment no. 1***).

Chairman Holmquist asked when the committee will receive the actual resolution(s) for this project. Mr. Albanese said that they will be ready next Thurs., at the regular Public Safety Committee. Mr. Mareane said that the County has been clear with the State that these are the means needed to pay for the radios to be provided to all the user agencies. If the County does not get the surcharge, then they will have to look to the local jurisdictions to cover the cost of their own equipment. Chairman Holmquist asked if there would be any impact based on when the State passes the surcharge, i.e. this month vs. next year. Mr. Mareane said that they are hearing that Albany will be meeting this month, possibly the 13th. Senator DeFrancisco and Assemblyman Magnarelli have indicated that this item is on their lists and they are advocating for passage in Albany. A plan offered by Motorola is worth an early signing incentive of \$2 million if the County enters into a relationship with Motorola by the end of this year. He strongly encouraged everyone to not let Albany off the hook; press them to allow this surcharge because it is a better, more appropriate, way to finance the project vs. the county, city, towns, and villages putting it on their property taxes. The art of financing this project is not to delay anything, so that the price of the equipment won't go up and the signing of the contract won't be effected. If Albany does not pass it, the County will have to relay to the jurisdictions that the burden is now on them. All jurisdictions have been very helpful in going to Albany and saying that the surcharge is a more appropriate way to fund the equipment. There has been a great deal of lobbying done.

Mr. Warner asked about the State's plan being concerned about road coverage and not portable. Mr. Balloni said that the State contract with MaCom is for a 95% road coverage system; they will try to enhance that system with a series of vehicle repeaters

to be placed in cars. Onondaga County's system will cover the roads in Onondaga County at 97% and everywhere else at 95%. Mr. Albanese said that this is for in-building coverages; i.e. firemen inside a building fighting a fire with ability to communicate.

Mr. Warner questioned if the County does this on it's own, and down the road the State decides to finance all of the departments that have not done anything on their own, is there anyway that the County can recover the expenses that they have incurred. Mr. Mareane said that there could be something written in the bonding that if those monies are received, they would be used to retire debt. He said that they are applying for state and federal grants to help reduce the cost of the project; they are feeling good about some money coming from the federal government. Also, the State delegation is trying to get money for the capital costs. Mr. Warner said that he would like to see a clause written into the legislation.

Mr. Albanese noted that the current cost of SWN, without other communities involved, is \$2.3 billion over 10 years. None is for any local jurisdictions; it is just the State taking care of their agencies.

Mr. Mareane said that there is no alternative to doing this; the question is how it will be paid for. The preference is to pay for subscriber pieces with surcharges as opposed to property taxes. If it doesn't happen, the proposal is to apportion those costs to everyone who uses the radios, with the exception of groups that traded frequencies for services. The resolutions will ask for authorization to borrow the full amount, ask for appropriation of only the central piece, and wait to see what happens in Albany. If Albany does not pass the surcharge, then it will be a policy decision of the legislature as to how to appropriate it.

Mr. Warner asked is there would be a surcharge on wireless also. Mr. Mareane said that the wireless surcharges are tapped out; most of the money goes to NYS. The total surcharge is \$1.50 and the County gets \$.30. The landline is all local; the current surcharge is \$.35 and are asking that State allow it to go to \$1.00. That would generate about \$1.8 million in additional revenue. It is enough money to pay for all subscriber needs.

Mr. Lesniak asked if the State doesn't do this, some of the municipalities are limited out already and can't afford to do it, how do you make them. Mr. Balloni said that they can only operate one system; they either have to be a part of the system or not get dispatched. They can't try to keep the old system alive and work with the new. It will be up to the legislature as to how it is accomplished.

Mr. Lesniak said that radios are being bought on a standard; if departments wish to purchase extra radios, they will have that availability. Mr. Albanese said that the availability will be there, but on their own nickel. Mr. Lesniak asked about SUNY. Mr. Balloni said that SUNY is a member of the system in that they are called if there are 911 calls there, but there is no interoperability with them. If they have access to the national radio frequencies, it can be established. Mr. Lesniak said that SUNY has a full-fledged police force working within the city limits that has constant communication with City Police and City Fire, but are not being included into this new system. Mr. Balloni said that they will be able to communicate with them; they are not being provided radios. Mr. Stevenson said that SUNY participates with the City; it is an agreement; if those entities all stay in place there is no change. Mr. Lesniak asked why all the radios are being replaced then; Mr. Stevenson indicated that he was not sure of the type of radio that SUNY has. Mr. Lesniak said that the Chief of Police at SUNY made a request to be included in the system and he doesn't understand why that isn't happening. Mr. Balloni said it is more a question of cost. **Mr. Albanese committed to the committee that the consulting group will assesses what would be required, what the cost would be, and how it would work by the committee meeting next week.**

There was discussion about the subscriber list (*attachments 2 & 3*). **Mr. Kinne asked to be provided with a list of the towns and other municipalities, who will have to put the cost on their tax bill if the surcharge is not approved by the State. He also requested a list of the agencies, such as SUNY, that are not part of the interoperability.** He feels that all of the agencies and municipalities should be done at once; taxpayers should not be burdened more than once. Mr. Mareane said that if the County doesn't get the surcharge, a proposal will be brought forward by the administration as to how to pay for the radios. If it were today, the administration would assess those charges to the jurisdictions. Mr. Kinne asked if all the municipalities and agencies are aware of that. Mr. Balloni said that they are; it has been explained to all of them.

Mr. Kinne questioned \$750,000 in contingency--feels it is too large. Mr. Balloni said that he has been through quite a few projects and unanticipated costs come up. Mr. Balloni said that the numbers, as of yesterday, are still being revised. Some agencies don't even know how many radios they have. He feels that it would be a lot easier to get the money up front; if it is not used it will go back to general fund. Mr. Kilmartin had concerns that \$750,000 was too small. Mr. Albanese said that it is small on a project of this magnitude. Mr. Balloni added that new towers will be constructed. Mr. Albanese said that if any of the \$750,000 is touched, then Emergency Communications Department will report to this committee as to what it was spent on and why it was needed.

Mr. Kinne said that everyone should be included-make sure that all departments, agencies, hospitals can talk. Mr. Balloni said that there is a Drug Task Force that wants to be part of the system and are more than happy to pay for their own radios.

Mr. Kilmartin asked if the \$14 million cost for subscriber units will be paid for in total by the \$.65 surcharge; Mr. Mareane said that it will. Mr. Kilmartin asked if the infrastructure, services, and contingency will be financed completely through property

taxes. Mr. Mareane said "yes" - there is a baseline number of surcharge revenues right now that are fully committed to other projects. Mr. Kilmartin asked for clarification in terms of the resolutions that will be considered at the next meeting. Mr. Mareane said that there will be a request for bonding authorizing for everything, which needs a two-thirds vote. Also, there will be a resolution to appropriate all of the subscribers' unit costs. There will be a need to come back to the legislature for the balance of the appropriation when they get clarity on how it will be paid for. Mr. Kilmartin asked if there is a model of the increase in property taxes if the increased surcharge does not pass Albany; Mr. Mareane will provide it. Mr. Albanese said that at that point, a commitment is made and there is no turning back.

Mr. Kilmartin referred to the agencies that are participating, regarding the consideration it is quit pro quo if they have bandwidth that is compatible with the interoperable system, the County wants it contributed and in consideration for that, the County will fund and provide the hardware that is needed. Mr. Albanese said that the County knows the equipment and frequencies upfront; they have bandwidth, which was needed in order to apply with the FCC. Mr. Kilmartin asked if an entity does not have compatible bandwidth, and would like to participate in the interoperable system, would like the hardware and system; are they being asked for any quit pro quo or just getting the equipment at no cost. Mr. Balloni said that if they are emergency responders and if the surcharge goes through, they will get their equipment. If, for example, the East Syracuse DPW wants to get on the system, then they are not provided for. Mr. Kilmartin summarized that priority is given to first responders, even though they don't have any consideration for the County--the County will front and finance the cost of their hardware. Mr. Balloni agreed and said that the County cannot operate multiple 911 systems; everyone needs to be on one system. Mr. Albanese said that they have letters of commitment that are non-public safety, i.e. frequencies are taken from a school district and they are getting reimbursed in consideration for their spectrum. He said that school districts' involvement is stepping out into the future and he would like to work it into the master emergency management plan. It could become part of a county-wide cooperative effort.

Mr. Kilmartin asked if over time, with agencies contributing compatible bandwidth to the County, could there be a potential that there would be more than enough bandwidth than would be needed. Is it a saleable product; is it something that could be contributed back to the FCC. Mr. Gabriel referred to a project, 800 Re-Banded, which the County holds frequencies for. Mr. Stevenson said that the county cannot bank the frequencies and then sell them back. If they aren't used, then they are gone. There has to be growth in the system; they moved from 25 kHz to 12.5 kHz; the next phase is 6.25. The 15 channels will go to 6.25 kHz with 30 channels. From a spectrum standpoint, the County is in good shape. FCC has a planned mandate.

Mr. Kilmartin referred to the cost and asked how recently the numbers were revised--have they been adjusted for inflation. Mr. Mareane said that these numbers will stand up; it is a stated price less a discount, which as been provided by the vendor, there is an early signing bonus.

Mr. Kilmartin asked what the physical administration is for the people using the interoperable system. Mr. Balloni said that for the ones that the County issues equipment--are put on the same talk group, as long as they have the same equipment. Most of the time, agencies are working on their own talk group, but should it be needed, they can all get on the same talk group. It can be controlled.

Mr. Kilmartin asked what the biggest potential difficulties, obstacles, in terms of financing and deploying this are. Mr. Albanese said that it is really just the state legislation. It has been technically challenging; the logistics of this when it does occur - 1,000s of pieces of equipment arriving here. It has to be handled, inventoried, controlled, stored, protected, and deployed. It can be done, but it will take some effort. This entire network will be put together in a lab at Motorola and tested, before it is assembled here. Personnel will be sent to Motorola to play with it, attempt to get it to fail, and try to get the kinks out prior to it coming here and being installed. It will be field tested again once it gets here.

Mr. Kilmartin asked if there is any consideration for a sunset on the surcharge. Mr. Mareane said that the language states that when the debt is retired, the surcharge will go away; a 10-year sunset. Mr. Balloni said that in 10 years the Emergency Communications' Commissioner will be back asking for new portables, technology changes and it will be time to re-bond for radios.

Mr. Albanese said that FCC is serious about time schedules--licenses are applied for and FCC is informed that a network is going up. Then FCC gives "x" amount of time to do it, and they truly mean "x" amount of time. Also, he noted that with some of the radio equipment, surcharge support is included with the county family - part of the mix is the Sheriff's Dept., Emergency Management in the public safety world. Mr. Lesniak asked what FCC's requirement is to say that the County is meeting its obligation. Mr. Albanese said "up and operating". Mr. Balloni said that it does mean that every agency that is ever going to be part of it has to be talking on it. However, by the end of 2008, the County has to be up and operating, which is a very aggressive schedule. Mr. Kilmartin said that if that this is folding out well in advance of the 2013 deadline, are contingencies taken into account for time in case of any delays. Mr. Albanese said that they don't anticipate being 100% operating at the end of 2008, but have to demonstrate that the infrastructure is in place, equipment is brought into the field, channels are being utilized, and there is a deployment schedule, which is occurring.

Mr. Lesniak questioned if the County has asked or received any extensions. Mr. Gabriel said that they filed the first of November--advising FCC that they were in the process of the project.

Mr. Lesniak asked about the landline numbers. Mr. Mareane said that they were holding steady for the last 2 or 3 years. The expectation was that there would be a decline in those revenues, but for the last 2 or 3 years, they have held up well. He expects that over a period of time, there would be a shift between landline revenues and wireless revenues - there may be erosion over time. Mr. Lesniak asked if the bonding numbers are based on any shift. Mr. Mareane said that if surcharge revenues continue at the current level for the next 10 years, there will be enough money there to cover the debt service on about \$15 million dollars worth of bonding. If the landline revenues decline over time, there will be a shift to county property taxes.

Mr. Albanese said that there is potential for outside revenue. Mr. Gabriel said that Senators Clinton and Schumer, and Congressman Walsh's offices have put in two earmarks requests, which total \$1.8 million; both have passed the Senate and the House. The Conference Committee has yet to take on the bill, but has been assured that it was promising for Onondaga County. Also, he has been in touch with Assemblyman Magnarelli and Senator DeFrancisco's office for a \$2 million dollar capital request, which is still active. Two additional sources of possible revenue is in the 2.1 GHz relocation and the 800 MHz rebanding - potential to recover a substantial amount. The State just released a new grant initiative, which can now be applied for. Congress has approved HR-1, \$400 million dollars, an interoperable grant program, but no appropriations with it yet. There are also fire community grants that can be applied for. Chairman Holmquist asked if these monies are received, where would they go. Mr. Mareane said that if the monies come in quickly, it would be less that the County would borrow, and would commit in the resolution that is approved, to apply any of revenues received from these programs to reduce the amount of debt borrowed. Mr. Mareane said that Assemblyman Magnarelli has proposed an alternative plan to pay for this project, which would increase Clerk's fees on mortgage filing documents. The County has not responded positively on that.

Mr. Warner said that every legislator needs to know that if the surcharge fails, there will be a property tax increase. Mr. Kilmartin said that the model proposed, \$6.98 on \$100,000 assessment is a property increase even if the State approves the surcharge. Mr. Albanese said that it assumes the surcharge is passed. Mr. Kilmartin said if the surcharge is not approved, it is a question of how much more property tax will be increased above \$6.98. Mr. Kilmartin said that in reality the County is assuming the cost for a lot of local agencies to get them to interoperable condition.

Commissioner Balloni read a letter of appreciation to Jim Albanese in recognition of his years of support to the Department of Emergency Communications.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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**EDUCATION AND LIBRARIES COMMITTEE MINUTES
JAMES DIBLASI, CHAIRMAN**

DECEMBER 11, 2007

MEMBERS PRESENT: Mr. Corbett, *Mr. Kilmartin, Mr. Kinne, Mrs. Chaplin, Mrs. Winslow

MEMBERS ABSENT: Mr. Holmquist

ALSO PRESENT: see attached list (*attachment 1*)

Chairman DiBlasi called the meeting to order at 11:07 a.m.

A motion was made by Mr. Corbett, seconded by Kinne to waive the reading of the minutes; a motion was made by Mr. Corbett, seconded by Mr. Kinne to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.

1. LANDMARK THEATRE:

a. Transfer of funds from Authorized Agencies Contingent Account 650 to Syracuse Landmark Theatre Account 845 (\$100,000)

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

Mr. Mareane recalled that when the 2007 Budget was approved the Legislature agreed to a recurring \$100,000 increase in the allocation to support the construction project for Landmark Theatre with the stipulation that financing and plans for project would

be in place before they release the money. Mr. Mareane said they believe everything is in place at this time, asked the Legislature to release the \$100,000.

Ms. DiRienzo said they originally came to the Legislature with an \$18 million project; now have put it down to \$14.5 million. Reduction will not affect their ability to do business. Project will:

- Expand the stage house so they can bring in Broadway shows, children's shows, national and international acts - turn it from a movie palace to a performing arts center.
- Add two floors on top of the box office area in order to have chorus rooms, dressing rooms, green rooms, bar rooms, dance rooms, wardrobe rooms.
- Add an elevator (currently don't have one),
- Fix their marquee

Ms. DiRienzo said the project would not do things on the interior of the auditorium that have to be done by a historical preservation specialist. Have completed the purchase offer and are moving ahead on their acquisitions on December 21st, will acquire all the property around them from the Lowes Building and commercial buildings that is needed; working with environmental studies, asbestos studies, the next phase of engineering and architectural. Construction start time is January 2009, funding is coming in from many different sources; have to do an open bid process for all phases of it. Ms. DiRienzo distributed The Landmark Theatre Premier Performing Arts Center Executive Summary. (on file with Clerk).

In answer to Mr. Corbett, Ms. DiRienzo said they already have SHIPO's approval for a New York State Historical Preservation Grant.

Mr. Kinne asked what property they are purchasing. Ms. DiRienzo said they are purchasing the second floor of the Lowes building, Landmark restaurant in front, Enchanted Bazaar, Karmelkorn and Clarks on the side and

Joette's behind them (space will be rented back to all businesses except Joette's, which is the prime space for stage expansion).

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

2. OCPL:

a. Transfer of funds from Account 101 Regular Employee Salaries to All Other Services Account 410 (\$23,504)

Ms. Carmer said they are bringing back the transfer that was approved last month and reducing it by \$10,000 to \$23,504, do not need as much for postage as originally thought.

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

*Mr. Kilmartin arrived at the meeting.

b. Amending the 2007 County Budget to accept Supplemental New York State Aid Funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts to implement this resolution (\$10,000)

Request to appropriate \$10,000 of the State Aid that they have received to cover the cost of READ posters and in-house brochures. Legislature appropriated \$75,224 of the \$135,000 earlier this month.

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

Ms. Denise Head, Public Relations Officer, distributed mockups of what they are planning to do. Posters are in support of library programs, will go to all the member libraries as well as a number of businesses throughout the county. Ms. Carmer provided examples of posters and brochures that will be distributed. Ms. Carmer said the people on the posters are locally recognizable personalities supporting use of the library and reading; they are not intended to be advertising for anyone or endorsements.

Mr. DiBlasi proposed that language be put in the resolution saying that local people to be used on the posters would be reviewed by the Education and Libraries Committee.

Ms. Tarolli said they can put language in the resolution requesting that the library come back to this committee and review people to be on the posters; but once the money is in their account, they can spend it; it would be a "gentlemen's agreement" that they would come back periodically to review their plans for those funds. Mr. Kilmartin said his concern is not to exclude a profession, but that everybody who appears on the posters has a positive image in the community, not merely recognizable.

Mr. DiBlasi asked for a vote with the amendment put in the resolution. Ms. Winslow suggested letting the library put the posters up; if they receive negative input from people who come to the library, then they could remove them. Mr. DiBlasi said he would

like to have a gentlemen's agreement that the committee reviews them before they are printed and put up.

Mr. DiBlasi asked for a motion with the amendment included in the resolution.

A motion was made by Mr. Kinne, seconded by Mrs. Chaplin to approve this item as amended. A vote was taken and passed unanimously; MOTION CARRIED.

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

Respectfully submitted,
Johanna H. Robb
Deputy Clerk

* * *

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - December 11, 2007
CHAIRMAN JAMES A. CORBETT

MEMBERS PRESENT: Mr. Rhinehart, Mrs. Chaplin, Mr. Jordan, Mr. Kraft, *Mrs. Winslow

MEMBERS ABSENT: Mr. Farrell

ALSO PRESENT: *see attached list*

Chairman Corbett called the meeting to order at 9:35 a.m. A motion by Mr. Rhinehart, seconded by Mr. Jordan to waive the reading of the minutes of the previous committee meeting. CARRIED. A motion by Mr. Jordan, seconded by Mr. Rhinehart to approve the minutes of the proceedings of the previous committee meeting. CARRIED.

Chairman Corbett stated that last month there was question about the disclosure of successful bidders. Due to some miscommunication between the Purchasing Dept. and the Dept. of Water Environmental Protection, it was erroneously thought that it was something that could not be disclosed. A clarification was asked for and it determined that any of the interested parties that requested bids (including Mr. Heath, all committee members, Legislators) were provided with copies of the bid information. It has been corrected and will not happen again. He thanked everyone for their consideration. Ms. Miller apologized for the misinformation; it was a miscommunication between the two departments.

1. LAKE IMPROVEMENT: Mrs. Sue Miller

a. ACJ Update

Midland Phase II

- Work continues, final parts - interior painting, testing equipment, insulating pipes, fencing and landscaping should be finished up this month
- On schedule for start up in January
- Pictures on website

Co-Generation:

- Waiting for some necessary approval from National Grid - hoping to get it soon.

Sewer Separation

- Parkway - completed last installation--about 300' of new sanitary sewer; manholes installed
- Issues with water mains breaking--they are old mains and there has been activity by NIMO, City Water, WEP, telephone. Settlement is occurring because of the soils being disturbed. Some water mains will be replaced.
- Put in 15 handicapped ramps, part of intermunicipal agreement.

Mr. Kraft asked about the amount of power generated from co-generation. Ms. Miller said that they plan to power some of the operation, but not all year;. Mr. Ott said it will offset costs; if power is put in, it will be power that won't be purchased. Mr. Kraft said he would like to know more about it. Mr. Ott said that he will provide details at the next meeting.

Clinton Conveyances Phase I

- 60" pipeline going between Onondaga and Gifford is complete

Bids

- Advertised Nov. 20th for Phase 2A of Clinton Conveyances-extended bid opening date to Jan. 9th
- Clinton RTF - asked all bidders to extend (hold) for an additional 45 days to allow more time to review and hold some pre-bid award meetings with potential contracts, which would end Jan. 7th.
- At this time they do not have a date to go to bid on Midland Phase III - looking at early 2008

Mr. Rhinehart asked if there has been any status change in financing the proposed Clinton St. RTF; Mrs. Miller said "no.", but have informed Sen. Schumer's office that they support any efforts to bring in additional funding.

Mr. Rhinehart asked about the reaction to 3 bids for Clinton RTF. Mr. Ott indicated that they are being reviewed, had a positive meeting with the general contractor, there is one more meeting scheduled. Then they will be a position to move forward-anticipates it prior to the end of the year. Ms. Miller said that they have met with each of the low bidders in each of the contract areas.

Mr. Kraft referred to page A-7; NYS Grants approved. Mrs. Miller said that that there was \$165 million anticipated state funding; it now shows \$125 million, but it doesn't mean that it is not going to be received. Mr. Mareane said that both Governors Pataki and Spitzer put \$10,000/year in their baseline budget to support this project. Mrs. Miller said that the plan is that it will keep coming.

Mrs. Chaplin referred to the money for redevelopment use; she knows the City is working with the various groups-looking forward to seeing that all of the areas are left whole.

2. WATER ENVIRONMENT PROTECTION/OFFICE OF ENVIRONMENT: Mr. David Coburn, Director

a. Amend '08 Budget to provide for Ongoing Co. participation in Honeywell/Onon Lake Remediation issues (\$500,000)

** Mrs. Winslow arrived at the meeting.*

Established in anticipation that one day the funds would be needed to deal with litigation, scientific or technical issues associated with Honeywell cleanup and the County's involvement in it. Pending issues which merit rolling over funds:

- State indicated they may pursue cost recovery for certain level of funds--Superfund costs, \$8 - \$10 million
- Onondaga Nation has given notice of intent to seek natural resource damages from the County
- Honeywell proceeding with development of work plan for remediation of bottom sediments-monitoring program that will measure and determine what extent there remedies are working
- Ongoing activities on waste beds nos. 1 - 8; County owns waste beds 1 - 6

Mr. Kraft asked for clarification on the fund balance; Mr. Coburn said that it originally came from WEP fund balance. The money will go into a contingency account; created in 2004 budget, and can't be spent without the legislature's approval. This is a budget-neutral impact. If the money is kept here, there is no impact.

Chairman Corbett made a motion to approve this item; seconded by Mr. Kraft. AYES: 3 (Jordan, Kraft, Corbett); NOES: 0; ABSTAINED: 3 (Winslow, Rhinehart, Chaplin). MOTION CARRIED.

b. Authorize Co. Exec. to enter into a ten year agreement with the Town of Sullivan, Madison Co., for the provision of wastewater treatment services by Onon. County's Dept. of Water Env. Prot.

This project is being put together by Fisher Bay, LLC.; developer is MDM Development Corp. There was as similar agreement in the Town of Hastings approximately 10 years ago. There is a draft agreement established with the town that would allow for a maximum of 115 homes, residential properties only; Harbor Town Sewer District. The County will recoup cost--\$150/inspection that is conducted by the plumping section to connect to the sewer system. One and half times the current unit charge will be collected. The current unit charge is \$311 for 2008, which will be \$466/house. They will pay the County a one-time fee to review the plans, which requires the use of a licensed plumber. The developer is proposing to build a small pump station and force main to go under Chittenango Creek and tie into Onondaga County's Lakeshore sanitary system. The Town of Sullivan is in the process of extending sewers to Bridgeport and extending sewers to allow this development to eventually tie into their system. The developer would rebuild the force main and redirect sewers and is bearing all of the cost.

Mr. Rhinehart asked if Madison County has their own treatment plant; Mr. Ott said that they do, but it is not in the vicinity of this development. They plan to eventually extend those sewers. Mr. Rhinehart asked if Planning Dept. is part of this and noted that there are people in Onon. Co. that need sewers. Mike Mastriano, MDM Development Corporation, said that there is a sewage treatment plant at Sylvan Beach and there is a series of pump stations going as far as Lakeport. The County has obtained about \$10 million and in the next two years are looking to bring the sewage pump stations to Bridgeport. At that time, the sewage

could be pumped to Bridgeport if it had to be. The next phase of operation will be to extend it another 2 miles to this project--another pump station between it and Bridgeport. Initially they tried to do a community septic system project and were turned down by DEC because they couldn't pass the perk test. This is a way for the project to start and not wait 2 years. The area is in a depressed state because there aren't sewers there. This will upgrade conditions in the Sullivan and eventually pick up another 200-300 homes there when the sewers are in.

Mr. Rhinehart said that when sewers are added; it adds more development. Mr. Mastriano said that it is a temporary situation; Onondaga Co. will make 50% above what they would initially get its residents.

Mr. Jordan asked about certainty that the sewer lines and pump station will be constructed. Mr. Mastriano said that it is certain enough that the Town of Sullivan has also signed the agreement, and guarantees that after 10 years they will pick up the sewers. As soon as it is available, the development will hook into the Town of Sullivan. Mr. Jordan asked what affect it would have on Onondaga Co.--as development occurs, it will increase the demands on the system, and the capacity may need expanding at an enormous expense. Mr. Ott said that they have capacity to allow this small system (max of 115 homes). Mr. Jordan asked how much excess capacity is there. Mr. Ott said that there is 1.5 to 2 million gallons/day capacity for the whole system. There is a series of 5 pumping stations that run along Onondaga Lake; this would tie into the 4th one. There is sufficient capacity for a small development. **Mr. Jordan asked to be provided with the total number of additional residences that could tie into it without expanding capacity.**

Mr. Corbett asked when the 10 years starts; Mr. Mastriano said as soon they get approval--about 4 months. Mr. Corbett asked about build-out. Mr. Mastriano said that they anticipate 25 units/year. By the 4th of 5th year they will be at full development, and at that point may be on line with the Town of Sullivan.

Mr. Jordan asked if the County could enter into an agreement, wherein if there is a problem, the developer will sustain any additional costs. Mr. Mastriano said that in the agreement, they tried to cover any costs associated with the project so that Onondaga County doesn't come up with any additional penny. If there are any other costs associated with the project, they will be happy to pay those. Additionally, if a project can't be built because of the 115 homes, something could be put in the agreement that the new project has preference over this project. Ms. Testut said that the agreement includes a 90-day opt out clause. They are working on adding language related to a situation wherein the capacity creates some sort of environmental concern.

Mrs. Winslow asked about the pumping stations. Mr. Ott said that it will go through a series of pumping stations and collection sewers along Oneida Lake; the last one pumps it to the Brewerton Pumping Station. Mrs. Winslow asked if Onondaga Co. will be liable if there are any problems with sewer backup in basements. Mr. Jordan said that there is a hold harmless clause in the agreement. Mr. Ott said that the sewage will drain to a pumping station that will be operated by the town or the developer. The County would not be liable.

Mr. Rhinehart asked if there is a letter from the Supervisor, Town of Sullivan, asking the County to do this and asked if the developer is fully permitted for this. Mr. Mastriano said that they are in the approval process now.

Mrs. Chaplin does not want to limit Onondaga Co. in the future; she has environmental questions.

Mr. Corbett made a motion to approve this item. The item FAILED for lack of second. It was noted that this item was considered and can go to Ways & Means Committee.

c. Authorize an Intermunicipal Agreement with the Town of Lysander to Reimburse the Onondaga County Department of Water Environment Protection for Construction Costs and Related equipment for the Replacement of the Back-up Power Generator at the West Entry Pump Station (\$97,190)

An intermunicipal agreement with the Town of Lysander to reimburse the County for work that they are doing on the town-owned West Entry Pump Station. The previous commissioner made an agreement with the town that they would improve replacement of the generator for this pump station. The County is in Phase II of its generator replacement project--includes Nedrow, Lakeside, Davis Rd, and Baldwinsville Treatment plants; have incorporated the town's pump station, which is operated by WEP under an agreement with the Town of Lysander. The project was bid; the agreement calls for the town's reimbursement of \$97,000 within 90 days after construction; all costs except engineering.

Mr. Kraft made a motion to approve this item.

Mr. Rhinehart asked about potential for increased flows in the area. Mr. Ott said that Radisson is still growing.

Mr. Kraft questioned the \$250,000 cost to engineer the replacement generator. Mr. Ott explained that it is a 3-phase program; this is Phase II and there are 5 pump stations on it; there were a handful done on the first phase and there is still a way to go. Mr. Ott said that this project is replacing generators or generator related equipment, such as switchgears, or load banks. There are 15 or more pump stations involved in the whole project. The costs includes design services, bidding, inspection services, etc.

Mr. Rhinehart seconded the motion. Passed unanimously. MOTION CARRIED.

d. Authorize Co. Exec. to execute an Order on Consent Relative to the Settlement of an Enforcement Action Brought by the SYNDIC Index #CO-7-2005310-16 and Related Matters, to Execute Such Other Documents to Implement said Settlement and to Carry Out the Intent of this Resolution (\$5,000)

This is to allow the County Executive to enter into a consent order with the State of New York for the Viking St. Sanitary Overflow. Electronics Park Trunk Sewer was built in 1948; it is a 3.8-mile line. It runs from Lockheed facility to the Ley Creek Pump Station. In 1968 the Town of Salina built a relief sewer from the Electronics Park Trunk Sewer and tied it into the Bloody Brook Trunk Sewer to prevent flooding. It resulted in backing up the sewer on Electronic Park Trunk Sewer. Improvements were made in 1980; a storage tank was put in to help alleviate the back up and capacity issues. However, they continued to have to pump out manholes in severe wet weather to Bloody Brook occurring one to two times per year. In 2005 the EPA enforced elimination of SSOs--pumping out manholes to prevent basement backup and pumping raw sewage into a ditch or a stream. The County has been negotiating with the State of New for the past year on this consent order. They have concluded that it includes one SSO on the County's Electronic Park Sewer. The Town of Salina is currently on a consent order for five other SSOs that are on town-owned trunk sewers. A compliance schedule requires selection of a consultant to do facilities planning to determine the solution to this problem, design and construct that solution.

Mr. Jordan questioned if the cause of the condition was created by the Town of Salina. Mr. Ott said that it is because there are older sewers with added growth; problems with infiltration and inflow, with footing drains. At some point, the older systems become overloaded when wet weather gets into them. They were constructed to originally only handle only sanitary wastewater. This is a county trunk sewer.

Mr. Rhinehart asked if before the County is committed to any burden on this, have any inspections been done on the laterals with robots. Mr. Ott said that the work has been done over the years; have had sewer system evaluations, but doesn't think they can completely eliminate the SSOs. Mr. Rhinehart said that if some of it is coming through laterals, it would be town responsibility. Mr. Ott said that it would be for the collector sewers that are town owned. Mr. Rhinehart asked if they are helping us. Mr. Ott said that they are dealing with five SSOs on 5 separate town owned trunk sewers through the area.

Mr. Corbett said that the \$5,000 is for an administrative complaint; Mr. Ott said that there is a \$5,000 fine. Mr. Ott said that the consent order includes provision for fines. There is some relief for SSOs during the planning and construction stage. There are penalties that range from \$500 to \$1,500, which is associated with missing the milestone dates. The plan is to hire an engineer to do a facilities plan study; the study will recommend the solution for corrective action; design that corrective action, and then construct it.

Motion by Mr. Kraft, seconded by Mr. Rhinehart to approve this item; passed unanimously. CARRIED.

3. Central New York Water System Task Force Report - Mr. Jack Loveland

(Copy of report on file with Clerk). Mr. Loveland thanked the committee that was very diligent; had 90% attendance. He thanked Debbie Maturo and other staff for their assistance.

Central New York is blessed with two excellent supplies of water with Skaneateles and Otisco Lakes. They supplied the County very well up until the last 1950's. In 1962 \$45 million was spent to build a new supply from Lake Ontario to pump the water up from the Lake; equivalent to \$300 million today, to make sure there was a lot of water; it resulted in having all the water that we want. It is cheaper if it flows by gravity from Otisco and Skaneateles. Because we are in the Great Lakes basin, whatever is pumped up there flows back down. Water is taken for granted; he displayed a gallon container and said that 3 of them filled from the public water supply will cost one penny. Public water is inexpensive and of excellent quality.

The committee recommends that water facilities improvements be funded with water revenue bonds, which the Authority can sell. It is recommended that staffs and operations of OCWA and the Water Dist. be combined. It is suggested that the Water Board, OCWA, Co. Exec., Legislature get together to form some safeguards.

Chair Corbett complimented Mr. Loveland and the committee. He asked if there was any recommendation for the City of Syracuse water--whether to try to assimilate it or keep it by itself. Mr. Loveland said that it was discussed at length. One concern was sending laws to Albany to be changed. Historically when things are sent there, it is not known how they will come back. The local control is then taken out. He noted that the heads of the three water entities, along with the Co. Health Dept., meet monthly; they have wonderful cooperation.

The meeting was adjourned at 10:55 a.m.

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

COUNTY FACILITIES COMMITTEE MINUTES
JAMES W. FARRELL, CHAIRMAN
DECEMBER 13, 2007

MEMBERS PRESENT: Mr. Kraft, Mr. Lesniak, Mr. Holmquist, Mr. Jordan, Mr. Kinne, Mr. Laguzza

MEMBERS ABSENT: Mr. Farrell

ALSO PRESENT: and see attached list (Attachment 1)

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

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

1. TRANSPORTATION: Mr. Mark Lynch, Commissioner; Mr. Tom Gottstein, Senior Mgmt. Analyst

a. Amending the 2007 County Budget for the Highway Division and Road Machinery Fund to adjust for year-end deficits due to extreme and persistent winter conditions and higher automotive parts costs (\$420,000)

Mr. Lynch recalled that the early part of 2007 was a difficult winter season, have had 29 inches of snow so far this fall and another foot or so predicted by the weekend; would like to transfer money from the fund balances to cover shortfalls for overtime wages and salt. Also have problems with the automotive parts budget due to the following:

- Repair of a truck due to an accident (\$30,000)
- Automotive parts are increasing (\$94,000 over in that account).

Mr. Lynch said they are using surplus in their 101 and Maintenance and Utilities Accounts to offset some of the costs; may have to come back after the first of the year depending on the weather for the rest of December. They try to be as economical with overtime and materials as they can, running at minimum staff to keep the trucks operating. Mr. Holmquist asked if the transfers reflect estimates for the rest of December; Mr. Lynch said yes, but is not sure if it will be enough.

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

Mr. Jordan asked if the \$30,000 for plow blades was unanticipated. Mr. Gottstein said at the beginning of November 2006, they expected to have a deficit for the year; put off purchases so that they could buy salt and sand. By December they realized that it wasn't going to be as severe as they thought, but were past the purchase cutoff, weren't able to make purchases until 2007.

Mr. Lesniak asked about vacant positions; Mr. Lynch said they are constantly running vacant positions constantly hiring people to keep the positions filled; they lose people to WEP, other jobs or retirement. Mr. Lesniak asked if they have extras people for the trucks when the positions are full; Mr. Lynch said no. Mr. Lesniak expressed concern about not putting a truck out on the road. Mr. Lynch said there are times when they run without a wing or don't put one on the road, on a weekend call-in they may not get their 53 trucks out, due to illness, do the best they can by splitting routes up. Mr. Lesniak asked what portion of the \$185,000 is coming out of anticipated salary savings; Mr. Gottstein said all of it; that is it how much they expect to have at the end of the year.

Mr. Jordan seconded the motion to approve this item. A vote was taken and passed unanimously; MOTION CARRIED.

Mr. Kraft said twenty years ago the highway department employed 320 people, today it is 196; in an effort to streamline government and make it as efficient as we can, it leaves them very tight. Mr. Lesniak expressed concern about routes not getting plowed in a timely fashion. Mr. Lynch said they try to continually improve their efficiency and service to the public with what they have.

b. Authorizing the sale of county highway property located in the Town of Manlius to Thomas Kennedy and Victoria Kennedy (\$2,300)

Mr. Lynch displayed a map and explained where the property is located (near Rt. 92 and Highbridge Rd). Have reserved what they need for County purposes, appraisal paid for by the purchasers, State has no issues with it. **Mr. Holmquist requested to be a co-sponsor.**

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

2. PARKS: Ms. Kate Skahen, Director of Administration

a. Amending the 2007 County Budget to establish a capital project account for air conditioning improvements at the Rosamond Gifford Zoo (\$60,000)

Ms. Skahen recalled that back in June, they came to the Legislature with a resolution authorizing them to accept \$60,000 from the Friends of the Zoo. The anticipated revenue and appropriations for this project were placed in their operating budget; due to various circumstances, they have not been able to enter into a contract to do the work by the end of the year; requesting that it be moved to a Capital Projects Account so that work can be done in early 2008; they are close to awarding the contracts; it is a separate and distinct from Parks for Tomorrow projects.

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

b. Transfer of funds from Maintenance, Utilities and Rent Account 413 to Provision for Capital Projects Account 960 (\$42,000)

Funds are for the following three projects at Alliance Bank Stadium:

- \$15,000 to repair concrete flooring around the handrail supports
- \$15,000 for caulking cracks and edging in the concrete flooring
- \$12,000 to repair uneven and buckled asphalt under the bleachers.

They have funds budgeted for projects like this in their operating budget; since it is such a large facility, try to wait until later in the season to see if something major will need to be addressed; if not, then they try to attack some of the maintenance projects. Specs were not done in time for the two concrete projects to meet Purchasing's deadline, didn't get asphalt specs in time before asphalt plant closed for the season. Asking for transfer so they can continue working on these projects as soon as possible in 2008.

A motion was made by Mr. Lesniak, seconded by Mr. Kinne to approve this item. AYES: 5 (Lesniak, Holmquist, Jordan, Kinne, Laguzza); Abstained: 1 (Kraft); MOTION CARRIED.

- c. **Discussion: Status of Friends Agreements** - no discussion
- d. **Discussion: Plans for each park** - no discussion
- e. **Discussion: Interagency Marketing** - no discussion
- f. **Special Events Account Report** - no discussion

3. A Local Law authorizing the sale of County property to Camex Realty, LLC: Mr. Martin Murphy, Senior Dep. - Law Dept.

Mr. Murphy displayed a map showing the piece of property located near the intersection of River Road and Lamson Road, 1.5 acres, appraised at \$1,125 (appraisal paid for by Camex, selected by County). Mr. Murphy said it is basically a title clearing; County doesn't show up on the tax map as the owner, Camex has been paying the taxes on this land for as long as they have owned the adjoining property. County picked up the right-of-way as a result of the liquidation of a railroad in 1949. To his knowledge, the county has never used the land.

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

Mr. Jordan asked why this appraised so low. Mr. Murphy said another piece sold earlier this year was appraised as a building lot, this piece was appraised as rural vacant land. Mr. Lesniak said it is a strip, doesn't meet the Town of Lysander requirements for a building lot if there isn't 100' on the road. Mr. Jordan asked if the County is getting a release from Camex regarding any claims for reimbursement for taxes they have paid. Mr. Murphy said they could get one, hasn't been a claim at this time; he will take care of that at the closing.

A vote was taken; Ayes: 5 (Lesniak, Holmquist, Jordan, Kinne, Laguzza); Abstained: 1 (Kraft); MOTION CARRIED.

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

Respectfully submitted,

Johanna H. Robb, Deputy Clerk

WAYS AND MEANS COMMITTEE MINUTES - DECEMBER 14, 2007
CHAIRMAN WILLIAM H. MEYER

MEMBERS PRESENT: Mr. Corbett, Mr. Rhinehart, *Mr. Kraft, Mrs. Rapp, Mr. Stanczyk, Mr. Warner, Mr. Ryan

MEMBERS ABSENT: Mr. Farrell

ALSO PRESENT: Chairman Sweetland, *see attached list*

Chairman Meyer called the meeting to order at 9:35 a.m. *A motion was made by Mr. Warner, seconded by Mr. Ryan to waive the reading and approve the minutes of proceedings of the previous committee.*

15. **EMERGENCY COMMUNICATIONS: Mr. John Balloni, Commissioner**

a. **A res. Authorizing a Radio Interoperability Project in and for the Co. of Onon. at a max. est. cost of \$34,700,000 and authorizing issuance of \$34,700,000 bonds of said County to pay the cost thereof**
Mr. Warner made a motion, seconded by Mr. Rhinehart, to approve this item.

Mr. Balloni said that he has appeared before Public Safety Committee and met with a number of legislators for nearly 2 years regarding this project. It is matter of life safety and it needs to be moved on right now. The issues requiring that move revolve around the frequencies, which had had a 3-year slow build on given by the FCC; this is the 3rd year. In order to keep the frequencies, progress needs to be shown; have to start building the system.

Mr. Ryan referred to adding a surcharge onto the phone lines, which is a hidden tax. Albany has made a career out of hidden taxes. He feels this will really hit businesses. This will take away the ability to write off this tax and put it on a company phone bill.

Mr. Mareane said that the legislation will authorize going to bond for the entire project, which includes central infrastructure that will drive that system and mobile and portable radios used by police, fire, EMS agencies, etc. The County will finance it and carry that debt on its books. There are 3 ways to look to pay for the radios used by each agency: 1. on the county nickel, through property tax; 2. ask each subscriber to pay for their own; 3. the proposed method--surcharge on landlines paid for by the people through the County. A tax invented for Emergency Communications systems. He feels the County should take the burden off of municipalities. There are distortions and problems with property taxes too. The County is pushing hard to get the State to allow the enactment of the surcharge. It did not make the calendar for them. If they don't approve that, then another policy decision will have to be made.

Mr. Stanczyk said that this County wants more of a transparent taxation. There is no quantifier to saying this is a better way to tax. The benefits of the sales tax imposed on people are brought in because people have the money to spend; it is a better and cleaner way. If it is a countywide benefit, it should be paid for on a countywide basis. He objects to this county continuing to be involved in little fees.

Mr. Warner said that he supports this project. He questioned if down the road the State mandates this for all counties and provides counties money to implement it; Onondaga County is far ahead and has already spent money, can the money be recouped. He said that item 15c. on the agenda will take care of some of that issue. He urged the responders around the room to triple their efforts with Albany.

Chairman Sweetland said that it should be clarified who will be paying the surcharge. The County Legislature has voted twice to ask the State to increase the surcharge. He asked if tax-exempt properties, business with pilots, homes with veterans' exemptions, homes with property exemptions will pay. Mr. Mareane said that they all will pay. Chair Sweetland said that those buildings and homes have no less need for police and fire services. This is an appropriate way to pay, as people with property do not pay equally with property tax.

Mr. Corbett said that he his in favor of this; the surcharge is the most beneficial. If it went on straight property taxes, it would hurt the City quite a bit with the amount of properties that they have that are tax exempt.

Mr. Kraft asked about the maintenance cost. Mr. Balloni said that it is a large, complicated system and maintenance will be necessary. This is estimated, it will be bid for the best possible price. There is a network operation center involved. Mr. Kraft said that it is near \$15 million for the equipment cost for field units. Mr. Balloni said that there are more equipment costs; a substantial amount for the towers, antennas, etc.

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

b. PULLED

c. Request Co. Exec., and Declaring the Policy of this Legislature, that any Grant Money Awarded to Onon. Co. for Purposes of the Interoperable Communications Project will be Used to Reduce Borrowing and/or be Applied Toward Debt Svc. for the Onon. Co. Interoperable Communication Project

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

1. TRANSPORTATION: Mark Lynch, Commissioner

a. Amend '07 Budget for the Highway Division and Road Machinery Fund to Adjust for Year-End Deficits Due to Extreme and Persistent Winter Conditions and Higher Automotive Parts Costs (\$420,000)

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

The 2007 winter budget is comprised of the Spring and Fall of 2007. Nov. and Dec. of 2006 were quite mild; \$269,000 was returned to fund balance from 2006. However, Jan., Feb., March, and April were extremely hard on the department and depleted their resources.

Mr. Kraft asked about the department's current fund balance is. Mr. Lynch said that general maintenance is \$600,000; road machinery is \$90,000. Mr. Kraft asked why it was kept in a fund balance. Mr. Seitz said that each year these funds close out with a small, positive variance. The budget for County Road Fund is approximately \$30 million, with respect to that, it is a small variance. It is being proposed to use that variance to fund some of the shortfalls. Mr. Maturo said that the undesignated fund balance in County Road Fund is \$468,000; they have encumbrances for the difference; they will be down to about \$104,000. **Mr. Kraft asked that a memo be provided to the committee as to where the accounts stand at the end of the year.**

Passed unanimously; MOTION CARRIED.

b. Authorizing the sale of County Highway Property Located in the Town of Manlius to Thomas Kennedy and Victoria Kennedy (\$2,300)

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

2. OFFICE OF ENVIRONMENT: Mr. David Coburn, Director

a. Amend 2008 County Budget to Provide for Ongoing Participation in Honeywell/Onondaga Lake Remediation Issues (\$500,000)

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

Mr. Coburn explained that the issues this was originally created for still exist. If it is not rolled over, it returns to the WEP fund balance. It cannot be spent without the Legislature's approval.

AYES: 7 (Corbett, Kraft, Rapp, Stanczyk, Ryan, Warner, Meyer) NOES: 1 (Rhinehart). CARRIED.

3. SOCIAL SERVICES: Steve Morgan, Deputy Commissioner

a. Transfer of Funds from DSS Admin. Acct. 570 Contracted Services in the amount of \$20,000 to Acct. 300 Supplies to purchase basic supplies including paper and toner (\$20,000) (DSS)

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

This is to cover basic supplies. Contract services are down because employment contracts are down. DSS came to the legislature earlier this year to add resources for Medicaid Provider Fraud services. They have been slow moving and contracts haven't been entered into yet. Regarding the JobsPlus employment contract, there are some surplus salaries.

Passed unanimously; MOTION CARRIED.

4. FINANCE:

- a. Southwood-Jamesville Water District Tax - General Apportionment
- b. Southwood-Jamesville Water District Tax - Town of DeWitt Apportionment
- c. Southwood-Jamesville Water District - Town of Onondaga Apportionment
- d. Warners Water District Tax - General Apportionment
- e. Warners Water District Tax - Town of Camillus Apportionment
- f. Warners Water District Tax - Town of Van Buren Apportionment

A motion by Mr. Kraft to approve items 4a-4f, seconded by Mr. Ryan. Passed unanimously; CARRIED.

g. Authorizing the Sale of Certain County of Onondaga Tax Liens on Real Property Located Within the City of Syracuse to American Tax Funding Services, LLC through 2006

Mr. Mareane said that this is a more efficient way of doing tax collection. As a result of the lien sale, \$1.5 million is expected to be received; total back taxes is about \$1.81 million; approx. 87% collection rate.

Mr. Stanczyk asked if the 87% includes the taxes and penalties; Mr. Gamage said that it is 87% of the current amount owed.

A motion was made by Mr. Ryan, seconded by Mr. Kraft to approve item 4g.

Mr. Kraft asked about the 87%; Mr. Mareane said it is 87% of taxes that have become delinquent-in the past 81% or 82% were collected. The City collects, not the County, and make decisions as to whether the property will go to auction; there are a lot of

abandoned properties that tie into this. Mr. Kraft asked if the American Tax Funding Service picks the property; Mr. Gamage said it is a negotiated contract. Mr. Kraft said that the county gets 87% of a selected group. Chairman Meyer said that they also hold out properties that the City may have future plans for; trying to be cooperative with the City's goals.

Passed unanimously; MOTION CARRIED.

h. 2008 Town Tax Rates, Fixed, Ratified, and Confirmed

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

5. COUNTY CLERK: Jackie Norfolk, Deputy Clerk

a. Abolish Account Clerk II, Grade 7 @ \$32,429 - \$36,841, effective January 19, 2008; Create Clerk III, Grade 7 @ \$32,429 - \$36,841, effective January 19, 2008

There is no budget change; no one in the account Clerk II position now.

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

6. COMMUNITY DEVELOPMENT: Linda DeFichy, Administrator

a. Amending the 2007 County Budget to accept a grant from the NYS Housing Trust Fund for the Community Development Program authorizing the County Executive to enter into contracts (\$200,000)

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

Matched with community development and lead funds. This is the 2nd allocation from the State for the Enhanced Ramp Program. Community Dev. has been doing its own ramp program with \$5,000/house. This grant allows them an additional \$10,000, or maybe as much as needed, to get people out of nursing homes and into their own houses. Work may include bathroom modification, an addition, etc.

Mr. Warner asked about outreach. Ms. DeFichy said that they go through Aging & Youth and other agencies, i.e. ARISE works with handicapped and Elderly. Mrs. Rapp recommended that they use nursing homes also.

Passed unanimously; MOTION CARRIED.

b. Amend '07 Community Dev. Prog. and Authorize the Co. Exec. to enter into contracts (\$300,000)

This is the 20th grant from NYS for Housing Rehab Program; it is matched with Community Development Funds; allows them to do \$10,000/house; 15 target areas. If there is lead paint, another \$10,000 is allowed.

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

7. INFORMATION TECHNOLOGY: Fran Simmonds, Commissioner

a. Create Sys. Adminis. Gr 12 @ \$46,868-\$51,884 eff. Jan 19, 2008; Abolish Switchboard Operator, Gr 4 @ \$27,807-\$30,705 eff. Jan 19, 2008; Create Acct Clerk I, Gr 4 @ \$27,807-\$30,705 eff. Jan 19, 2008

The System Administrators will be assigned to the Forensic Center for a property and evidence system that the law enforcement, DA, and forensic center will use to track all property and evidence. The title is in IT so that they can back it up and train; there are other pieces that need to be worked on with law enforcement.

Mr. Warner made a motion to approve this item.

Mr. Warner said that this position will keep track of where the evidence is; whether analysis has been completed, etc.

Mr. Kraft asked why the position should be created in IT rather than the Forensic Center. Mr. Simmonds said that the system is an IT system. This is similar to what was done in DOT; a position with IT is assigned to DOT to look at their various locations and equipment systems. Recently, that person became ill, and IT staff was able to back it up because they know what is going on. The person will be at occupied at the Forensic Center. The system is dual, one at IT, one at Forensic Center; it will be backed up and paralleled. There are several people that will deal with this system; there is a lot to the system.

Mr. Rhinehart seconded the motion.

Mr. Kraft asked to vote on the personnel items separately. Chair Meyer said that if there was no objection he amends the motion and second to vote on the creation of the Systems Administrator only; no objection

AYES: 6; NOES: 1 (Kraft); OUT OF ROOM: 1 (Ryan). CARRIED

Mr. Warner made a motion, seconded by Mr. Rhinehart to abolish switchboard operator, grade 4 and create Account Clerk 9, grade 4. AYES: 7; NOES: 0; OUT OF ROOM: 1 (Ryan). CARRIED.

8. PARKS AND RECREATION: Kate Skahen, Program Analyst

a. **Amending the 2007 County Budget to Establish a Capital Project Account for Air Conditioning Improvements at the Rosamond Gifford Zoo (\$60,000)**

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

This item relates to a resolution which was submitted in May/June, accepting donations from the Friends of the Zoo, \$60,000. This resolution will transfer the anticipated revenues and appropriations from the operating budget into a capital project. There were unforeseen delays in getting a contract in place in 2007, but confident that it will be awarded in January.

Passed unanimously; MOTION CARRIED.

b. **Transfer of funds from Acct. 413 Maintenance, Utilities and Rent in the Amount of \$42,000 to Acct. 960 Capital Projects for Projects at Alliance Bank Stadium (\$42,000)**

This money would encompass 3 maintenance projects at Alliance Bank Stadium; \$15,000 to repair deteriorated flooring around the handrails; \$15,000 caulk cracks in edging in concrete flooring; \$12,000 repair to asphalt under bleachers. There were unforeseen delays and did not get to the project this year; would like to be able to get started on them as soon as possible next year.

Mrs. Rapp asked if they will have to wait until Spring; Mrs. Skahen said that they will try to get it done before the season opening. If not, she is not sure how much impact the projects would have on being able to have public in the stadium at the same time the projects are ongoing.

Mr. Warner asked if these are all county obligations; Mrs. Skahen said that they are considered basic maintenance.

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

9. **OCPL: Ms. Joyce Latham, Director**

a. **Transfer of Funds From Acct. 101 Regular Employee Salaries in the amount of \$23,504 to Acct. 410 All Other Expenses to cover the costs of contracted security services (\$23,504)**

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

b. **Amending the 2007 County Budget to accept supplemental NYS Aid funds for Onondaga County Public Library and authorizing the County Executive to enter into contracts (\$10,000)**

Mr. Warner referred to increasing visibility of library programs; asked if it includes documentation of the old cemeteries within the County. Ms. Latham indicated a project is being worked on specifically for that purpose.

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

10. **MENTAL HEALTH: Mr. David Brownell, Commissioner**

a. **Amend '08 Budget to Accept Funds From the NYS Office of Mental Health and the NYS Office of Alcoholism and Substance Abuse Services, and Authorize Co. Exec. to enter into Contracts (\$560,365)**

This is an annualization to some amendments made to the 2007 budget; they came in late and therefore were not considered in the 2008 budget when passed. This will amend the contract account to allow contracting that is needed in 2008; it is not new money. There are no local dollars.

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

b. **Transfer of Funds from Mental Health Acct. 101 Reg. Empl. Sal. in the Amount of \$200,000 and DSS- Programs Acct. 607 Payments to State Training Schools in the Amount of \$205,615 to Mental Health Acct. 534 Hospitalization to Cover Hospital Costs (\$405,615)**

This is an amendment to the 2007 budget for hospitalization. There is almost no control over this account. To cover projected expenses the transfer is from 2 sources--Mental Health and Social Service.

Chairman Meyer asked about 101 savings. Mr. Brownell said that it is a result of turnover and delay between people leaving and people starting.

Mr. Warner asked if civil confinements will have any impact on this. Mr. Brownell said it will not impact County Government. If inmates coming out of State prison are found to meet criteria for psychiatric hospitalization, they will go directly to forensic hospitals within the State Office of Mental Health. Utica is the closest.

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

11. LANDMARK THEATER: Mr. Joe Mareane, CFO, Ms. Denise Fresina DiRienzo, Exec. Director, Landmark

a. 2007 Transfer of funds from Authorized Agencies - Financial Acct. 650 Contingency Account in the Amount of \$100,000 to Acct. 845 Syracuse Landmark Theater Account (\$100,000)

Mr. Mareane said that when the 2007 budget was approved, the Landmark Theater came in with an ambitious plan to expand their facility to provide live productions, Broadway shows, things that they currently can't handle. Contingent upon the Landmark coming back and proving a package was done and ready to go, \$100,000 was allocated.

Ms. DiRienzo provided an executive summary (on file with Clerk). When they originally came to the legislature, it was for \$18 million; it was phased to \$14.5 million. It will enable the expansion of the Stagehouse, to bring in touring Broadway, bigger children's shows, bigger concerts. The \$4.5 million that they are holding on is more cosmetic - additional chorus rooms, dressing rooms, green rooms, wardrobe rooms, etc. The raised \$14.5 million through Assemblyman Magnarelli, Congressman Walsh, Historic Parks, Rec and Historic Preservation; Main Street America Grant, historic tax credits, and an approved loan through Key Bank. They are closing on the acquisition that is needed fore the expansion on the 12/21/07. Everything will be put out to bid; groundbreaking will be January 2009, to reopen in Sept. 2009.

Mrs. Rapp asked if someone was hired to help with the capital campaign; Ms. DiRienzo said that it was done in-house. For the next phase, they ware working with S.U. more.

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

12. SOCPA: Ms. Megan Costa

a. Amending the 2008 County Budget to accept funds from the Federal Emergency Management Agency (FEMA) for the preparation of an Onondaga County Hazard Mitigation Plan, and authorizing the County Executive to enter into contracts (\$150,000)

A FEMA grant was awarded to prepare a disaster mitigation plan. It will be multi-jurisdictional. There is a \$50,000, 25%, local match with in-kind services. Planning Agency will administer it.

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

13. VAN DUYN: Lynn Shepard Scott, Human Services Administrator

a. Amending the 2008 County Budget to Accept funds to Implement Scenario "A" with Respect to Van Duyn Home and Hospital

Ms. Scott provided draft copies of the agreement with Community General Hospital; award letter, project list (on file with Clerk). There is a possibility that the project list will change, as those provided are estimates. The agreement may be amended by NYS after it is submitted. Scenario "A" is where the two entities will enter into an agreement to form a not-for-profit corporation, Onondaga Hill Corp., that will do strategic planning for the entire campus on a long-term care issue. It will allow the two entities to work together to hopefully have better efficiencies and to better serve the community. Scenario "B" was where Community General Hospital would take over Van Duyn; it is significantly more expensive. It was stated in the application that it is something that is felt that the County cannot legally do, but being submitted at the State's request.

Mr. Rhinehart asked if this agreement satisfies the Berger Commission. Ms. Scott believes that it does and they are obligated to submit it by Oct. 31.

Chairman Meyer said that this is a solution to our situation for the time being. Ms. Scott said that this is the issue that resolves Berger. A separate issue, one reason why the legislature including funds in the budget to support Van Duyn, is that the State has a revenue structure in place so that the County will see an end to deficits by about 2010. It will need continued advocacy.

Mrs. Rapp asked if there is any hope that this will change Medicaid reimbursement. Ms. Scott said that it does not change our classification. With the additional \$100 million statewide grant, they are essentially getting the same amount of money they would be able to get if they were a hospital-based nursing home.

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

b. Amending 2008 Budget to Convert Van Duyn Home and Hospital from an Enterprise Fund to a Special Revenue Fund

Mr. Mareane referred to the requirements of GASB45, which requires reporting to post retirement liabilities. In the entire County budget, except Van Duyn, it is a reporting requirement. Van Duyn is an enterprise fund and on a full accrual basis for accounting; it works differently, wherein the post retirement health liability has to be accrued every year. It effects the bottom line of Van Duyn, which is about \$5 million per year, an accounting transaction that artificially adds \$5 million to Van Duyn's costs; which is not reimbursable. The situation can be addressed by making Van Duyn like other county departments, specifically a special revenue fund. A special revenue fund is the model followed for WEP; WEP is a stand-alone department. To go from a full accrual system to a modified accrual system, they need to realign some of the numbers in the 2008 budget.

Mr. Maturo said that with Van Duyn as an enterprise fund, each year for the next 30 years, they would be recording a long-term liability for post employment retirement benefits for about \$5 million per year. Over the next 30 years, Van Duyn's retained earnings would go further negative. There is no reason to treat Van Duyn differently from any other county department. Mr. Colon said that Van Duyn does not make money; normally an enterprise fund operates as either a break even or as a profit center. Mr. Mareane said that for GASB45, the County will break even in 2010; it doesn't change that at all. Mr. Maturo said that Medicaid will never give the County reimbursement on this liability, unless funded through tax dollars. Mr. Mareane said that they will reimburse on pay-as-you go, but not on added accrual for future liability.

Mr. Ryan asked if because Community General makes money, could Van Duyn be tied into it with the IRS-being 2 companies under one umbrella. Mr. Mareane said that is why Scenario "A" was preferred. The plan for Van Duyn will protect the County from that. The finances will not overlap or touch; financially and economically it won't change.

Mr. Kraft referred to the \$1.4 million, all other expenses, on the resolution. Mr. Maturo said that it is depreciation in Van Duyn's adopted 2008 budget. It has a special revenue fund and it is required to depreciate fixed assets; that would come out. Mr. Kraft asked if it will cost the County anything with the reimbursement from Medicaid. Mr. Maturo said that it shouldn't be an issue; it is more of an internal accounting mechanism for Onondaga County. The County will continue to report Van Duyn on the full accrual basis to NYS, including depreciations. When Van Duyn purchases fixed assets or has capital acquisitions, they will be like any other county department. They will have a capital project, or it will be expensed in the year that they buy it through operations. Medicaid will not reimburse that expense; they will reimburse it on a depreciation type basis, but not as an all out expense.

Mr. Stanczyk asked for a one-page sheet on the advantages/disadvantages of maintaining Van Duyn as an enterprise fund. He asked how a GASB45 report creates an undue burden on Van Duyn and the residents of the County. Mr. Maturo said that this is reporting issue. When the Comptroller reports in the CAFR, Van Duyn's operation, it will continue to be negative. When the County goes to rating agencies and goes out to borrow, it will show. Van Duyn will be reported individually within the financial statements and that deficit will grow to \$100 million. Mr. Stanczyk said that if it is rolled into the County, then the County will grow by \$100 million. Mr. Maturo agreed and said that Van Duyn is no different than the rest of the County. To continue to report them as an enterprise fund; to continue to highlight a retained earnings, that will never be funded through patient fees; to continue to treat them as a special, is not technically correct because it is no longer a business operation. Mr. Stanczyk said that it is the County's benefit to show that it is being maintained, but that it is a burden to do it. Mr. Mareane disagreed - so much of what the county gets is based on Medicaid reimbursement formulas and payers, there is only a small fraction of that budget that comes from grants and that is new. Mr. Stanczyk said that we are getting money because we are in distress, and asked if it makes sense that we could be getting less money if we showed we were not in distress. Mr. Mareane said "no", the County receives money from the State to comply with Berger's demand that health care be delivered more efficiently in NYS than it currently is. To do that there is a soft merger with Community General Hospital, certain capital improvements in our facility, connect systems to become more efficient. It is a one-time incentive. Special aid to public nursing homes is not expected to go beyond where it is now. The rest is Medicaid/Medicare and they won't be reimbursed based on a new accounting standard that says that we have to add \$5 million in paper costs to Van Duyn. They won't pay the paper costs; they will cover the out of pocket costs.

Mr. Rhinehart said that the goals behind the governor's initiatives were to try and make retiree health care and nursing homes more efficient and less costly. With this arrangement, with the bridge between Community General Hospital and Van Duyn, the County is going towards the private sector but will still be a public place. He does not want to see the public end of it grow.

Ms. Shepard Scott said that in the merger, Onondaga County still retains their Article 48 and Community General obtains their Article 48; the monies do not get crossed.

A motion was made by Mrs. Rapp, seconded by Mr. Corbett to approve this item. AYES: 6 (Corbett, Rhinehart, Rapp, Kraft, Warner, Meyer); NOES: 0; ABSTAINED: 1 (Stanczyk); Out of Room: 1 (Ryan)

14. HEALTH: Ms. Jean Smiley, Deputy Commissioner

a. Create Computer Evidence Specialist I, Gr 12 @ \$46,868-\$51,884 effective January 19, 2008; Create Computer Evidence Specialist II, Grade 13 @ \$51,913 - \$57,490 effective January 19, 2008; Create Computer Evidence Specialist III, Grade 14 @ \$57,414 - \$63,603 effective January 19, 2008

This is grant funded; this person will do crime analysis related to computers; computer crimes are on the rise. There is a series of I, II, III; to give them the availability to recruit at the level of experience that they can find, but will only fill one of the series.

A motion was made by Mr. Warner, seconded by Mrs. Rapp, to approve this item. Passed unanimously; OUT OR ROOM: 1 (Ryan). CARRIED.

b. Approve Adv Step Hire Toxicologist, Gr 33 @\$53,904-\$75,998 up to Step Z@\$75,998 Eff. Jan. 12, 2008
Difficulty continues competing in the national market for scientists. They have done continuous recruitment and have not been able to recruit at the salary as it is. They have worked with Personnel Dept. to broaden the qualifications to have a better chance of attracting a candidate.

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

Other communities - Rochester: \$65,00- \$85,000 and couldn't fill the position, used a recruiter and then broadened the qualifications and paid \$100,000 for a candidate; Harris County, TX - \$106,000; Willowbrook, PA - \$94,000 - \$119,000; Fairfax, VA - \$75,000 - \$96,000. Mr. Meyer asked for upstate comparables. It was stated that Monroe County is over \$100,000.

Passed unanimously; MOTION CARRIED.

c. **Abolish Forensic Chemist I (Toxicology), Gr.11 @ \$44,012 - \$48,711 effective January 19, 2008; Abolish Forensic Chemist II (Toxicology), Gr.12 @ \$46,868 - \$51,884 effective January 19, 2008; Abolish Forensic Chemist III (Toxicology), Gr. 13 @ \$51,913 - \$57,490 effective January 19, 2008**

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

d. **Amending 2007 County Budget to accept additional STD-CDI Grant Funds and Authorizing the County Executive to Enter into Contracts (\$57,000)**

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

e. **Amend '07 County Budget to Accept EPA Grant Funds for the Lead Dust Intervention Project and authorize the County Executive to Execute Agreements to Implement this Resolution (\$100,000)**

f. **Amend '07 Budget to Accept State Grant funds for the Primary Prevention of Lead Poisoning Pilot Project and authorize Co. Exec. to Execute Agreements to Implement this Res. (\$301,623)**

g. **Amend '08 Budget to accept City of Syracuse Grant Funds for the Lead Hazard Control Program and Authorizing the County Executive to execute agreements to implement this resolution (\$65,000)**

A motion was made by Mr. Stanczyk, seconded by Mr. Ryan to approve items 14e - 14g.

These are 3 lead grants; item 14e is new, \$100,000 targeting census tracks to do lead dust interventions, educate the public, and provide the supplies to do it. Item 14f - additional money for the type of work that they routinely do - inspect properties, work with owners, connect them to city or county community development, to abate or risk reduce the problem and follow children who have elevated lead. Item 16g -additional dollars from the City to help do out reach education. Zip codes: lead dust reduction--13204, 13205; primary prevention--13204, 13205, 13208 based on the level of lead poisoned children in those areas.

16. **WATER ENVIRONMENT PROTECTION: Mr. Randy Ott, Commissioner**

a. **Pulled**

b. **Authorizing an Intermunicipal Agreement with the Town of Lysander to Reimburse the Onondaga County Department of Water Environment Protection for Construction Costs and Related Equipment for the Replacement of the Back-up Power Generator at the West Entry Pump Station**

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

A reimbursement to the County, \$97,000, for a project that is replacing an emergency generator and load bank in a town-owned pump station. It is being done in conjunction with a bigger project within WEP with replacing generators in county-owned pump stations. It was cost effective to include Lysander into the county project.

Passed unanimously; MOTION CARRIED.

c. **Authorize Co. Exec. to Execute an Order of Consent Relative to the Settlement of an Enforcement Action Brought by the NYSDEC Index #CO-7-2005310-16 and Related Matters, to Execute Such Other Documents to Implement said Settlement and to Carry Out the Intent of this res. (\$5,000)**

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

The order of consent is to settle enforcement brought to the department regarding Viking Place sanitary sewer overflow on the Electronics Park Trunk Sewer, Town of Salina.

In 2005 EPA started enforcement against municipalities having SSOs. The Law Dept. has been working with the State in negotiating this agreement for some time; this is the end result of that. There is a compliance schedule that requires us to hire a consultant to develop a facilities plan and make a recommendation; take that recommendation to be designed and constructed. There is not an estimate yet. In the interim they will operate the way they are; there are fines associated with it, unless they can demonstrate that it is a force majeure condition, which they anticipate to do.

Mr. Stanczyk asked if there are other situation like this in the county; Mr. Ott said that the other ones that he is aware of belong to towns - Salina has 5; East Syr. has 2; Dewitt has 2.

17. **METROPOLITAN WATER BOARD: Mr. David Fitch, Administrative Director**

a. **Approving the Classification of a Type I Action Under the SEQRA; Declaring Lead Agency Status; Accepting the Full Environmental Assessment Form; Accepting and Adopting the Negative Declaration for the Construction of Covered Storage Tanks and Connections to the Water Supply System**

b. **A Local Law authorizing a Right of Entry and Easement to the OCWA to Construct, Operate, Maintain and Repair Covered Storage Tanks and Connections to the Water Supply System**

Mr. Fitch stated that last month he provided information related to this and summarize the issue. The Onondaga County Water District has 3 large, open reservoirs: Eastern, Western and Terminal. In January 2006, the Environmental Protection Agency issued the Long Term 2 Enhanced Surface Water Treatment Rule, which requires that all open, finished water reservoirs be covered. MWB has been looking at covering its reservoirs for some time in anticipation of this rule. The estimated cost to cover Eastern & Western Reservoirs is approximately \$56 million. The County Executive does not support using the district assessment to finance this project and has asked OCWA to consider issuing the debt for construction of these tanks. In November the members of OCWA and the MWB reached an agreement for the Authority to issue the debt under the following terms and conditions:

- The County would grant OCWA a 40-year right of entry onto the property that the County owns at the Eastern and Western Reservoir sites.
- The County would issue the necessary debt
- OCWA water rates support debt payments
- OCWA agrees to construct the tanks to comply with federal regulations, 50 million gallons at Eastern; 20 million gallons at Western
- OCWA owns the covered storage and agrees to maintain the improvements
- Upon completion of tank construction, the County will have the option to cancel the agreement and purchase the improvements from the Authority
- County agrees to supply water to the Authority at rates established by the MWB and confirmed by the County Legislature

This is shedding responsibility of issuing the debt; and also transferring title of water storage to OCWA.

Chairman Meyer has a great deal of faith in County's ability to do the project. He understands that OCWA has a different mission. Has concern that a body of water goes through county pipes to a tank owned by someone else. The water, while in the tank, is the County's. The water goes out of tank into county pipes and down the way it goes to OCWA. There are some that believe there may be a financial benefit to doing it this way; he is not sure to what extent; has not heard it defined.

Mr. Stanczyk asked why the County would want to do this; and would allow the opportunity to buy the tanks at a later date. Mr. Fitch said that the upside is that the County avoids the debt. The County could pay for this through its wholesale water rates and pass that cost onto the Authority, which was the initial proposal. MWB was advised that the County is not willing to issue the debt and prefers to have the Authority issue the debt. The Authority is not willing to issue the debt unless they have an ownership interest in the tanks. The downside to the County is that there is loss of control of the storage. Regarding the provision to buy tanks at a later date, it was put in to provide the County the opportunity to go back if it was decided that they were not happy with having the Authority have control of the tanks. Mr. Stanczyk said that the County owns the open reservoirs now and assumes liability if some water disaster happens; has that been transferred if the County does not own the storage tanks. Mr. Fitch said that only to the extent of the tanks themselves; they County still owns the water while it is in the tanks.

Mr. Ryan asked what would be the least expensive. Mr. Fitch said that the Authority has a similar credit rating as the County now, because of the size of their customer base. An analysis was done between putting it on the district assessment rates and putting it on the water rates; it slightly favored putting it on the assessment base but that is not on the table.

Mr. Mareane said this review came out of a Ways & Means discussion a couple of years ago, where the committee asked the Executive side if OCWA could do this. It was pursued and has led to this point. Covered storage facilities must be built; it will cost about \$100 million. The first 2 facilities will cost \$56 million; still have to cover a 3rd, will be several million more. It is a mandate. There are 2 ways to fund it. The County can finance the debt and raise debt service through property taxes - he has heard the legislature clearly say that the tax burden is high enough already. This is a charge that can appropriately and equitably be paid by people who use water. There is a more equitable way than an ad valorem tax that exempts some people. It can be recovered through rates; a charge assessed to the Water Board. Therefore, the County can finance it, pay for it, add debt to its books, and charge higher wholesale rates, or OCWA can do the same thing-finance it, get it done, and they would recover that cost through their rates. The preference is to keep this debt off County books. From the consumers' perspective, it is cost neutral. From the County's perspective, it is better to not have \$80 - \$100 million on the books.

Mr. Rhinehart said that he was originally against this, but wanted to see how lawsuits in Portland and NYC turned, both of which were unsuccessful. EPA will continue to apply pressure until this is done. It should not be lost sight of the fact that there is virtually unlimited source of good water here, which is a huge asset for Onondaga County and Central New York.

Mr. Warner asked if people that do not receive public water in Onondaga County will be charged for this. Mr. Fitch said that they won't if it is paid for through water rates; only those people that receive water in their homes will pay for it. Mr. Warner asked about the old reservoirs. Mr. Fitch said that the plan for Western is to build a 20 million gallon tank inside of one of the 40 million gallon bowls of the 100 million gallon reservoir; then abandon the other 40 million gallon bowl; hold it in reserve in the event another tank is needed to be built in that bowl. At Eastern, the site is large enough for 2 reservoirs; will build one tank on the vacant land next to the existing reservoir, 30 million gallons, and replace a 30 million gallon open reservoir that is there now. Once the 30 million gallon reservoir is covered and in service, another 20 million gallon tank will be built.

Mr. Kraft questions taking a facility that the County now owns and operates and leasing to someone else so that they can build a tank for the county to run its water through. He believes this issue needs more conversation, and ***made a motion to table this item for today, seconded by Mr. Stanczyk.***

Mr. Corbett said that there is a mandate to do this, but there has to be plan in. Mr. Fitch said that by April Of 2008 EPA must be notified that the County has open reservoirs, which they already know. By April 2009, there has to be compliance with the rule of having covered storage or be on a State approved schedule for compliance. He does not believe the State will allow more than 3 or 4 years to construct the tanks.

Chairman Meyer asked for an estimated time once this is approved, developed, and constructed. Mr. Fitch said about 3 years, to construct a tank takes one construction season. They plan to have the tanks at Western and Eastern under construction at that same time.

Chairman Sweetland said that this should be done as proposed because this Legislature and County Executive have never wanted to put enough money in the MWB capital improvements and projects accounts because they are sensitive to water rates. This County has to built the tanks; if MWB does it, the good intentions of having it on water rates may in some year be nothing more than good intentions because of the political sensitivity to water rates. If OCWA does it, it will be on water rates. Otherwise it will get pushed into the category of other things that MWB needs to do or something gets put on the assessment zone. He believes that is inappropriate for people who don't get water, and will never get public water in this county to have to pay for it.

Mr. Kraft clarified his motion to table items 17a and 17b to the next meeting of Env. Protection Committee. As Chairman of Environmental Protection Committee, Mr. Corbett pulled items 17a & 17b.

18. MANAGEMENT & BUDGET:

a. **Authorizing the County Comptroller, upon approval of the Division of Management and Budget and the County Executive's Office to Transfer '07 Unencumbered Appropriation Account Balances in Excess of \$7,500 Into, Between, and Among all Interdepartmental Chargeback Appropriations Accounts and Adjust the Corresponding Interdepartmental Revenue accounts**

b. **Authorize the Comptroller to Transfer 2007 Unencumbered Appropriations After Expiration of the 2007 Fiscal Year Upon Approval of the Co. Exec. and the Chairman of Ways and Means Committee**
A motion was made by Mr. Kraft, seconded by Mr. Meyer to approve items 18a and 18b. Passed unanimously. MOTION CARRIED.

19. WAYS & MEANS MISC.:

a. **A Local Law authorizing the Sale of County Property to Camex Realty, LLC**

Mr. Murphy said that the sale is for \$1,025; which is the appraised amount. It is near the intersection of River Road and Lamson Road, Lysander. It is an old railroad right of way, which was abandoned around 1930. At that time it was deeded to the County. The County hasn't used it. The person trying to purchase this is an adjacent owner; it is included in a tax map on their property; this is to clear up title. Mr. Lesniak showed the property location on a map, noting that a lower portion near this property was considered previously by this legislature and passed.

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

c. **A Local Law authorizing the Sale of County Property located in the Town of Salina to Destiny USA Research and Development Park, LLC**

Mr. Mareane said that from the moment that the Destiny people have talked this project, the County's goal has been to maximize the benefits that come out of the project, so that there are new jobs and economic opportunities. The Destiny people are trying to create the largest green sustainable commercial project in the world. This could become a magnet for any number of new companies, entrepreneurs and activities. This project has been featured in several major publications over the last couple of months. At the same time, there is advisement, from people that have a global perch on green industries, that now is the time to get in front of these new kinds of companies.

There is a former sewage treatment facility, Ley Creek, which is a decommissioned facility on 51 acres not far from the Destiny project. Significant environmental issues have been confirmed, a study was done by Spectra Engineers that it has \$3.2 million

worth of environmental issues. If the County continues to own it, at some point they will have to address those issues. If the County did clean it up, the market value of the parcel is about \$2 million; therefore it has a negative value right now. The local law allows the County to sell this land to Destiny USA for their development of a research and development park. The price is \$100,000. A question from committee was if this transaction could remain in limbo for an unlimited period of time while conditions of the sale are being met. This legislation proposes a limit on the time to close the deal to 3 years.

Mrs. Rapp introduced the following resolution, which addresses the 3-year limited:

19b1. Declaring the Policy and Intent of this Legislature and Requesting the County Executive to Ensure that the Transfer of Property in the Town of Slain to Destiny USA Research and Development Park, LLC Include Certain Provisions

Mr. Mareane said that this puts a 3-year limit on the satisfaction of all of the conditions preceding the sale-- requires closing of the sale within 3 years. Additionally, Pyramid would be prohibited from transferring its rights to anyone else.

Mr. Corbett said that if the anticipated \$3.2 million environmental clean up turns out to be \$5 million, is there any language included that prevents the balance from coming back to the County. Mr. Mareane said that that Destiny would have to deal with the cost. Mr. Corbett referred to language "supercedes Section 205 of County Law". Ms. Tarolli said that it is language used in sale of county property in local laws-bidding requirements, requirement of 2/3 vote of the legislature.

Mr. Ryan referred to language in the 4th RESOLVED clause "requesting the County Executive", leads him to believe this isn't binding - is it binding if item 19b.1 and the local law are passed that at the end of 3 years it comes back -- it needs to be from day 1. Mrs. Tarolli said "no" to the extent that we cannot limit the County Executive's power. Mr. Ryan said in order to bind this, the legislature would have to go to a different local law and make sure it is part of the existing local law. Mrs. Tarolli said that is one way to do it.

Mr. Ryan said OCRRA should be afforded every consideration to take as much of that land as they think they need in the foreseeable future to ensure that it does not move. He said that there is Empire Zone on this land. Mrs. Rapp disagreed and said that it currently is not in the Empire Zone. Mr. Mareane said there is no zone there now; it is conceivable that they could ask for it. The goal is to create jobs here, take a sewage treatment facility that has a number of environmental concerns, and turn it into a job generator that will bring the right kind of jobs to the county. If an Empire Zone can help that happen, then that is why they were created.

Mr. Ryan said that there are 50 acres there that this could be put in, rather than take this land from an area where it is needed. This local law needs to be re-worked; we need to find out from OCRRA how much land they need for expansion. Mr. Mareane said that this project has been on the table for several years. When it was first proposed, it was a lot larger. It has been taken down to something smaller, does not involve condemnation as it did before; it simply looks at the part of that area that the County has. Mr. Ryan said that the taxpayers of Onondaga County need to make sure these resolutions are done right; they shouldn't be passed now.

Mr. Stanczyk said that the local law should be scrapped; it is a wish list for the developer; the public has to be defended. The developer wants an opportunity to pursue what is in his best interest, but there is no enforceability of the request. It is in the developer's best interest to formulate what they hope can happen; that is done with a purchase option. The developer would pay the County money for a time period to have the exclusive rights to work on the property and the timeframe would expire, which is the way it should be pursued.

Mr. Stanczyk made a motion to table this item.

Mr. Warner said the he represents an area where the county proposed putting in the county landfill; it has been licensed, but do to cost associated with it, has never been developed. He received a phone call that this should be held off until everyone at OCRRA is on the same page.

Mr. Ryan said it is critically important that OCRRA has a resolution as to what they need to protect themselves.

Mr. David Aiken, Destiny, said that the green economy is out there and they want it to come to Onondaga County. This property has been under utilized; it is brownfield, gateway to our community from the Thruway, from the airport and Interstate 81. In 2005 when they introduced the opportunity for 325 acres for a global campus; they were told "no". They then focused on publicly owned land; it is 51 acres. There is a plan, there are companies, and they are asking for the opportunity to perform. They went through a very public environmental impact process and made refinements to the plan based upon it between the months of October and November. Destiny has not looked at this as the simplicity of an option, but he respects that. He has agreed to and responded to requests from legislators. He is asking for the opportunity to move forward. It received a favorable vote at Planning and Econ. Dev. Committee. This process has spanned from March 2005 to now and has been public; Destiny has changed is plans on multiple occasions as a result. They are doing everything on their end to be a good partner with county

government. If there is alignment between the private sector, government and academia, they can double the job growth between now and 2014. Destiny wants to be a partner in it; it is 300,000 careers with an average salary of \$65,000 annually.

Mrs. Rapp said relocating OCRRA is a big concern but feels an accommodation could be made, which allows plenty of opportunity for the expansion that is necessary. If the goal is to utilize our land for the highest, best use, then to measure a transfer station vs. 300,000 jobs and careers, she believes is the direction most would support. From the marketing perspective, this is a key piece of land because of the highways and visibility. To put a transfer station at this location would be a misuse of foresight and planning. Time is of the essence because of where the green industry is and the momentum that is offered. To put a time limit on it to make sure it gets done, and to still capitalize on it, is a good thing. She would like to see this move forward.

*Mr. Kraft left the meeting.

Mr. Ryan said that there was a big push to go around the area where Destiny is and the Harbor; has that area been abandoned, originally that is where it was all going to be. Mr. Aiken said that the goal is to create a commercial destination, where companies would deploy technologies and attract visitors; it would be the tourism arm of economic development. The research and manufacturing, from day one, has been focused on a secondary location outside of the lakefront area; the only location was made public in 2002. They formally advanced an application to IDA in March 2005, amended in March 2007, to focus on the land that is before the committee today. He would be pleased to share pieces that reflect the way in which the first phase is being developed--how it is being done through the use of technology, and Destiny's green standards are being recognized nationally and internationally. Nothing has been abandoned. Mr. Ryan said that the development is wanted, but reiterated that the local law is incomplete; needs to be sure the taxpayer is protected.

Chairman Meyer asked Mr. Aiken for a response to some concerns that people in a nice, multi-story hotel do not want to look at the OCRRA facility. Mr. Aiken said their principal focus is the R & D Park; the hotel was included as a potential, additional phase from the environmental impact statement perspective. When they go through the environmental impact statement process, they examine all of the possible development scenarios; the hotel is not the primary focus.

Chairman Meyer said that there is speculation from some that this is a "step 1" and the real intention is to take over the OCRRA site at sometime in the future. Mr. Aiken replied that there was a public comment period related to the environmental impact statement. At a public hearing held on Oct. 29th; a presentation was made that expressed all of the concerns about what happens if Destiny is unable to find a site or get a permit. They went back to the drawing board and examined whether or not they could change their plan, modify it to be on 51 acres instead of 60. In taking a look at it, given zoning, parking requirements, and other issues, it was approved by OCIDA that OCRRA could continue to operate in their present location today. What is before the committee today protects OCRRA's interest. Destiny has said all along that OCRRA plays an important function in the community and it needs to work for everyone.

Chairman Meyer said that the road going into the area is really more of a driveway and asked what is planned for maintaining it. Mr. Aiken said that it is the key intersection; it is where the light is; it makes sense and was analyzed from a traffic impact perspective for both the R & D Park and OCRRA. From an access perspective, once you turn into the property, it was planned to have a turnoff to the left to go to the R & D Park and utilize the existing access to go to OCRRA. In the location where OCRRA utilizes it, OCRRA would be responsible. In the location utilized for the R&D Park, Destiny would be responsible. Chairman Meyer asked if the access by OCRRA applies to the public's use; Mr. Aiken confirmed that it does. Mrs. Tarolli said that it will be in a deed

Chairman Meyer asked how can he have confidence that the assets of Destiny. LLC will be there if it all unravels. Mr. Aiken said that they all tie back to the company. Chairman Meyer asked if it could come back to the County; Mr. Aiken said "no."

Chairman Sweetland asked who owns the property that OCRRA sits on today. Mrs. Tarolli said that OCRRA owns it. He asked how long does it take for OCRRA to decide whether or not they want any more property and how much they want. Mr. Rhoads said that they were charged with looking at alternative access. Chairman Sweetland asked if it is because the OCRRA Board does not want to share an access road. Mr. Rhoads said the board is concerned about the shared access. Since March 2005, OCRRA has said that they would be willing to relocate. When the developer changed his development plans in late November, the board had a special board meeting and questioned how OCRRA can continue to facilitate. They asked Barton & Loguidice to determine what sort of land is needed from the County to develop separate access. It is very difficult because of floodplain issues. To do an alternative access now would create bridge work to get to their transfer station. An alternative access is not all that feasible. Chairman Sweetland asked if there is an easement for access for OCRRA, why is it a problem. Mr. Rhoads said that he understands that OCRRA would not hold the easement; would have a right to it. Mr. Rhoads said it is a cause for dispute. He said they are willing to relocate; to do so will cost \$30 million and take 27 months.

Chairman Sweetland said that this project that Destiny wants to do is the project he has been waiting for; it is more than tourism. It is the project that capitalizes on alternative energy and clean technology. There is a short window of opportunity for a community or region to start calling themselves the capital of this type of thing. California will get ahead of us, if we don't do

it. There seems to be a failure to look forward. He requested that this not be tabled, but give it opportunity for the parties to work it out before session.

Mr. Warner said that several years ago this legislature approved site 31 as a regional landfill; if this legislature had their way, there would be massive dump there. The people of Van Buren fought it for a long time; finally OCRRA found a much less expensive way to dispose of refuse, a saving of about \$3 million/year. There is still a permitted landfill in Van Buren and OCRRA is willing to relocate. If there is any way that it will end up in Van Buren, he will vote "no."

Mr. Warner seconded the motion to table 19c to next Ways& Means Committee.

Mrs. Rapp asked how it affects Destiny's progress. Mr. Aiken said that Destiny has worked willingly to incorporate all concerns immediately. He is concerned about the message that this sends to partners and other developers, while they are working with national and international media.

Mrs. Tarolli advised that a vote is not needed to pass the local law on to session. **Mrs. Rapp, as sponsor of the local law, moved the local law to the floor.**

Chairman Meyer asked the County Attorney if items 19b and 19b1 have been discussed enough to have been considered and go to session. Mrs. Tarolli said that there has been for 19b.1; 19b. went through Planning Committee, so they can both go to the floor.

b. Approving the Classification of Type 1 Action Under the State Environmental Quality Review Act, Accepting the Final Environmental Impact Statement on the Destiny USA Research and Development Park; and Making and Adopting a Findings Statement Pursuant to the Requirements of the NYS Environmental Quality Review Act - PULLED

d. Requesting the County Executive to allocate Room Occupancy Tax Revenue in the 2009 County Budget to Defray Costs of Projects at the Rosamond Gifford Zoo (Mr. Warner)

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

21. SHERIFF:

a. Amend 2007 Budget to authorize the Onondaga Co. Sheriff's Office to Receive Grant Funds from the Div. of Criminal Justice Services and Authorize the Co. Exec. to enter into contracts (\$184,000)

b. Transfer of funds from Sheriff Police/Civil Acct. 101 Regular Employee Salaries in the amount of \$300,000 to Sheriff Police/Civil Acct. 102 Overtime to cover increased overtime costs (\$300,000)

c. Transfer of funds from Sheriff Police/Civil Acct. 101 Regular Employee Salaries in the amount of \$350,000 and Sheriff Custody Acct. 101 Regular Employee Salaries in the amount of \$700,000 to Sheriff Custody Acct. 102 Overtime Wages to cover increased overtime costs (\$1,050,000)

d. Amend 2007 Budget and Authorize the Onondaga County Sheriff's Office to receive proceeds from the Federal government resulting from seizures of assets following investigations of illegal drug possessions and or sale and authorizing the County Executive to enter into contracts (\$429,616)

A motion was made by Mr. Ryan, seconded by Mr. Stanczyk, to approve items 21a, 21b, 21c, and 21d. AYES: 6 (Meyer, Corbett, Kraft, Stanczyk, Ryan, Warner); NOES: 0; ABSTAINED: 2 (Rapp, Rhinehart). MOTION CARRIED.

20. LAW DEPARTMENT:

a. Settlement of Claim

Mr. Corbett made a motion to close regular session and enter into executive session to discuss the matter of Michael Battista vs. County of Onondaga, seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.

Mr. Corbett made a motion to end executive session and enter regular session, seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.

A motion was made by Mr. Corbett, seconded by Mr. Warner to Authorize the Settlement of the Notice of Claim of Michael Battista V. County of Onondaga. Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 1:00 p .m.

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

Related Documents

- [12-5-07 W&MS ATTACH#1](#)