

Office of the Onondaga County Legislature

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PUBLIC SAFETY COMMITTEE MINUTES - FEBRUARY 14, 2008
CHAIRMAN RICHARD M. LESNIAK

MEMBERS PRESENT: Mr. Buckel, Mr. DeMore, Mrs. Williams, Mr. Masterpole, Mr. Holmquist

MEMBERS ABSENT: Mr. Warner

ALSO PRESENT: see attached list

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

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

1. CORRECTION: Tim Cowin, Commissioner

a. Resolution Authorizing Various Improvements at the Onon. Co. Correctional Facility in and for the Co. of Onon., NY, at a Max. Estimated cost of \$2,339,100 and authorizing the issuance of \$2,339,100 bonds of said County to Pay the Cost thereof. The buildings are 25 years old; roofs are beyond their 15-20 year life expectancy; several repairs have been made. An engineering firm has studied the roofing-has reports and pictures; 5 buildings will need roofs. They are all block buildings; masonry work is starting to crumble; water comes off the roof and backs up behind masonry work. The razor wire around the facility is fastened to the blocks and has began to fall. Masonry is included in the project; approved through capital projects. It is a flat roof; will be a type of rubber product or some composite material. Specific products will come out in bid process. In answer to a question about the type of warrantee; Mr. Cowin said that anything above 15-20 years is probably more than they could get. Mr. Masterpole asked if there is confidence that \$2.33 million will be enough; Mr. Cowin said that he received the estimate from experts; there is a contingency built into all capital projects, about \$200,000 on this project.

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

2. EMERGENCY MANAGEMENT: Peter Alberti, Commissioner; Joe Rinefierd, Director, Fire Bureau

a. Adopting the updated Onondaga County Fire Mutual Aid Plan

The original plan was put into place and last updated in the early '70's; the update takes the basics of the fire mutual aid plan and brings it up to date--up to modern terms. The plan has been reviewed and approved by all fire chiefs and they have accepted it as a necessary upgrade. Each department has signed off and is on record. Mr. Masterpole asked if mutual aid is sharing services across jurisdictions. Mr. Alberti said that it is--NYS has a plan that speaks to fire apparatus and fire firefighters from any locality going to any place in the state that is needed. This plan is for Onon. Co.-- if there is a major event, certain coverage is outlined. The City of Syr. is included in the plan. Chair Lesniak said that there are several fire departments that have an engine staffed during the daytime; so that there is coverage.

Mr. Buckel asked about major changes to this plan. Mr. Herkala said they are communication protocol and chain of command. In 1972 the 911 Center didn't exist; communication protocol in the old plan is completely inapplicable to present day. The County had plans and procedures in place but they weren't memorialized into a written document that everyone could sign off on. Some fire departments are not put together the way they were 30 yrs. ago. Mr. Rinefierd said that the requirement to update this came from Homeland Security; it is attached to a grant process--it has to be reviewed annually to keep grant money. The plan describes on a NIMS, related to chain of command and who is in charge. Fire Coordinator's office no longer exists and it was taken out. The basic idea of the plan stayed the same; brings verbiage up to what now fits into Homeland Security requirements.

In answer to Mr. Buckel, Mr. Rinefierd described chain of command: fire departments are home rule entities within themselves-- 56 across the county. If an incident occurs within the fire chief's district, that fire chief is in charge. When the chief calls for mutual aid, the mutual aid is delivered to him or his designee. It also describes that the first arriving unit can initiate the chain of command. Mr. Buckel asked about any issue or opposition to the Plan; Mr. Rinefierd said that there hadn't been any. ***A motion by Mr. DeMore, seconded by Ms. Williams to approve this item; UNANIMOUS. CARRIED.***

b. Local Law Providing for Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code and Establishing Rules and Regulations for Administration and Enforcement of the Uniform Fire Prevention and Building Code

NYS adopted a new fire prevention and building code based on the international code; the County forces that code on County properties only. The new State code needs to be adopted; it does not change procedures: The old code referenced authorities, NFPA codes, national electrical codes, etc. The new code includes all reference material. Chair Lesniak said that a change was made to the first paragraph, as he requested clarification--did not want it applying to WEP going out and enforcing the new plumbing code. ***A motion by Mr. Masterpole, seconded by Mr. DeMore to approve this item. UNANIMOUS; CARRIED.***

The meeting was adjourned at 9:20 a.m. Respectfully submitted,

DEBORAH L. MATURO, Clerk
ONONDAGA COUNTY LEGISLATURE

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**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - FEBRUARY 14, 2008
CHAIRMAN JAMES A. CORBETT**

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

MEMBERS ABSENT: Ms. Winslow

ALSO PRESENT: Legislator DeMore, see also attached list

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

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

1. LAKE IMPROVEMENT: Sue Miller, Public Intergov. Relations Officer

a. ACJ Update

Midland

- Testing various equipment
- All construction is done, including HVAC work installed

Sewer Separation

- Parkway/Rockland Ave Project; alerted neighbors on East Bissell--work done in record time due to good weather

Clinton Phase I (all pipeline not in Trolley Lot nor Armory Square)

- Conveyance work proceeding
- Micro-tunneling - shafts being installed

Agreed with parties to ACJ to take a 2 month review period; have asked bidders on Clinton RTF to extend bids to May 1st. Asking bidders on Phase 2A to also extend their bids to May 1st. Clinton RTF bidders have agreed; are in process of asking the Phase 2A bidders.

Mr. Kraft said that there have been questions about whether the current project with Clinton Conveyance Phase I could be stopped. Chairman Corbett said that some of the questions are being addressed and we will have the answers within the next couple of days. Mr. Ott said that it is nearly half completed; over \$7-\$8 million has been spent out of the \$15 million project. If they stopped for a 2 - 3 mos. period, it would cost \$5 - \$6 million; can't leave open excavations. There is a jacking under the creek; it can't be left unattended. It would cost nearly as much money to stop the project, as it would be to complete it. The tunnel-boring machine is on site now, it is a specialty contractor, if asked to stop, there will be a remobilization cost. It is a very difficult piece of equipment to get. The project is scheduled to be completed this summer; DEC has asked the County to continue completing the project. Mr. Kraft asked if the project could be stopped within the terms of the contracts that are signed. Mr. Ott said that it is possible, but there are legal and financial ramifications. Mr. Kraft asked for a copy of the contract. Mr. Ott said that beyond the language, there are a lot of practical considerations in terms of costs and large excavations that can't be left.

Mr. Rhinehart referred to design stage projects and asked how much of it is paid for. Ms. Miller said that they are at 95% design on Harbor Brook RTFs and 75% design on the conveyances. Mr. Ott said that the project is on hold at this point. Ms. Miller said that the only work being done in relationship to Harbor Brook at this time is the demolition of the 4 structures on Grand Ave.

Mr. Kraft noted that the bids ranged from \$3.5 million to over \$10.5 million for Phase II conveyance work. There has to be multiple bidders. Ms. Miller said that 62 copies of the bid documents went out; only 4 bids came in.

Mr. Rhinehart asked how much influence Wicks Law and PLAs contribute on these projects---do they discourage people. Mr. Ott said that a lot of contractors and subcontractors take the bids out--doesn't have a way to quantify the impact of Wicks Law or PLA. Mr. Jordan asked about feedback from people that took out the plan documents. Mr. Perriello, EEA, said that in talking to bidders and contactors, there are a lot of advantages to having a PLA, but there are some disadvantages too. Some contractors are not interested as a result; but in some cases there have been a lot of bidders. Ms. Miller said that they have surveyed bidders as to why they didn't bid, and the reason of there being a PLA was not consistent. Mr. Perriello said that in some instances it deters competition; but in other instances it does not. Chairman Corbett said that some of it is just the availability of the work force. One good thing shown with a PLA is the amount of local labor force that has been utilized--trying to keep our money in our own community and trying to give local employers a shot at it. He noted the success of the PLA on the lake clean up in relation to the type of local labor and employers; they have been able to avail themselves of it. Chair Corbett said that one issue is that the building cost index has gone completely out of sight since the project was started--it is a reflection on the economy. Mr. Rhinehart added that the private sector has to deal with it just as the public sector does, minus the PLA and Wicks Law--it is not just native to this project.

Mr. Kraft said that the administration has been working on reaching out to secure federal and state aid and commended them for it.

2. METROPOLITAN WATER BOARD: David Fitch, Administrative Director

a. Abolish Account Clerk Typist, Grade 4 @ \$25,909 - \$28,597 effective March 8, 2008; Create Account Clerk I, Grade 4 @ \$25,909 - \$28,597 effective March 8, 2008

Titles have the same grade--some salary savings as the resigning employee was at the max step in the grade.

A motion by Mr. Kraft, seconded by Mr. Rhinehart to approve this item. Unanimous; CARRIED.

3. WATER ENVIRONMENT PROTECTION: Randy Ott, Commissioner

a. A resolution approving the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for the County of Onondaga, New York

Mr. Ott replied to Mr. Kraft's comment regarding funding--NYSDEC Div. of Water Chief has been assigned to a new office--to look toward finding funding for infrastructure throughout the State; feels this is a positive move.

The request today is for bonding for an additional \$25 million to complete the last phase of Midland project. Midland RTF is complete; completed Phase I and II. 7,700 feet of conveyance pipe ranges from 42" to 142" in diameter needs to be finished, which would pick up the remaining 7 CSOs and bring them to the RTF for treatment and storage. The project has gone out to bid; the low bidder found an error and wanted to get out of the bids; County rejected the bids. They have gone back and taken a look at the project, done value engineering and have come up with changes in terms of how the project is constructed to get better and more cost effective bids the next time that they go out. There is some concern about this project and whether sewer separation is an option. In the Midland service area there are 21 combined sewer overflow outlets; 11 deal with sewer separation; there is 176,000 linear feet of sewer pipe. The 11 CSOs that have been separated account for 21,000 linear feet of sewer pipe. The remaining 155,000 linear feet of sewer pipe are all tributary to this conveyance pipe. Based on current bids, it ranges about \$11,200/linear foot to separate sewers, which is \$174 million or 3 times the cost of the conveyance project with the increase being asked for. Not completing this project will not realize the investment or environmental benefits that have already incurred. The County Legislature has approved ACJ projects in the past and approved the consent order. This is completely in compliance with the order so that the County is not subject to fines and penalties. The \$25 million includes the \$3 million mitigation money, which was agreed to in the City/County Intermunicipal Agreement. In response to Mr. Kraft, Mr. Ott reviewed the project numbers and noted that the whole project is \$148 million. Components of increase: \$21.6 million construction; \$1 million engineering/inspection; \$3 million community mitigation.

As the public hearing has not been held yet, Mr. Rhinehart questioned why this is being done today. Mr. Ott said that typically a request for authorization and bonding follows the request for the public hearing. The County is under an ACJ deadline; there are only a few months to float on this project and need to continue completing the work.

Mr. Rhinehart asked why value engineering was done after the bids were rejected; Mr. Ott said that it was because of the concern about the increase in cost of the project. There was feedback from contractors that some restrictions regarding how the project would be constructed would be impacting their bids; the concerns were considered and some adjustments were made. Mr. Rhinehart discussed the \$35 million that was transferred from the Clinton Project and an additional \$25 million is being requested. Mr. Mareane explained that the transfer of the grant money from Clinton to Midland wasn't added onto the cost; the Clinton money will be applied as an offset against what the County will have to borrow. The \$35 million is a source of money. The

cost prior to the changes was \$122.9 million; with the adjustment, the total cost is about \$148.4 million; they expect to reduce the amount borrowed by the federal grant money. The length of the bond was questioned. Mr. Mareane explained that a bond resolution states what is permitted under the State Finance Law under the period of probable usefulness; the state law indicated 40 years for that period. They would not borrow over 40 years; he expects that this would be a 30-year financing. The engineer was asked about the life expectancy of some of the equipment. Mr. Perriello stated that some of it is 40 years; the pumps, motors, fans, etc. have a life of about 25 years. The odor control system would be about 25 years; the carbon has to be replaced periodically and there are associated operating costs.

Mr. Rhinehart referred to the RTFs being designed to remediate up to a one-year storm. Designers of commercial buildings are held to a different standard and asked if a one-year storm is useful. Mr. Perriello said that this is combined sewage overflow, this facility is dictated by the ACJ, which was dictated by the Federal CSO Control Policy. It is not storm water.

Chairman Corbett noted that the public hearing will be held before there is any vote on this at session.

In response to Mr. Jordan, Mr. Ott reviewed the attached table (attach. no. 1) and explained the amounts; summarizing that there is a near \$600,000 savings on the RTF project; increase from original authorization from \$37.9 million to the new engineers estimate of \$57 million--a difference of \$19.1 million; increasing in cost of demolition of properties \$267,000; contingencies \$2.85 million, which is \$21.6 million for construction. Mr. Jordan questioned the contingency amount; Mr. Perriello said that Mr. Ott is talking about the contingency on the whole construction package; \$1.1 million is a contractor's contingency.

Discussion occurred about dry weather flows; Mr. Perriello said that as the contractor comes to existing sewer lines, he will have to maintain flow of the sewer lines; the dry weather flow refers to the contractor having to pump that flow around his construction site; will also have to convey the wet weather flow when it rains.

Mr. Jordan questioned why the walers and struts were omitted from the April 2007 estimate. Mr. Perriello said that the technical engineer omitted it; it is only a component of it--there is also a steel price increase. Mr. Jordan expressed concern about the number of times he has been informed that certain estimates of cost were not included in a project.

There was discussion about the 21 CSOs. Mr. Ott explained that all are being addressed; 11 have been removed/eliminated through sewer separation; the other 10 will be collected through the conveyance pipe and transported to RTF. The closure is that the physical CSO outlet would be permanently blocked, which will be done in seven cases. Three others will be left open for hydraulic relief.

Ms. Williams expressed concern that there is a request for more construction money today and WEP may be back again because it will be found that there is a need to do sewer separation. She asked about affects that dry weather will play on the piping. Mr. Ott explained that all of the piping is to pick up wet weather flows from combined sewer overflows - there are outlets that discharge into the creek, a combination of storm and sanitary sewage, which will be intercepted with conveyance pipelines and transported to Midland RTF for storage and treatment. Anything stored in the system will be bled back for full treatment at Metro. If there were a large enough storm so that the facility gets completely filled up, it would be treated before discharging to the stream.

Mr. Masterpole referred to the public hearing and stated that he is not comfortable voting on this an hour or so after the public hearing is held. Additionally, he said that the steel sheeting doesn't look good and feels that there could have been a better job lining the creek. Mr. Ott said that it was left in place to protect the bank and structure; down stream and across the creek riprap and stone were put in.

Regarding the \$3 million for mitigation, Mr. Masterpole questioned why it is included with the overrun costs; it should be two separate issues. Mr. Ott said that the last authorization was prior to the City-County agreement, so it did not include the approval for the \$3 million; the intermunicipal agreement was approved but not the money. Mr. Masterpole said that he wants the ability to support one and not the other. Mr. Mareane said that there is every reason to package the \$3 million mitigation with the remaining part of the bonding needed to finish the Midland project; it is more efficient; cost of issuance might be a little lower. It is the administration's recommendation that the project go forward as there is an ACJ that compels the County to do this. The purpose of taking a time out on Clinton and Harbor Brook projects was to see if there are alternatives that haven't yet been considered. With respect to the Midland project, it is an important part of meeting the standards that are in the ACJ; and do not see an alternative. The costs are higher than they expected them to be; it is the nature of construction today. Ms. Smiley added that DEC has said that the County must move forward with Midland, but are willing to step back on the other two projects. Mr. Masterpole asked if the County has to bond for the \$3 million mitigation; Mr. Mareane said that there is no money in that account. Mr. Masterpole asked if there is another way to bond for the \$3 million without tying it to the overruns. Mr. Mareane said that \$3 million could be floated separately; however, if it is found the County is going forward with the Midland project, it is much more efficient to package them. Mr. Masterpole asked to be provided with what the difference would be if the two amounts were bonded separately.

Chairman Corbett referred to the \$3 million mitigation money. A moratorium is being looked at for Clinton; possibility of not doing the RTF; asked if the money was tied to it being built and questioned if it can legally be done dependant on the outcome. Mr. Mareane explained that the RTF is the core project, impact has been created, there is an obligation to mitigate.

Mr. Mareane distributed copies of the national building cost index (attachment 2).

Mr. Kraft recently toured the facility; the room which contained the odor control equipment seemed bigger than needed and was told that originally three units were going to be put in-it was later decided to put in two units. He questioned why the building was not downsized. Mr. Perriello said that the facility was designed to have 3 operating units and one stand by unit. As an engineer, a back up is always built in. In value engineering it was decided to take the spare odor control unit (standby) out and save money, in the future if there is a need to put in the unit, there will be space to install it. Mr. Kraft asked if they can handle 100% of peak capacity; Mr. Perriello said that they can. Mr. Kraft questioned the size of the area where chemicals are received; seems that there is room for 3 tractor-trailers--questioned the size of the width. Mr. Perriello said that there isn't even room to pull in one tractor-trailer; it can be backed in half way. Mr. Ott explained that anytime there are chemicals being unloaded, NYS Chemical Bulk Storage regulations need to be met. Requirements include that there is a basin wide enough to accommodate a spill so that the spill is contained and not released into the environment. Mr. Kraft said that he hopes that when the next project is done, that every bit is squeezed out, as the people of this community cannot afford this.

Ms. Williams said that she agrees with Mr. Masterpole about the \$3 million mitigation money; it should not be coupled with the additional cost of the project.

Mr. Mareane said that this is an essential part to comply with the ACJ; a delay will add to the cost. The administration has shown good faith in taking a time out to review whether or not there are alternatives to the projects. If the conveyances aren't made to connect to this project, the water will have to be released into the creek.

Chairman Corbett indicted that the County is compelled to do this per DEC and the ACJ. There has been a cost increase, have asked everyone to go back and look at the bids. The cost of materials is going up daily. He doesn't believe that to hold this up will save any money. Mr. Mareane agreed-it will only add to costs.

There was discussion about what happens if this gets defeated at session. Mr. Mareane said that the Legislature controls the money. If it not authorized, the Executive side can't go forward--at the same time the County is compelled to do the project. Ms. Smiley said that there is a regulating body; telling the County to do this; it is court ordered, but the money can't be spent without the Legislature's authorization. Chairman Corbett said that when another governmental body decided to look into what it would take to hold up the project, the court said "no", that it had to go forward, and they have not changed their opinion.

Mr. Kraft feels that sometime the County has to go to back to the judge and say that the County can't do it. The Midland Ave project has over \$100 million expended and now more is needed to finish the project. Regarding mitigation, it is always included in the project. In fact, there wouldn't be mitigation if the project weren't completed. Mr. Masterpole said that the destruction was the first \$57 million; and it wasn't included in the first bonding authorization.

A motion was made by Chairman Corbett, seconded by Mr. Jordan to approve this item. Ayes: 2 (Corbett, Jordan); NOES: 3 (Masterpole, Rhinehart, Williams) ABSTAINED: 1 (Kraft). DEFEATED.

Mr. Kraft requested to change his vote; there was no objection to AYE. AYES: 3 (Corbett, Jordan, Kraft); NOES: 3 (Masterpole, Jordan, Williams). DEFEATED.

b. Authorize the Issuance of an Additional \$25,478,433 Bonds of the Co. of Onon. to pay the Increased Cost of Certain Improvements for the Midland Wastewater Treatment Plant in and for said County

A motion by Mr. Jordan, seconded by Mr. Corbett to approve this item. AYES: 3 (Jordan, Kraft, Corbett); NOES: 3 (Rhinehart, Masterpole, Williams). MOTION DEFEATED.

c. Requesting the County Executive to Direct the Commissioner of the Department of Water Environment Protection to Immediately Convene a Meeting of Technical Representatives From the Towns and Villages Within the County Sewer District to Coordinate a Cooperative and Long Term Approach to Address Storm Water and Sewage Backups in County Residences - Mr. Corbett

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

Mr. Kraft noted that there has been a lot of discussion regarding the sewer situation in the Town of Salina. There are also serious problems in his district, in the Bayberry community in several locations. They back up on the same dates that have been mentioned several times at the Legislature. He would like to be sure that they are included in any efforts down the road.

Chairman Corbett said that this is a community-wide problem, a lot more than just Onondaga County. The intent of this is to get our arms around the problem and not address the problem by patchwork. He wants to come to a comprehensive understanding and determine what it will take to correct it. Ms. Smiley said that the executive side intends to pull together the towns and

villages; have discussion with them about not only existing situations, but how to fix things going forward; to look at the entire community.

Mr. Kraft said that the immediate concern are the areas that are already suffering with problems; however he is also concerned that the planning in this community should be anticipating these kinds of situations so that they don't happen.

Chairman Corbett said that Legislator Stott sent in a communication today indicating that he is in favor of the resolution..."respectfully encouraged the committee to support Chair Corbett's resolution."

Mr. Rhinehart supports this and said that it is overdue; 2 months ago this committee was asked to consider hooking up a sewer to a proposed development outside of the County. He strongly feels that the problems should be fixed at home before we hook up people and take on additional responsibilities connected with our sewer system coming from other counties.

Passed unanimously; CARRIED.

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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**EDUCATION & LIBRARIES COMMITTEE MINUTES
PATRICK M. KILMARTIN, CHAIRMAN
February 14, 2008**

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

MEMBERS ABSENT: Mrs. Winslow, Mr. Kinne

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

Chairman Kilmartin called the meeting to order at 11:05 a.m.

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

1. OCPL: Ms. Sally Carmer, Director of Administrative Services

a. Amending the 2008 County Budget to accept Library Services and Technology Act (LSTA) funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts to implement this resolution (\$12,000)

Grant is for the Summer Reading Program, amount is based on previous years' attendance. It will enable them to provide two programs to each of the 31 libraries in the County system - the Zoo to You program with the theme of "Catch the Reading Bug" and David Moreland's magical show, also centered on the bug theme. Cost of two programs is \$10,850; the balance (\$1,150) will go towards supplies and materials for advertising.

Mr. Kilmartin asked if the funds have to be expended and then reimbursed from the State; Ms. Carmer replied "yes".

Mr. Corbett expressed congratulations for the Library receiving the maximum amount of \$12,000 of funds allocated by this grant.

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

2. OCC: Mr. William Emm, Chief Financial Officer

a. Amending the 2006-2007 Onondaga Community College Budget to accept additional State Aid (\$348,709)

Due to increased enrollment, OCC has earned additional State Aid. The additional \$597,629 in their 2006-2007 Operating Fund budget is a combination of the increased State Aid and tuition dollars.

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

Mr. Corbett noted that this is a direct result of being proactive with the student housing.

In answer to Mr. Kilmartin, Mr. Emm said they have a Mission Statement and Strategic Plan that they use as a basis to build their plans and budgets, then they look to see what the levels of support are from the State and County, the last resort is having to raise tuition. Mr. Emm said it is difficult to project out more than one year because they never know what the State is going to do. Mr. Kilmartin asked if they have an internal calculation of how it would affect total revenues if an additional hundred or thousand students were to enroll at the last minute. Mr. Emm said it would fluctuate each year.

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

Mr. Kilmartin read a letter from Dr. Sydow regarding the proposed 2008-2009 New York State Budget that would have a strong detrimental impact on OCC and their 11,000 students (*attachment 2*).

Mr. Corbett said OCC has dramatically increased students, asked if they will be one of the colleges it affects the most. Mr. Emm said "yes", because of the \$50 reduction in state aid per FTE, and also the change on distributing capital funds to a first-come, first served basis; the College's position is to move forward with their capital plan as soon as they are able to.

Mr. Kilmartin said, in talking with Dr. Sydow, that this is a very substantial change in how capital projects would be supported by the state, those that are poised to move forward with plans quickly will be in the best position to capture dollars; there is also a concern that the much larger downstate counties could cap an enormous amount of those capital funds if they are the first to move. With the new allocation of the 40 acres at Velasko Road and Rt. 173 and how the college is reworking some of their designs and plans to execute capital projects, Mr. Kilmartin said the timing could bode well for OCC and for the college to move forward. In terms of additional details to how the governor proposes the distribution of these capital funds, Mr. Kilmartin asked if it will be different, if it will be triggered not by a mere allocation of capital funds from the County Legislature, but actually an appropriation. Mr. Emm said that was an important distinction.

In answer to Mr. Stott, Mr. Emm said in the past, the Legislature might appropriate in two steps, that way could now jeopardize their ability to access the full amount of money they are looking to achieve. Mr. Stott asked about changing the Legislature's policy.

Mr. Kilmartin anticipates that Dr. Sydow and Mr. Emm will be coming back to the Legislature with a more detailed plan on how they want to move forward with these capital projects and the timing for that; it would be a substantial change on how the Legislature approaches these capital projects.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Johanna H. Robb
Deputy Clerk

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**WAYS AND MEANS COMMITTEE MINUTES - FEBRUARY 26, 2008
CHAIRMAN JAMES RHINEHART**

MEMBERS PRESENT: Mr. Corbett, Mrs. Rapp, Mr. Warner, Mr. Kilmartin, Mr. Holmquist, Mr. Kraft, Mr. Stanczyk,*Mr. Kinne
ALSO PRESENT: Chairman Meyer, see attached list

Chairman Rhinehart called the meeting to order at 9:37 a.m.

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

1. **FINANCE DEPARTMENT:** Karen Carney, Real Property Tax Dir.

a. **Amend 08 Budget to accept Centralized Property Tax Administration Program Grant Funds for the County Finance Department and authorizing the County Executive to enter into contracts**

Program designed to develop study for implementation & management of a real time property tax database

- Website currently contains information on delinquent tax collections in real-time format-payment made at County and immediately registered on website; this study will look feasibility doing that for current year tax collections - when towns, villages, schools are collected taxes

- No local dollars

A motion by Mr. Corbett, seconded by Mr. Kraft to approve this item. Unanimous; CARRIED

b. **Approving and Directing the Correction of Certain Errors on Tax Bills**

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

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

a. **Amend '08 Budget to accept additional funds from the NYS Office of Mental Health for the Supported Housing Program and NYS Office of Alcoholism and Substance Abuse Services for a gambling treatment program, and authorizing the County Executive to enter into contracts (\$316,769)**

*Mr. Kinne arrived at the meeting.

Accept money from State for two programs:

- \$60,000 to fund Gambling Treatment and Prevention Program for compulsive gambling
- \$256,000 to support expansion of supported housing
- No local dollars

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

3. **OCPL:** Sally Carmer, Dir. Admin. Svcs.

a. **Amend '08 Budget to accept Library Services and Technology Act (LSTA) funds for the OCPL and authorizing the County Executive to enter into contracts (\$12,000)**

Accept money from State for Summer Reading Program - 2 programs at each of the libraries: Zoo to You and David Moreland, Magician; \$10,850. The remaining \$1,150 is for posters and flyers to advertise.

A motion by Mr. Kraft, seconded by Mr. Corbett, to approve this item. Unanimous; CARRIED.

4. **HEALTH:** Linda Karmen, Deputy Director

a. **Abolish Research Aide, Gr. 7 @ \$32,429 - \$35,841 effective March 8, 2008; Create Clerk II, Grade 5 @ \$27,807 - \$30,705 effective March 8, 2008**

The position is in the Facilitated Enrollment program for enrolling individuals in Child Health Plus, Family Health Plus and Medicaid. The position is for quality assurance review of applications that come through. There was discussion about the amount of kids in Child Health Plus; all of the programs are offering enrollment referrals. This position will make sure that all paperwork is in place before sending it to Medicaid. They are finding that there aren't as many children that they have come in contact with that have not been enrolled. Data is not available regarding the outreach from programs.

A motion by Mr. Warner, seconded by Mrs. Rapp to approve this item. Unanimous; CARRIED.

5. **METROPOLITAN WATER BOARD:** David Fitch, Admin. Director

a. **Abolish Account Clerk Typist, Grade 4 @ \$25,909 - \$28,597 effective March 8, 2008; Create Account Clerk I, Grade 4 @ \$25,909 - \$28,597 effective March 8, 2008**

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

6. **SOCPA:** Megan Costa, Planning Services

a. **Approving the classification of an unlisted action and the issuance of a negative declaration and authorizing the County Executive to accept funds from the NYS Department of Agriculture and Markets for a Farmland Protection Implementation Grant for the Blumer Eagle Point Farms in the Towns of Elbridge and Cato, and authorizing the County Executive to enter into contracts (\$2,535,306)**

Accept funds from State to place conservation easement on Blumer Eagle Point Farm. The state purchases development rights for residential and commercial development with intention of keeping it in farmland instead of selling the land for higher value land uses. It is line with 20/10 development guide for the County - discouraging sprawl, encouraging natural resource protection, and protecting vital farm economy in County.

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

Mr. Kraft said stated that he is against the program; no reflection on the Blumer family whatsoever.

Chairman Rhinehart noted that this is the largest PDR that the County has received; the Blumer land spreads into Cayuga County and this involves an intermunicipal cooperative agreement with Cayuga County who is 100% behind this.

AYES: 6 (Rhinehart, Corbett, Rapp, Holmquist, Kilmartin, Warner); NOES: 3 (Stanczyk, Kinne, Kraft). CARRIED.

7. **WEP:** Randy Ott, Commissioner

a. **A resolution approving the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for the County of Onondaga, NY**

\$25 million authorization request to complete Midland project, Midland Phase III conveyance pipe; will convey 7 remaining overflows to Midland RTF for storage and treatment. Mr. Ott reiterated the explanation given at the Environmental Protection Committee meeting.

Mr. Kinne questioned why the construction company could pull out because they made an error on their bid. It was explained that they could have been forced to take the contract. All bids were rejected because they did not want to go to the second low bidder, which was \$20 million higher. Value engineering was done, changes in the scope were made; and there is a revised engineer's estimate of \$57 million. Mr. Kinne questioned that it is \$20 million higher, and asked why the second lowest bid was not accepted, as it is the same thing. Mr. Ott explained that it was felt to be too much, it was worth an attempt to go back and take into consideration some concerns raised by the bidding contractors. Mr. Ott reviewed some of the changes that were made. Mr. Kinne asked how effective the plant will be without this; Mr. Geisser, EEA, estimated it would be between 60% - 70%. Mr. Ott said that something would still need to be done with the remaining 7 CSOs by court order.

Regarding the mitigation money, there was a need to come back for authorization; the Intermunicipal City/County agreement was approved after the project was in place. Part of the agreement allowed the County to purchase some land to move forward on the projects.

Mrs. Rapp referred to the bids; the second bid is not an apples-to-apples bid to the first bid. Mr. Ott said that if they went to the 2nd low bidder, it would have been \$63 million more than what is being asked for today. Mr. Stanczyk said that it is not known that there will be a better bid; we are relying on the same estimates that we had before. Mr. Ott said that there is a new estimate; and the payment of the project will be changed. The first time, it was bid as a lump sum; the method of bidding was changed to a unit price basis. Mr. Corbett said that part of the suggestion on value engineering and method of bidding came through through some of the legislators. Chairman Rhinehart agreed that it was brought up last year in Environmental Protection Committee; noted that value engineering was not done until the bids were rejected. Part of the \$20 million increase, engineers' opinion of probable construction cost summary has \$5.6 million of it defined as sheeting and bracing; part was struts omitted from 4/2005 estimate. Mr. Geisser said it was a strict omission.

Mr. Kinne said that there is a history of estimates not being within ball park; feels the \$3 million mitigation money should be separated out. These projects have cost far more than what was said they would cost; the pipes should be separated and be done with.

Mr. Warner said that when the projects were put together; it was stated that they were the costs projected at that time; and the costs were projected with increases in construction, materials, etc. Mr. Mareane said that was correct. He referred to testimony and a slide show done in 1997; the project was discussed in 1997 dollars -- It would cost \$380 million; in the same presentation inflation costs were presented based on 1% - 5%, etc. Inflation outpaced what anyone thought would happen in 1997. Over the last 4 years construction materials have skyrocketed. It was understood in 1997 that inflation would happen and the cost would exceed \$380 million. Mr. Warner said that no one likes it, but we are too far along to say no at this point.

Mr. Kraft said that some things have gotten out of hand--the project on Clinton Street started at \$30 million and is now at \$128 million. Legislators are doing the right thing by digging into this and asking questions. He agrees that there is no sense in not proceeding; it is the responsible thing to do, as much as he dislikes it.

A motion by Mr. Corbett, seconded by Mr. Holmquist to approve this item. AYES: 6 (Corbett, Kraft, Rapp, Holmquist, Kilmartin, Warner); NOES: 1 (Kinne); ABSTAINED: 2 (Stanczyk, Rhinehart). CARRIED.

b. **Authorize the issuance of an additional \$25,478,433 bonds of the Co. of Onon., to pay the increased cost of certain improvements for the Midland Wastewater Treatment Plant in and for said Co.**

A motion by Mr. Corbett, seconded by Mr. Holmquist, to approve this item. AYES: 6 (Corbett, Kraft, Rapp, Holmquist, Kilmartin, Warner); NOES: 1 (Kinne); ABSTAINED: 2 (Stanczyk, Rhinehart). CARRIED.

8. **COMMUNITY DEVELOPMENT:** Linda DeFichy, Administrator

a. **Amending the 2008 County Budget to authorize the 2008 County Homeownership Program and authorizing the County Executive to enter into contracts (\$3,200,000)**

Construction financing for Home Ownership Program, \$3.2 million) *see attachment no. 1.* There is an overall loss of \$134,000 since beginning of the program.

In answer to Mr. Stanczyk about funds from the \$20,000 obligation from homeowner to pay if they move or sell within 10 years, Mrs. DeFichy said that the subsidies come from grants from the Home Program and NYS totaling \$800,000. The loss is the bottom line after the subsidies have entered into it; those are repaid through a revolving fund, current balance is approx. \$654,000. The \$134,000 loss has been made up by the \$600,000. There are regulations on that money from HUD; it has to be used for rehab related activities.

Mrs. Rapp asked about the elderly homes; Mrs. DeFichy said that they are not doing as much as they used to. If there is lead paint or children under 6 that even visit then they do the house. Lead paint is a priority now. They are doing a lot of ramp programs; enhanced - can do bathrooms, additions, etc.

A motion by Mr. Corbett, seconded by Mrs. Rapp, to approve this item. AYES: 8; NOES: 1 (KRAFT). CARRIED.

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

a. **A resolution authorizing various improvements at the Onondaga County Correctional Facility in and for the County of Onondaga, NY, at a maximum estimated cost of \$2,339,100 and authorizing the issuance of \$2,339,100 bonds of said County to pay the cost thereof (\$2,339,100)**

Mr. Cowin introduced Bill Lansley, the new Assistant Commissioner, Admin. Services.

- Capital improvement program, \$2.33 for roofing
- Roofing is 26 years old; replacing about 77,000 sq. ft of roofing, all flat
- Masonry work, \$288,000 included
- Type of roof will be part of bid process-a few new options are on the market now

In answer to Chairman Rhinehart, Mr. Mareane said it would be a 10-year geo bond; average debt service would be about \$320,000 per year.

A motion by Mr. Corbett, seconded by Mr. Warner, to approve this item. AYES: 8; NOES: 0; OUT OF ROOM: 1 (KRAFT). CARRIED.

10. **OCC:** Bill Emm, CFO

a. **Amend 2006-2007 OCC Budget to accept additional State Aid (\$348,709)**

- \$597,629 increase over adopted budget
- \$348,709 represents additional state aid earned as result of increases enrollment; \$248,920 increased tuition revenues; resolution accepts additional state aid.

In response to Mr. Stanczyk regarding the possibility of tuition increase, Mr. Emm explained that the Governor's proposed budget reduces the base state aid by \$50; key programs being reduced, a number of hits to budget that have to be funded - 3 sources of revenue: State aid, County's sponsor support, tuition and fees. It is something that would have to be considered, but a last resort. 2006-2007 finished in the black, about \$20,000-\$25,000 to fund balance; the budget money was already allocated (adjunct professors, classroom scheduling software, remainder into infrastructure) approved by Board of Trustees. Mr. Stanczyk indicated that some of it should have been put away for problems that are coming next year. Mr. Emm said that there are number of items that are removed from their budget every year while prioritizing to get to a balanced budget; and are trying to minimize tuition increases.

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

11. **WAYS AND MEANS MISCELLANEOUS:**

a. **PULLED**

b. **Memorializing the Governor and the Legislature of the State of NY to enact S.6461 and A.9395 relating to the Supervision, Coordination and Approval of Highway Routing Designations for the Transportation of Hazardous Materials and Municipal Solid Waste** (Mr. Corbett)

Mr. Corbett said that he is the liaison for the County for DEC Wildlife Protection; has come in contact with health issues and environment issues. For a number of years there has been concerns about trucks, particularly trash, that come up from NYC and cut across Route 41, Skaneateles, go through the village to get to Seneca Meadows landfill. A few years ago, a truck tipped over and the spill killed a lot of fish. There is concern about spills into Skaneateles or Otisco Lakes, which are water supplies for the City and County. The trucks could take Routes 390, Rt. 81 to Rt. 690 or Rt. 81 to the Thruway depending on which way they are coming from. This would keep the trucks on the main highways and not cut through the villages. Chairman Rhinehart said that the part of the legislation asks the Governor to designate DOT as the administrator to set certain highway routes for trucks carrying hazardous waste, including municipal garbage. The idea is to have a State agency be in charge of it. Right now any truck on the road can use any state highway. This has become a regional problem; it is through all of the Finger Lakes. A lot of the roads were not meant to have the kind of weight that they are getting. The bill passed the State Senate last year and stalled in the Assembly.

Mr. Kinne said that no matter what route the trucks take, there is a chance that they could potentially harm the community they are traveling through.

A motion by Mr. Corbett, seconded by Mr. Warner, to approve this item. AYES: 8; NOES: 0; ABSTAINED: 1 (Kinne). CARRIED.

c. **Memorializing the Governor and the Legislature of the State of NY to enact S.1820A relating to prohibiting certain sized trucks from operating on particular routes** (Mr. Corbett)

Mr. Stanczyk said that he would be more comfortable if this had a co-sponsor in the Assembly; this is not hazardous, it is restricting trucks of certain size of certain roads. Chairman Rhinehart explained that on lake roads DOT has set 48' limit. Right now this resolution is the law; but it is not done by legislative law, it is done by DOT. This is a formalization of that. Mr. Kilmartin said that right now it appears that the Commissioner of DOT, as opposed to State Police, has a great deal of latitude and discretion on enforcement of this issue.

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

d. **Authorize a public hearing to consider the MWB's proposed improvement and construction of covered storage facilities at the Onon. Co. Water District Eastern and Western Reservoir Sites** (Mr. Kraft)

Mr. Kraft said that he has been told that the County Executive is no longer favoring a particular bias on this. The public hearing would be held next month, followed by legislation to go ahead with the project. He doesn't feel the alternative is the best thing for the community. The interest cost will be higher; has heard \$50,000 at a minimum; constituents will have to pay it. Wages at OCWA are higher than at MWB; he does not know if there will be a cost to the oversight that they do to the constituents. Regarding resources and experience at OCWA; the County also has resources-an experienced law department, experience purchasing department, WEP who bids these kinds of projects-believes the County can do a good job with it. This is where it belongs. The water coming from Lake Ontario has been part of the Co. Legislature, and by virtue of that, it is nearest to the voters, nearest to the people.

Chairman Rhinehart asked Mr. Fitch to comment on the different procedure that would take place if MWB took this project forward. Mr. Fitch said MWB has conducted a SEQR; have done the preliminary soils investigation and site survey. The County has about \$300,000 to \$350,000 invested in the project-invested in preliminary engineering, design, and geo-technical services. MWB put a stop on it when it was learned that the Co. Exec. did not want the County to issue the debt. In the project design, there is about 120 days that it will take get approval to proceed with the project if the County does it. A public hearing needs to be held, need to come back for bonding authorization, need to go to State Comptroller's Office to get their approval; have to come back and have another resolution. If OCWA finances the project; none of that is necessary; there is savings of about a 4 - 6 months.

Mr. Holmquist supports this resolution; thinks having a public hearing, a full airing and being deliberative is the way to proceed; this is the step to take. The decision that will be made has far reaching implications for decades to come; it is critical to consider seriously Mr. Kraft's proposal.

Mr. Kraft proposed that his two resolutions be sent to session one way or another, in case the other option does not go forward and no time will be lost.

A motion by Mr. Kraft, seconded by Mr. Stanczyk to approve this item. AYES: 4 (Kraft, Holmquist, Kinne, Stanczyk); NOES: 5 (Rhinehart, Corbett, Rapp, Kilmartin, Warner). DEFEATED.

e. **Approving 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** (Mr. Kraft)

A motion by Mr. Kraft, seconded by Mr. Stanczyk to approve this item. AYES: 4 (Kraft, Holmquist, Kinne, Stanczyk); NOES: 5 (Rhinehart, Corbett, Rapp, Kilmartin, Warner). DEFEATED.

f. **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. Mareane stated that he believed the County Executive views this project as a critical priority; it is a mandate, it has to happen. The preference is to have OCWA do it for all the reasons that have been discussed in the last couple of months. If the legislature rejects it, the option is to have the Water Board do it using geo debt. Mr. Mareane said that he submitted a written response to questions from committee, and reviewed them briefly (*see attachment #2*).

Mr. Kraft questions if the feds would normally fund counties or authorities. Mr. Mareane answered that it wouldn't make a difference, if the goal is to protect the public supply. The challenge is to get parts of the project eligible for homeland security. There is a limited pot of money for the entire region, \$7-\$8 million.

Mr. Warner questioned why would the risk be taken by adding \$60 - \$90 million to the County's bond rating and possibly suffering. There is another opportunity in front of us, where the County would not need to take the risk.

Mr. Stanczyk maintains that the specter for some type of risk that the County would suffer a potential downgrade is absurd. He does not accept it. The cost of covering will be borne by the people that use the water. There is a need to get to putting the entities together, ask questions and determine how it will be done. There is a mindset to push things off that would be normal county concerns onto fees, off budget things; it also pushing things away from normal control.

Mrs. Rapp agrees with Mr. Warner to not take the risk if we don't have too; the control issue is a different argument. This has already been costed out by experts; it is a smarter business decision to do it through OCWA.

Mr. Kraft stated that the work that has been done in the Legislature is a major factor in the County's bond rating that exists today. Never in his 25 years at the legislature, when there have been requests to bond, has anyone said to him that it could jeopardize bond rating if debt was increased. What he is fighting for is the best interest of the people of the community.

Mr. Kilmartin said the full context to consider is the other short-term debt that the County may have to take on - increased debt for possible Midland project; increased debt for possible Clinton project, increased debt for possible capital projects at OCC; any other infrastructure such as DOT or other capital projects that may be entertained. This is a different scenario in comparing an entity's credit rating, not only vis-à-vis the stream of revenue being offset with the debt, but also increasing the total debt with all the other projects. There is an element of risk and it is very relevant.

A motion by Mr. Rhinehart, seconded by Mr. Warner, to approve this item. AYES: 5 (Rhinehart, Corbett, Rapp, Kilmartin, Warner); NOES: 4 (Kraft, Holmquist, Kinne, Stanczyk). CARRIED.

g. **Declaring the Week of April 20-April 26, 2008 as "Integrated Pest Management Awareness Week"**

Mrs. Rapp said that a pest management awareness week was held last year; brings together all sides of the issue for a better, more educated purpose for the community. Our county was given a national award for pest management education, which is being used as a national model across the country. There were over 100 different programs that occurred last year to teach people about the dangers of improper uses of pesticides. There is less pesticide use in this county every year. **Mr. Kinne asked to be provided with facts.**

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

12. **LAW DEPARTMENT:** John Sharon, Deputy County Attorney

Mr. Sharon reported that funds were previously authorized to negotiate a case pending in federal court - a Mental Health employee discrimination case. The funds will not be needed, none was spent as the case was withdrawn--no case pending at this time.

a. **Settlement of claims**

A motion by Mr. Corbett, seconded by Mr. Rhinehart, to go into executive session to discuss the pending litigation of Michael Angelo v. the County of Onondaga, and further to discuss the employment history of a particular individual. Unanimous; CARRIED.

***A motion was made by Mr. Corbett, seconded by Mr. Warner, to exit executive session and enter regular session.
Unanimous; CARRIED.***

No action taken during executive session.

Chairman Rhinehart adjourned the meeting at 11:35 a.m.

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

Related Documents

- [2-14-08 ENV PROT ATTACH 1 & 2](#)