

Office of the Onondaga County Legislature

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PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES - January 14, 2008
CASEY JORDAN, CHAIRMAN

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

ALSO PRESENT: See attached list

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

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

1. COOPERATIVE EXTENSION ASSOCIATION OF ONONDAGA COUNTY:

a. Confirming appointments to Cooperative Extension Association of Onondaga County Board of Directors (Mr. Casey Jordan, Mrs. Monica Williams)

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

3. ECONOMIC DEVELOPMENT:

a. Confirming appointment of Donald J. Western, Director of the Dept. of Economic Development

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

4. CONVENTIONS AND VISITORS BUREAU:

a. **Update: David Holder**

Mr. Holder displayed a piece that was in the Post Standard last Friday, which has been dropped by Rochester for 6 or 7 years. Syracuse now has its own newspaper insert; looking at the target areas: Ottawa, Albany, Wilkes-Barre/Scranton. It will be dropped on March 30th in Albany, Saratoga, Schenectady, Troy, Scranton, Ottawa, and Kingston. It will go to targeted areas of households with greater income of \$80,000; Syracuse will go to the full circulation.

Advertising sales efforts are going on now. A few months ago, CVB came with a proposal for \$175,000 to go into markets of Albany, Ottawa, Wilkes-Barre/Scranton. There is a need to drive cooperative, private funding for it. They are looking to have it essentially fully funded by private sponsors; 405,000 pieces will be printed, an estimated cost of \$125,000 - \$150,000. It will have the strongest reach of anything the CVB has ever done.

Pinkney Hugo Marketing Agency is helping with the \$175,000 investment. They are working on the right message, reach, and media. They are leveraging a good bit of their media buying power in affording very targeted television spots in the Albany, Scranton, and Ottawa markets. They have existing buys in the 3 areas.

The CVB website is undergoing massive renovations, centering around what makes Syracuse cool, entertaining, fun, and dynamic. It will focus on elements of shopping, culture, pampering, hospitality, culinary and sports.

Chairman Jordan asked how the piece is being funded; Mr. Holder said largely through private funding. Chairman Jordan asked if pop ups are being utilized, if they are effective, when people log into travel websites. Mr. Holder said that they launched an email program last year, which has been very successful. They have reached out to about 47,000 people per month since June. They have been doubled their database to contacts that they send information out to on a regular basis. They will continue that program, and through the other programs drive more contact names into the system. Email marketing is extremely effective in

driving short-term visitation. They are working to highlight special offers; packaging programs, combo tickets for multiple attractions.

Mr. Stanczyk referred to the \$175,000 given by the County, mostly for TV; asked if it will be spent around the same time that the newspaper inserts go out. Mr. Holder said that some will, but they will also balance it throughout the year; need ability to hit the fall markets also. Mr. Stanczyk asked for a one-page detail of how much and when the funds will be spent. He asked when results will be available; Mr. Holder said that results from the newspaper piece will probably be in around June. Mr. Stanczyk is also interested in the negative results.

*Ms. Williams arrived at the meeting.

Mr. Stott referred to the Syracuse Nationals, and asked what determines when CVB highlights events. Mr. Holder said that when they look at patterns seen in the key market areas, they see short-term planners. This type of a trip is planned out about a month in advance. The shelf life for a piece is about 3-4 months. If it drops March 30th, they will profile events for April, May, June, and July. The people who attend Syracuse Nationals, plan that trip a year in advance; it will be profiled in the newspaper piece. There have been conversations with Syracuse Nationals and leveraging cooperative buys within it. They are looking at other pieces that they can leverage against it to provide a nice profile of upcoming events.

Mr. Stott asked about putting more data on the website. Mr. Holder said that is one reason they feel the website needs a renovation. Mr. Stott asked about searchability; how proactive is the CVB about having Syracuse land at the top of the page. Mr. Holder said that they know that Google and other search engines are big on who is directing traffic, but they aren't nearly at the same level as the direct inputs; but they have to make sure they are on both tracks.

Mr. Jordan asked when the marketing efforts will show an effect. Mr. Holder said it will be in stages based on past experience. The day this drops there will be a huge spike to the website visits; the spike will stay up for awhile. They will see a corresponding spike in room tax receipts, sales tax receipts associated with visitation. Over time it will trickle in and out based on when programs hit. Tax collections and economic benefits will take time to gather. They will follow up again in the fall, which is the piece that will take the longest amount of time.

**Mrs. Rapp arrived at the meeting.

Mr. Stott referred to restaurants in the area and asked what communication is going on with them; possibly include and insert names of places not to miss. Mr. Holder said that culinary business is huge in Syracuse with restaurants and food products made here. This is a chance to profile them and get the information out there. People make travel decisions on where they are going to eat. CVB will tap into this and are working on profiling some out-of-the-way places. Also, they are emphasizing some culinary options in their emailer.

2. RESEARCH & DEVELOPMENT PARK: Joe Mareane, CFO

a. Discussion: Sale of Ley Creek property

Last month, there was discussion at committee about the disposition of the site. The reaction was generally positive. Last month there were questions and concerns expressed by the legislature that warranted more time to tighten up legislation and modify it to address the concerns raised.

There were 3 central issues of concern:

1. amount of time allowed to close the sale
2. assurance of unfettered access to and from the OCRRA site
3. clarification that the local law didn't enact a PILOT or a sanction of specific PILOT structure.

Subsequently, other issue arose that they have tried to address in the modified legislation:

- concerns about OCRRA's desire for additional land for parking, drainage, and future expansion
- the assurance for access to County buildings – pump stations on site
- County facilities – the way to address access to maintain, improve those facilities
- clarification on protections offered to County against any cost of environmental cleanup that may occur down the line

Mr. Mareane reviewed the revised local law as it pertains to the issues that have been raised:

- Open ended date for closing the sale – Section 9: 3 year deadline to close; Destiny's goal is to close before that
- Unfettered access to and from the OCRRA site – Section 4: easement reserve for ingress and egress; Section 4a – establishes as a condition of sale that the easement for OCRRA will be joint with the County; County will maintain the easement as a public road to guarantee unobstructed public access to and from the OCRRA facility
- Provide additional land for OCRRA's parking and drainage needs – Section 4e: 99-year, \$1/year lease additional land to OCRRA near the County's pump stations

Mr. Mareane displayed the area on a map. It provides OCRRA 8/10th of an acre for additional room.

- Clarify that legislation does not enact or sanction a specific PILOT, recognizes that a PILOT needs to be in place – Section 5: subject to execution of mutually acceptable PILOT as a condition of closing. Any such agreement would have to be mutually acceptable to the County, town, school district. This does not lock into a PILOT structure but is clear in saying that it will be a condition of sale.
- Clarify protections against future environmental cleanup – Section 2, 4b, 4c, 4f: confirm that Destiny will hold harmless, defend and indemnify the County against any claims arising from hazardous materials on site. The exception is natural resource damages.
- Concern about structures that the County owns and operates on the site now – County will protect control of those structures through an easement, typically done to protect underground facilities. Mr. Kilmartin had suggested that a more conventional, straightforward approach would be a 99-year lease.
- Make sure the County is not responsible for any additional, out of pocket expenses that go along with the sale – Section 4i: any such cost would be paid by the purchaser as opposed to the County.

Chairman Jordan discussed the following:

Section 4 – it does not make any reference to it being better to have an adjoining parcel for parking and drainage. Suggested that language be added.

Chairman Jordan referred to a scenario that was brought up wherein a crane was parked in the easement. He suggested that at the end of Section 4a that language be added such as utilizing any means available to the County without any liability of damages owed to the purchaser.

Section 4d -- he suggested including language relative to the County having an option to purchase --that which the pump stations are on, and the land that OCRRA would like to utilize. If the County felt it was in their best interest to own that land, then they could. By the same token, it does not delay the R&D Park from going forward.

Section 4e -- there is reference to Destiny terminating the lease to OCRRA for the parking and drainage purposes. He does not know if they would be utilizing it immediately; he suggested that a time period be included.

Mr. Mareane referred to the point about the easement to OCRRA for accessing the site; it wouldn't be covered by the easement - the triangular piece would be owned by Destiny and leased to OCRRA for the purpose of allowing parking and drainage. It is contiguous to their current site.

Mr. Warner supports economic development; this project is great but is trying to comprehend how it is going to coexist right next door to a dump. He asked if there is pressure to force OCRRA out; who will pay for the cost of forcing them out. He has heard a quote that the cost would be approximately \$30 million to put the facility somewhere else due to environmental laws. Mr. Mareane said that in the late 1980's there was a lot of speculation about how Carousel Center could occur with the sewage treatment plant on one side and oil tanks on the other. It has worked; and he is reasonably certain that it could work with the R & D Park; things can be done to buffer. If there is pressure to move OCRRA, that is good news because it would mean that things have gone very well on the first 51 acres and there is a market demand to keep going. The pressure would come from the developers, owners of the R & D Park. They would have to negotiate a sale by OCRRA to the R & D Park. It would have to be a good faith negotiation between buyer and seller. The only other pressure would be from the developer to the County; the County would have to put pressure on OCRRA; the ultimate pressure is a condemnation action. He is not sure what the condemnation law is with respect to one unit of government condemning another. Even if the County could, OCRRA would be assured a fair market value through the courts. Mr. Warner asked if OCRRA has condemnation powers, Mrs. Tarolli said that they do not. They have the power to condemn, but the County would have to approve it. Mr. Bulsiewicz said that OCRRA would have to have OCIDA or the County condemn the property. OCRRA can't establish a solid waste facility without approval by the legislature.

Mr. Warner asked if there should be an amendment to the contract that if the developer wants the transfer station gone, then he will be responsible for all costs associated with it. Mr. Mareane said that if at that time, Destiny wanted to expand and buy that parcel; they would have to sit down and negotiate a deal with OCRRA. OCRRA wouldn't want to negotiate a deal that didn't allow them to move to a different site. He expects that OCRRA's demand would be enough money to set up shop in some other location. Mrs. Tarolli indicted that she didn't believe it would make sense to have such an amendment, as the issue is not between the County and the developer; it is between OCRRA and the developer. Mr. DeMore said that they cannot force OCRRA out of there. Mr. Bulsiewicz said that the County does not have the ability to take the property by eminent domain. The law reads that for one governmental entity to take the property of another governmental entity, it has to be for a higher public use. It is OCRRA's expectation that the agreement would have to be between Destiny and OCRRA. In order to relocate, they may need condemnation assistance for OCRRA to move to, which would require the County's help. The OCRRA Board passed a resolution that states that if there were an attempt to take their site by eminent domain, they would fight it. The reason they would fight it is because they don't feel they would be adequately compensated sufficient to allow them to move to another location without burdening the taxpayers. Mr. Warner indicated that his concern is the taxpayers having to pick up the tab if the facility is moved. Mr. Bulsiewicz said that they have had engineering estimates done; the cost is in the vicinity of mid 20 million dollars, not including the relocation blocks to construct a facility that meets present standards. Mr. Bulsiewicz said that Mr.

Jordan's suggestions for changes to the legislation are excellent, and resolve a lot of OCRRA's concerns.

Mr. Rhinehart asked if the wetlands were delineated on the property. Mrs. Tarolli said that the map shows them on toward the west. He asked who owns the lots to the north, as they are landlocked. Mr. Mareane said that they are owned by the Town of Salina. Mr. Bulsiewicz said that Salina accesses their landfill from Factory Ave. Mr. Rhinehart asked if Salina uses the property; Mr. Rhoads said that Salina is under a consent order to clean up their old landfill, but is not sure of any larger public purpose at this time.

Mr. Stott said that that this type of agreement is in the interest of the Town of Salina. Salina is under an order to cap it, which could amount to \$20 - \$22 million. This is something that is beneficial to the town.

Mr. Rhinehart asked if the project is still subject to local planning and zoning laws; Mrs. Tarolli said that it is. Mr. Rhinehart asked if the PILOT involves the Town of Salina, as well as the County. Mr. Mareane said that it does, as well as the school district.

Mr. Stott referred to the language discussed by Mr. Warner. If OCRRA wants to relocate, and there is a 3rd party involved, the language might confuse the possibility unless Destiny is given right of first refusal. It might make it more difficult for a third party to come it.

Mr. Stott said that he is supportive of this; Town of Salina has invested over \$500,000 in the Mattydale Corridor heading up Rt. 11. The only other real availability for community development grant money is along Old Liverpool Rd., heading into Carousel expansion. There has been planning on this for 5 years.

Mr. Rhinehart asked if the Town has any issues. Mr. Aiken said that traffic, drainage, and sewer have been addressed. Mr. Rhinehart asked if between the wetlands and the drainage, will there be enough property left for the Destiny project. Mr. Aiken said that "yes."

Chairman Jordan said that he would like to have some of the changes made prior to voting on this item. Committee members agreed and stated that they would like to have some more time. The two items, SEQR resolution and the local law, will go to Ways & Means this month.

Mrs. Tarolli said that changes can be made through Friday, Jan. 25th, when the local law has to go on the desks.

Mr. Rhinehart made a motion to adjourn, seconded by Mr. Warner, 12:05 p.m. MOTION CARRIED.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – JANUARY 15, 2008
JAMES A. CORBETT, CHAIRMAN

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

MEMBERS ABSENT: Mrs. Winslow

ALSO PRESENT: Mr. Stott, see also attached list

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

4. OFFICE OF ENVIRONMENT: David Coburn, Director

a. Confirming appointment of David Coburn as Director of the Office of Environment

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

5. ONONDAGA COUNTY SOIL & WATER CONSERVATION DISTRICT:

a. Confirming appointments to the Onondaga County Soil & Water Conservation District Board (Mr. James Rhinehart, Mr. David Stott)

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

1. LAKE IMPROVEMENT – ACJ Update: Mrs. Sue Miller

Midland Phase II:

- continuing finishing work
- started testing i.e. HVAC, electrical, plumbing, etc.
- fencing is complete; landscaping is complete for now—will have to go back in Spring
- painting continues on interior of RTF
- Blaine St. opened this month
- 95.7% of total contract amount has been paid

Midland Phase III:

- building demolition--Titan Wrecking, issued notice to proceed on 12/26/07 (also involves demolition of bldgs. on Wilbur Ave. for Harbor Brook project)

Sewer Separation:

- Final work on Parkway & Rockland
- Installed 100 linear ft. storm sewer on Temple Place
- Installed 2 storm water manholes, 1 sewer manhole, and a catch basin
- Finished all pre-winter road restoration work; will go back in Spring for final milling and paving
- Notice sent to Bissell residents to advise of construction, later delayed to Jan. due to weather – work was done last week during break in weather – new storm sewer was put in.

Clinton Phase I Conveyances:

- Continue to install conveyance pipe to hook up combined sewer (Dickerson St., W. Onondaga St. area) overflows to Clinton Facility

Mr. Rhinehart asked what would happen to the conveyance pipes if Clinton were not built. Mr. Ott said that they would be left in place and not used. Mr. Rhinehart asked if they could be hooked up to the Midland Facility. Mrs. Miller said “no”; the facilities are designed based on volume. Mr. Ott said that they are large gravity conveyance pipes designed to flow toward the Clinton RTF. Mr. Rhinehart asked if the pipes can handle more than a one-year storm. Mr. Ott said that he would have to check with the engineers, but they are designed for the one-year storm.

Mr. Masterpole asked how much money would be lost if Clinton were not built. Mr. Ott said that Phase I was approximately \$14 million.

Clinton Conveyances Phase II

- Published bids in November
- Opened bids on Jan. 9th-- bid openings & amounts are included in the report; the apparent low bidder was under the bid estimate. Bids are under review.
RTF
- Bids extended again until Feb. 1st to allow more time for the County to review; all of the contractors agreed

Mr. Rhinehart asked when bids are extended, if vendors re-bid. Mrs. Miller said “no”; they have the option of not granting the County the extension. When they grant the extension, they are holding to their bid. Mr. Mack said at the end of the period, the County can still reject all bids.

Mrs. Miller stated that there has been discussion regarding bacteria; there has been some information in the paper. In looking at sampling results that the County collects, OEI and Sam Sage, Atlantic States Legal Foundation, have talked about the concern for dry weather bacteria that is showing up. In wet weather, when stormy or snow is melting, there may be problems with combined sewer overflows. Combined sewer overflows are under court order per the ACJ. They started out with 70 combined sewer overflows when the ACJ was signed in 1998. Some projects in the court order are aimed at upgrading the Metropolitan Treatment plant and the other half are aimed at the combined sewer overflows. She agrees that data shows that during dry weather there are bacteria in the creek. She said that there are also bacteria in the creek associated with the combined sewer overflows, which is one of the reasons cited in the court order that they have to do the combined sewer overflow projects. There are 3 items that that the County is required to take care of: 1. reduce the volume of the combined sewage getting into the creek; 2. floatables that come out of the overflows; 3. meet bacteria standards in the lake. Although they agree that there are bacteria in the creek, even in the dry weather, it doesn't mean that they can just stop the combined sewer overflow projects. There are bacteria in the creek and lake related to those combined sewer overflows, and the County is required to do the projects under the court order. She said that they are meeting with OEI, trying to work together to establish a sampling program for dry-weather bacteria so that they can help determine what the source is of the dry weather bacteria. It might be more than one source. They plan to go to the

ACJ All Parties Meeting (EPA, DEC, County are present) and present a proposed sampling program. The meeting will be held on Jan. 24. Chairman Corbett asked if Atlantic States is part of that meeting; Mrs. Miller said that they are.

Chairman Corbett said that you can't go underneath a building to stop it. Each building, whether it is City, County, or private owner, would have to capture it inside the building to separate it at that point. At that point, it would become the responsibility of whomever owns the building. Mrs. Miller said that in areas where there is sewer separation and there are commercial, multiple-residential buildings, the County goes in and separates their internal piping so that roof drains do not go into wastewater pipes. It has been done on a couple of buildings. Most of the sewer separations have been one and two-family houses, and there is not a requirement to separate them. In downtown, they would have to go into every building to check to see if the connections were there and literally separate the piping. Mr. Kraft asked if the County pays for that. Mr. Ott said that the County would pay if they were going to do sewer separation in other areas than what has already been designated. Mrs. Miller said that it is one of the considerations when weighing the balance of disruption and cost. Chairman Corbett said that it was examined when the plan was being put together. At the current costs of combined sewer overflow projects, the idea of doing sewer separation through all of that area would at least double the costs.

Mrs. Miller said that the sources of the dry weather bacteria could be illegal connections; leaks in existing sewers, a variety of things. The sampling will determine where they are occurring, then there has to be a track down study to find the sources. Mr. Rhinehart said that some of it is farmland—get bacteria from runoff; Soil and Water works on better management practices on farms. Mrs. Miller said that this area in particular is the stretch within the city.

Mr. Jordan asked if OEI weighed in on these issues when the ACJ was being negotiated originally; questioned why this is coming up now, after spending millions of dollars on work that has already been done. Mrs. Miller said that Atlantic States weighed in because they are one of the parties to the ACJ, and they just signed the stipulated amendment last year. They got into the monitoring data, based on this new information regarding dry weather, and they are saying it needs to be addressed. Mrs. Miller said the County is saying that it needs to be addressed also, but that it doesn't take away from the fact that there are still CSOs that are a problem. Mr. Jordan asked if this is new monitoring information or was the information available back when the issue first came up. Mrs. Miller said that it was available.

Mr. Jordan said that every time this issue comes before the committee, the cost to the taxpayer keeps burgeoning by tens of millions of dollars. He wants to avoid spending tens of millions of dollars and then 10 – 15 years from now, have someone come back to say that in hindsight it should have been done differently. Mrs. Miller said that the work being done on CSOs is still required; it will result in environmental improvements. Mr. Jordan suggested that instead of addressing individual portions of it at different times, it needs to be looked at as the overall problem and how can it be accomplished in the most cost effective, efficient means possible. He does not want to do it "postage stamp"--addressing one problem today, then a different problem tomorrow, with possibly funding things that were previously done to now address a different situation. Mrs. Miller said that her opinion is that they will probably identify sources that are upstream from where they are working now. She said that their work is very much focused around the CSO outlets and the new pipes are in there. She said that will still take care of this problem, and she doesn't know that it would interfere in anyway with solving the dry weather issues. Mr. Jordan questioned if this should be done in any different way in order to account for other source problems. Mrs. Miller said that they have discussed that and do not feel there is that need.

Chairman Corbett said that one of the reasons that this is being discussed is because there has been communication in the newspapers; legislators have received personal communication. It is being addressed and meetings are being held. He is hopeful that both caucuses and the legislature as a whole will take whatever communications back and discuss it and then decide how to move forward.

Mr. Masterpole asked if the levels of bacteria are higher during wet weather. Mrs. Miller said that they are. He said that RTFs are cutting the level of bacteria; Mrs. Miller agreed and said that one of the things they are designed for is to address the issue of bacteria. Mr. Ott said that dry weather bacteria in the creeks are about 1,000 – 2,000 coliforms; wet weather bacteria in the creeks are in the 100,000's of thousands, if not millions. That is why they feel these items are

totally unrelated. The situation is completely different when it rains; when the system is overwhelmed and flushes all of the untreated wastewater into the system, versus a nice sunny day when there is no overflows. There may be a leaky connection or a leaky sewer that needs to be repaired.

Mr. Masterpole asked if the new building standards require separation. Mr. Ott said that he understands that if there are combined sewers, and you remodel or rebuild; you will still be allowed to connect to the combined sewers because that is what is there. If building outside of the combined sewer area; there are separate sanitary and storms, and that would not be the case. Chairman Corbett said that this may need discussion with another government entity.

Mr. Rhinehart said that our last government grant is being used at Midland; in moving forward with Clinton, there are no Federal monies left. Mrs. Miller said that there are none at this time. Mr. Mareane said that there is a continual stream of State money; about \$10 million/year. Mr. Rhinehart asked if the \$15 million project for Clinton St. conveyances has been budgeted for. Mrs. Miller said that it has been.

Mr. Kraft, referring to the pipeline, said that it has been stated that if the project were stopped, the \$15 million would be wasted; but to avoid it being wasted, we are going to spend \$80 million. The project was originally estimated at \$30 million, then \$70 million; then \$111 million; now the bids are higher than that, looking at \$120 million. He wants to have peace and certainty that every other possible alternative has been considered. He asked if this will be re-bid or stopped. Mr. Ott said that the County administration is currently reviewing the issues with the Clinton RTF and this project; they will ask for a special committee meeting to be held next week to bring forth what is proposed. Mrs. Miller said that they have looked at alternatives. Mr. Kraft said that after the ACJ was signed, the State changed the parameters, which caused a significant increase in the price; he asked about suing the State and going back to the old parameters. Mr. Ott said that it was a 90% design storm vs. a 1-year design storm; the current RTF for Clinton and pipeline is for a 1 year, 2 hour storm, which gives a little higher level of protection.

Mr. Jordan said that if the dry weather discharge was not factored into part of the discussion with the overall ACJ project, perhaps we can now go back to the Federal or State Government and say that we need help. This is something different than discussed before. Mrs. Miller said that they are hopeful for that; the State and Federal Governments have shown a lot of interest in what is happening in the dry weather; they hope it generates some funding support. Both EPA and DEC have a lot of interest and mentioned possible funding.

Mr. Masterpole asked if the dry weather levels are considered safe according to DEC and EPA standards. Mr. Ott said Onondaga Creek is not safe to swim in because it is a flow channel, and if the levels are greater than 200 for coliform bacteria then they exceed the State standard for water quality. The bathing/beach standard is 1,000. Mr. Masterpole said that dry weather levels are nearly impossible to identify; can the RTFs be used for filtration. Mr. Ott said that they are not set up to do that. Mr. Masterpole fears that all of this money is spent, researched to death, tested to death, and at the end of the day the levels are still in the 1,000s. Chairman Corbett said that part of this is addressing things up stream, which would keep it separate from the CSO. Mr. Masterpole said it will be hard to locate the roots of the problem; Mr. Ott said that there are methods that can be used, which is part of the plan. Mr. Masterpole asked if the RTFs are not completed enough to take the second step to see why the dry weather bacteria is occurring. Mr. Ott said "no", it is two separate problems. The RTF was designed to disinfect wastewater during wet weather. Part of the study is to do sampling within the creek, determine reaches where there is dry weather bacteria, then try to identify where it is coming from.

2. WATER ENVIRONMENT PROTECTION:

a. Confirming appointment of Randy R. Ott, P.E. as Commissioner of the Department of Water Environment Protection

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

b. Pulled

c. Pulled

d. A resolution calling a public hearing in connection with proposed improvements to

the Midland Regional Treatment Facility and Conveyances Project for the Onondaga County Sanitary District

Request to hold a public hearing for an increased cost at Midland Regional Treatment facility and conveyance projects with eventual request to increase the authorization and bonding for this project for \$25 million.

- Bids were opened in June; they came in over the engineer's estimate
- At a post-bid meeting, Delaney Construction, \$43,654,000, low bidder, determined that they made a bid error and asked to be get out of bid
- The bids were reviewed; a decision was made not to award to the next low bidder, which was \$20 million more.
- All bids were rejected
- Have done value engineering with the design engineer and program manager, CDM/C&S
- A number of items were examined regarding construction of the pipeline; suggestions from contractors at bid time were taken into account
- Made revisions to project, not in terms of intent of project, but how the project would be put together, providing some better definition and understanding of bypass, sheeting requirements, construction type activities (*detail on file with Clerk*)
- Spent considerable effort to improve the project, be in a position to receive better bids when re-bid in early Feb.
- \$25.6 million increase requested: \$21.6 million construction; \$1 million additional engineering & inspection; \$3 million community mitigation (part of County/City Intermunicipal Agreement)
- Will complete remaining portion of pipeline; bring in 7 combined sewer overflow outlets into RTF on Midland Ave.

Chairman Corbett questioned how many CSOs this takes in. Mr. Ott said it is a total of 11, but Phase III takes in 7. Mrs. Miller said that 3 of the larger overflows that will be coming in are: Tallman St. conveyance line, Bellevue Ave. CSO 042, and Midland CSO 043. They will be going to the plant as soon as they start operating. The first is around CSO 044.

Mr. Ott said they are asking for \$25 million based upon a revised engineer's estimate of \$57 million. The engineer's estimate is based on current construction costs--costs indexed through recent bids. If the bids come in higher, there is a chance that he will have to come back to the legislature to ask for additional funding.

Mr. Masterpole asked what Delaney's bid error was. Mr. Ott explained that they had included pipe that was not in the specifications; it was a \$1-\$2 million error on their part. Mr. Masterpole asked if they can be allowed to amend their bid. Chairman Corbett said that once a bid is put in, it is a locked bid, unless it can be shown that it was misinterpreted. Mr. Ott said that they expect that the bid will come in between Delaney's bid and the second lowest bid. A big change was that it was a lump-sum job, now it is a unit price job. This way they can compare prices from the bidders. Mr. Masterpole asked if Delaney will be allowed to re-bid; Mr. Ott said that they can. They are the contractor on the Clinton Phase I job and the low bidder on the Clinton IIa job.

Mr. Rhinehart asked how the engineer justifies, after the bidding process, that the specifications that were put out need revision. Mr. Ott said that when the bids came in, he sat the team down and challenged them to ask what can be done to reduce the cost of the project, while keeping the intent that they need to pick up the seven CSOs; bring those to a completed RTF facility; and maximize that facility. Many different alternatives were evaluated; a number of them did not result in cost savings. As a result of value engineering, they looked at other issues to bring the project to a reasonable amount of money, considering that construction costs have escalated significantly in the past year or two. Mr. Rhinehart said that engineering costs do also. Mrs. Miller said that CDM/C&S spoke to a lot of the contractors to see what they considered in putting their bids together-- if there were places where changes could be made, not in terms of the project, but in how they can do it. Some results were: more places identified where they could put their materials (lay down areas); removing sheeting and reusing sheeting—not leaving it in. These were things based on directly hearing from the contractors what considerations they had in putting their bids together. They tried to incorporate any that they could in the revisions. Mr. Rhinehart said that there is a 10% increase. Mrs. Miller said it is based on how the bids came in originally and re-looking at the cost, but the value engineering was also taken into account and many changes were made.

Mr. Kraft said the original estimate on this project was \$37 million; now is revised to \$57 million. He wants to know if the people that made the estimates have any responsibility to us. This is a \$57 million project based on their estimates, and it's not working out very well. He asked if they

will be sued. Mr. Ott said that it has not been contemplated at this point. Mr. Kraft said that there have been \$60 million in fees on this project; we need to demand better.

Mr. Jordan is uncomfortable with the way that the County handles the bid process; he questioned a year ago if there was any legal reason to do it in the current fashion. He still does not have a good answer as to why the County does it this way. He feels these projects should be put out to bid, get the bid, decide which is the most responsible bid, come back to the legislature, and then seek approval for that amount of money. He does not think that approval should be given, bids received, then come back to the legislature because the bids all came back higher. Mr. Mareane said that if contractors are asked to prepare bids for a multi-million dollar projects, they need to know that the County is prepared to go forward with that project. If there is uncertainty about whether there will be funding authorized for a project, then the contractors will pack that additional risk factor in their bids; bids may well come in higher. Mr. Jordan replied that the County puts out bids because the work has to be done, i.e. ACJ; it seem that contractors have a pretty good assurance that if they put a bid in and it is accepted, that the work is going to be done. Mr. Mareane said that he feels it builds a risk in.

Mr. Rhinehart said that when the legislature calls for a public hearing, it sends a message to the public that the project is ready to go forward. He is not ready to go forward and will not vote for the public hearing. For this to go forward, a public hearing needs to be held and a no vote sends a message to the Executive side that this is enough. Mrs. Tarolli explained that the public hearing is required; it is a 2-month process; there has to be a public hearing, wait a month and then bond.

Mr. Mareane stated that the County is under a court order to do this project. The facility at Midland is essentially done; now need to make connections to the plant to deal with what is being discharged in the creek. There are deadlines that the County has to meet in order to comply with the court order. There has been a series of bids; discarded bids; value engineered; trying to get the cost down. The engineer's estimate originally was substantially less than what is now known that the market is going to require doing this project. When the engineers originally did the estimate, it was in the last '90's when global competition of building materials didn't exist, which has driven the cost of steel and concrete and everything else sky high. Everyone is taken back by how much the project will cost, but it doesn't mitigate the fact that this is under a court order and has to be done within a certain period of time. Mr. Ott added that there is only a handful of months floating before bumping up against the ACJ deadline, assuming that this moves forward now and all goes smooth.

Mr. Masterpole asked if there was going to be a special meeting later this month to hear the new administration's positions. Mr. Corbett said that there would be a meeting for the items that were pulled and any other information. It will probably be on Friday, January 25th. **Mr. Masterpole made a motion to hold this vote until the special meeting is held**, as he feels that information is relevant. Mr. Mareane said that the County Executive has reviewed it carefully and has signed off, which is why the item is here today. The Clinton items are still under review, which is why they have asked for more time.

Chairman Corbett said that Mr. Stott has asked to make a comment; he will give him the opportunity assuming it is pertinent to the discussion going on now.

Mr. Stott said that this is a good discussion; he is very confident that this group will bring a lot of good things to the legislature; there have been a lot of good things brought up today. He is sitting with a knot in his stomach because he has the lake, Bloody Brook, Salina Landfill, and a lot of sewer problems in his district. He has a responsibility to bring the issues of his district to you to avoid lawsuits from his residents, to avoid one governmental agency suing another; DEC coming down on us for compliance. We need to avoid all of that; it is all wasted money; it is taxpayers--it is wasting tax dollars. There is a lot of talk about \$1 million here and \$10 million there. He has met with the new Dewitt Supervisor and Mayor of East Syracuse. Mr. Kraft said that this is not germane to the issue that the committee is dealing with. Mr. Stott said that he is tying this all into one final thing. Mr. Stott said that he is in discussions with all of these things--not specific to Floradale Road. In discussions with all of these people, and rightfully so, we are talking about this specific project; and commended the committee for challenging C&S with their underestimate on the spending. He urged, in "environmental protection", to really think about what it means. It is not protecting the planet; it is protecting the people that live on the planet. He could care less

about Mars or Venus; if we don't take care of what keeps people healthy here, which is our primary function. One of our main functions as a government needs to be keeping sewage in its place, and there are a lot of problems. When thinking about \$10 million, the fact of the matter is that there is a lot of stuff going on behind the scenes; a lot of conversations. He will be bringing this to the Chairman in the future. There is actually a lawsuit potentially coming out in late January or early February. Mr. Kraft said that none of this has anything to do with the topic. Chairman Corbett agreed. Mr. Stott said that he wanted to make the committee aware that there is a possibility that you are looking at countywide, with the different municipalities, \$1 billion in possible repairs that need to be made and there needs to be a change in the way that we do things. There are a lot of intelligent people communicating behind the scenes. He is not even at the bottom of the list; there are people a lot smarter than him that he has been talking to. They will be coming to this body and he has confidence in the discussion that he heard today.

Chairman Corbett indicated that Mr. Stott's conversation was concluded and noted that in the future, there is protocol that has to be followed, which would go before the committee and the Chair.

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

Chairman Corbett said that this item can go to session, as it has been considered.

3. METROPOLITAN WATER BOARD:

a. Local Law Authorizing a Right of Entry and Easement to the Onondaga County Water Authority to Construct, Operate, Maintain and Repair Covered Storage Tanks and Connections to the Water Supply System – David Fitch, Administrative Director

b. Approve the Classification of a Type I Action under the SEQRA; Declare Lead Agency Status; accept the Full Environmental Assessment Form; and Accept and Adopt the Negative Declaration for the Construction of Covered Storage Tanks and Connections to the Water Supply System

Mr. Fitch said that the two items on the agenda were discussed in November of last year. They went to Ways & Means Committee in Dec., referred back to this committee for further consideration. The terms and action have not changed since December.

He provided a brief overview:

- System has 3 open finished water reservoirs
- Filter water from Lake Ontario, in Oswego, at the water filtration plant
- Pump water into Onondaga County; it enters the first open water reservoir at Clay (Terminal), where the administrative offices are
- 2 other open finished reservoirs – 20 million gallon in Manlius, 100 million gallon in VanBuren
- Finished water reservoirs because the water in them has been filtered, treated
- When the water comes out, the only thing that happens is that it is disinfected with chlorine
- Due to regulations, water systems are now required to cover open finished water reservoirs
- Have looked at options; study done in 2005 as to the best way to do it
- Best way to address it is to build concrete storage tanks
- Have proposed building a 20 million gallon tank within one of the bowls of Western Reservoir; build 2 tanks in Manlius (Eastern), put 30 million gallon reservoir next to the existing 30 million gallon reservoir; once the new tank is built, they would abandon the existing open reservoir and build another 20 million gallon reservoir in its place
- \$60 million - estimate for the project of covering Eastern and Western only
- County Executive's office does not want the County to issue the debt associated with the projects; they have been discussions for over a year looking at alternatives projects as to how these tanks can be financed
- Have worked with OCWA; in Nov. MWB reached an agreement that would provide for the Authority to construct the tanks and issue the debt, instead of the County
- Tanks would be constructed on County land
- OCWA would own and operate the tanks
- County would grant them a 40-year right of entry to have the tanks there
- County would relinquish ownership of the storage
- MWB would continue to have long-term agreement to sell water to OCWA at rates confirmed by the Legislature

Mr. Fitch said that the project needs to move; have been looking at it for a couple of years, there is a deadline of April 2009 to either cover reservoirs or be on State-approved schedule for compliance. It will take 3 – 4 years to construct the tanks. Mr. Kraft said that the County owning the facilities was waylaid by the idea of assuming the debt, which is a position from the administration. He asked what the “big deal” is if the OCWA takes on the debt, then the users will pay it off over the years. If the Water Board, or County, takes on the debt, the users are going to pay it off over the years. Mr. Mareane said that it is the administration’s belief that there won’t be any difference at all in terms of the ability to store water; nothing changes on the operation side; essentially have outsourced the storage of water in the 2 locations. Operationally, there is no effect at all. Fiscally, there is currently \$399 million of debt outstanding; this one action will increase the amount of outstanding debt by 14%. If we cover Central, it will have the effect of increasing the outstanding debt by 20%. The rating agencies will look at it; it is self sustaining debt, so they look at it a little differently, but they will look at a 20% increase in outstanding debt very quickly. If the County’s ratings slip by even a tick, it will effect the cost of borrowing for not only this project but also for every other project that the County does. By allowing OCWA to do this without affecting operation, the County avoids a potential risk. Mr. Kraft said that we have increased the debt by leaps and bounds for the sewer projects. Mr. Mareane said that with all the other pressures and competitions for County debt, questions if we really want to add another 20% on top of it and contribute to a tipping point on ratings. It is a risk factor that has to be taken into account. He feels that if operational concerns are covered, and the risk factor can be avoided, then that is how it should be done.

*Mr. Kraft left the meeting.

Mr. Masterpole asked about Homeland Security issues. Mr. Fitch said that there is no mandate, but there are ancillary benefits that from covering the reservoirs. Mr. Masterpole asked if the City of Syracuse obtained Homeland Security dollars. Mr. Fitch said that he believes the City got about \$3 million towards the cost of covering Westcott Reservoir--not sure if it was through Homeland Security funds. Mr. Fitch said that the County has been looking; they have contracted with a specialist to seek funds from federal or state government. Other than State Drinking Water Revolving funds, which this project has been below the funding level, they haven’t found any.

Mr. Rhinehart made a motion to approve items 3a and 3b; seconded by Mr. Jordan. Passed unanimously. MOTION CARRIED.

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

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HEALTH COMMITTEE MINUTES, January 16, 2008
ROBERT D. WARNER, CHAIRMAN

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

MEMBERS ABSENT: Mrs. Winslow

ALSO PRESENT: see attached list (Attachment 1)

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

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

1. HEALTH: Dr. Morrow, Commissioner of Health; Ms. Linda Karmen, Deputy Commissioner of Health
- a. Abolish Director of Special Health Services, Grade 35 @ \$64,753 - \$91,357 effective February 16, 2008
Create Program Coordinator (Education/Handicapped Children), Grade 14 @ \$54,414 - \$63,603 effective February 16, 2008
Create Administrative Aide, Grade 7 @ \$32,429 - \$35,841 effective February 16, 2008

Create Nutritionist, Grade 10 @ \$41,171 - \$45,555 effective February 16, 2008

Create Environmental Health Technician II, Grade 9 @ \$38,313 - \$42,378 effective February 16, 2008

Create Outreach Worker (Health), Grade 4 @ \$25,909 - \$28,597 effective February 16, 2008

Dr. Morrow introduced Ms. Karmen as the new Deputy Commissioner of the Health Department. Dr. Morrow noted that the positions listed above relate to three separate programs: the first two – the Division of Maternal and Child Health, the second two – the WIC program and last two – the Lead Program.

Ms. Karmen addressed the first two positions, reviewed that an effort began a year ago to reorganize the Division of Maternal and Child Health to be more effective and efficient in coordinating all the services that the Health Department provides to children and mothers in this community. They would like to level out the organizational chart so that every program is headed by a Program Coordinator, with the exception of the Nursing Division, under the Division Director of Maternal and Child Health, would like to abolish the Director of Special Health Services and create a Program Coordinator. Ms. Karmen distributed an organizational chart for the Division of Maternal and Child Health (attachment 2) and title descriptions for the positions they would like to create (on file with Clerk). Concerning the position to be abolished, Ms. Karmen said that it was her position before she was promoted to Deputy Commissioner. The Director of Operations and the Administrative Aide would assume the administrative responsibilities of the title to be abolished. The Program Coordinator position that they would like to create would overlap Early Intervention and Preschool; currently have two individuals who have been sharing a Pre School Coordinator position and they would like to increase one of those individuals from .7 to one full time equivalent. There will be 2.7 FTE's overseeing Early Intervention and Preschool.

Mr. Laguzza asked if the Program Coordinator would be slotted between Early Intervention and Preschool on the chart handed out. Ms. Karmen said yes. Ms. Karmen said they are taking the Early Intervention funding that was previously aligned with the Director of Special Health Services position to cover 50% of the Program Coordinator position. Ms. Mignano said it works out to a salary savings.

There was a lot of discussion concerning the flow chart handed out at the beginning of the meeting. Dr. Morrow had copies made of their flow chart of 9/4/07 (attachment 3) to help explain how they plan to level out the division by using Program Coordinators.

Dr. Morrow explained that with the new chart they have three program coordinators, one is straddling between Early Intervention and Pre-K to ensure that coordination still occurs after the abolishment of the Dir. of Special

Health Services. Mr. Kilmartin asked if in the future there would be another Program Coordinator for Children with Special Health Care Needs. Dr. Morrow replied no; that is absorbed into the others.

Mr. Warner asked for confirmation that there would be no increase in the Budget due to this restructuring; Dr. Morrow said there would be a net salary savings of over \$11,000.

In answer to Mr. Lesniak, Dr. Morrow said Community Health Nursing has a Director of Nursing, Nutrition has a Program Coordinator, Outreach and Education has a Program Coordinator. Mr. Lesniak asked if PCAP, Immunizations and Home Visiting, listed under Community Health Nursing, have Program Coordinator positions; Dr. Morrow said they are nursing supervisor positions. Mr. Lesniak said he is concerned that the other categories seem to have supervision, but in the Early Intervention and Pre-K, which is probably 50% of the budget, supervision is decreasing. Dr. Morrow said the services for these programs are very well established, have service providers throughout the community. Nurses going out to the homes need direct supervision; Early Intervention and Pre-K are more programmatic, they have a lot of service coordinators, if a child has special needs, that child will have a coordinator associated with that child.

Mr. Laguzza noted that on the first chart handed out, the Medical Director reports to the Division Director, on the old flow chart the Medical Director was on the same level as the Division Director. Dr. Morrow said the Medical Director is a contracted position and acts as a consultant; her role doesn't change. Ms. Serrao, Division Director, said she thinks the Medical Director is positioned that way due to lack of space on the chart; she is there part time, but is always available although not physically in the building; there are areas where her expertise overrides Ms. Serrao. Dr. Morrow said they will make changes to the flow chart – will add the third Program Coordinator straddling between Early Intervention and Pre-K and will have the Medical Director even with the Director of Division of Maternal and Child Health.

In answer to Mrs. Rapp, Dr. Morrow said there is a very big difference between the Early Intervention and Pre-K programs, they have very little control over the Pre-K program; program that is run by State Ed, but the Health Department is responsible for it; hopefully in the future there will be a resolution that will make it easier. Dr. Morrow said she does not expect any negative programmatic changes as a result of this organizational chart.

Ms. Karmen addressed the next two positions relating to the WIC program – Administrative Aide and Nutritionist; positions are

100% federal and state funded and would be abolished if the grant funding were terminated. The Administrative Aide position relates to new requirements by New York State for quality assurance, implementation of a time study of nutritionists and increased continuing education for nutritionist. Nutritionist title is also included in the 2008 WIC funding cycle. New York State sets the caseload for the WIC program and it has increase this year, a new food package has been introduced for the nutritionist to provide for clients (includes a more diverse choice of food items) and nutrition counseling and education is now required to be provided by a nutritionist title.

Ms. Karmen addressed the last two positions that they are requesting to create: Environmental Health Technician II and Outreach Worker; both relate to the Primary Prevention of Lead Poisoning Pilot Program. Grant is provided by New York State Department of Health for targeting to specific areas for primary prevention of lead poisoning. Requesting the Environmental Health Technician II because they will be increasing the number of inspections per year by 150. Person will be coordinating inspections and follow-up; hearing and enforcement activities will also be overseen by this title. Outreach Worker would provide support in the community for primary prevention relating to community and faith based organizations, will generate referrals for these lead inspections, distribute educational materials, attend public meetings to make sure that the public is informed. Dr. Morrow said the positions are 100% grant funded and would be eliminated if grant funding were terminated.

In answer to Mrs. Rapp, Ms. Karmen said the Primary Prevention Lead Program is targeted at three specific zip codes: 13204, 05 and 08.

Mr. Buckel asked how many inspections are done presently. Ms. Turner said in excess of 300, based on children who have been identified as having lead poisoning.

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

b. Transfer of funds from Regular Employee Wages Account 101 to Professional Services Account 408 (CFS, \$15,000)
Ms. Karmen said the fund transfer is a year-end cleanup.

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

2. MEDICAL EXAMINER:

a. Confirming appointment of Mary I. Jumbelic as Medical Examiner

Dr. Jumbelic said she has been the Chief Medical Examiner since 1998 and has been working there since 1995. Currently have 16 staff; death investigators now have the opportunity to become certified within their specialty through the American Board of Death Investigators, currently have three investigators certified and pathologists are board certified. They have a good rapport with the community, are popular in the sense that they are very much like the CSI image popularized in the media. Mrs. Rapp asked if they are having a problem with recruiting. Dr. Jumbelic said it is not a problem recruiting as much as that there are not people out there with the education experience yet, interns at the office are filled six months or more ahead of time (work with SUNY and LeMoyne), they get very qualified applicants for these unpaid positions, have had overwhelming feedback that they are getting a lot out of it. Dr. Jumbelic said they do a lot of community education that is voluntary; doesn't want to stop that, but may want to consider doing a lecture series to police, doctors and different groups to bring in some revenue.

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

Mr. Laguzza asked about revenue contracts - whether up or down. Dr. Jumbelic said they don't have restrictive contracts, but they are steady with the numbers that are coming in and increased their professional fee schedule this past year. Office is regional, have three counties that they work with daily - Oswego, Cayuga and Madison, do most of their work.

A vote was taken and passed unanimously; MOTION CARRIED.

3. LONG TERM CARE:

a. Confirming appointment of Roberta A. Sprague as Commissioner of the Department of Long Term Care Services

Ms. Sprague said she has been with the County since 1974; she became Deputy Commissioner for Community Services Division in 2001 and was appointed Commissioner of Long Term Care in March of 2006. Ms. Sprague said the last two years have been very busy with the Berger Commission and the recommendations that became law a year ago December, sees this year as the year of implementation. At this point, Community General Hospital is working on the contract with the State of which the County would end up being a sub contractor for that \$12.8 million, part of which will go for the nursing station renovations in Van Duyn. In addition, they are charged with getting rid of about 13 beds; Community General has already closed out their 50-bed nursing home. Home Care programs under Community Services Division received a \$200,000 grant last year from New York Connects; they have been doing quite a bit of publicity with TV ads and a new brochure, will be partnering more with physicians' offices to get word out to them.

Mr. Kilmartin asked about the agreement between Community General and Van Duyn that was being discussed in November and December. Ms. Sprague said the agreement was signed (needed to be in to the State by the end of December). Ms. Sprague said she would supply a copy of that agreement to the committee.

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

Chairman Warner advised the committee members that within the next month or so that he and co-sponsor Mrs. Winslow would be coming back with the Onondaga Tobacco 19 law. He intends to prepare packets for everyone explaining the law and the rationale for it.

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

Respectfully submitted,
Johanna H. Robb, Deputy Clerk

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PUBLIC SAFETY COMMITTEE MINUTES - January 17, 2008
CHAIRMAN RICHARD LESNIAK

MEMBERS PRESENT: Mr. DeMore, Mr. Buckel, Mr. Holmquist, Mr. Warner, Mr. Masterpole

MEMBERS ABSENT: Ms. Williams

ALSO PRESENT: *see attached list*

Chairman Lesniak called the meeting to order 9:03 a.m. *A motion was made by Mr. Warner, seconded by Mr. DeMore, to waive the reading of the minutes of the proceedings of the previous committee. MOTION CARRIED. A motion was made by Mr. Warner, seconded by Mr. DeMore to approve the minutes of proceedings of the previous committee. MOTION CARRIED.*

1. STOP DWI: Barry Weiss

a. Amending the 2007 County Budget to reappropriate 2006 surplus STOP DWI funds (\$36,685). This would move surplus from 2006. Stop DWI is based on generated fine revenues received from the State. It is never received in a timely fashion. If money doesn't come through, it is backed up to handle all of the programs associated with Stop DWI. *A motion was made by Mr. Warner, seconded by Mr. DeMore, to approve this item. Passed unanimously; CARRIED.*

2. DISTRICT ATTORNEY: Barry Weiss

a. Transfer of funds from Travel and Training Acct 401 (\$2,000) and from Contracted Svcs. Acct. 570 (\$249) to All Other Expenses Account 410

b. Transfer of funds from Maintenance, Utilities & Rents Acct 413 to Professional Svcs Acct 408 (\$5,000).

The transfers are related to Operation Impact. They had been asked to do more from the State; the person who administers it needed more money to handle the duties. The individual is the grants coordinator. With doing the Operation Impact requirements and creating the Intelligence Center, he has been required to do more work.

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

Mr. Warner asked how many grant coordinators there are in the County. Ms. Guile, Budget Analyst, said that most departments do not have them. Mr. Lesniak asked to be provided with a list of how many there are. Mr. Warner asked if it would be better to have one, professional grants coordinator for Onondaga County.

Mr. Buckel asked what the 408 account covers: Mr. Weiss said it is for outside professional services. The grants coordinator has been with the DA's office for seven years and is responsible for about \$2 million of grant money from the State. He is paid hourly. Executively, they can only transfer \$7,500, which they already have done through the course of the year as a result of expenses related to trials. Mr. Masterpole asked for the original budget in the 408 account; Mr. Weiss said it is around \$60,000-\$65,000.

Passed unanimously; MOTION CARRIED.

3. PROBATION: Ms. Mary Winter, Commissioner

a. Confirming appointment of Mary C. Winter as Commissioner of the Probation Department
A motion was made by Mr. Warner, seconded by Mr. DeMore to approve this item. Passed unanimously; MOTION CARRIED.

b. Authorizing the Probation Department to apply for grant funds to provide for Alternatives to Incarceration and authorizing the County Executive to enter into contracts to implement this resolution

This is already in the 2008 budget, but a formal resolution is needed to send to the State. There are 3 different types of alternatives to incarceration programs. Over the years the funded from the State has dwindled from 46.5% to 18%. These programs received almost 50%. These people would have all been incarcerated, if not for the programs. She provided an Informational sheet (attachment #1).

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

4. ONONDAGA COUNTY JURY BOARD:

a. Confirming reappointment to the Onondaga County Jury Board (Mr. Warner)

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

5. CORRECTION: Timothy Cowin, Commissioner

a. Confirming appointment of Timothy H. Cowin as Commissioner of the Department of Correction

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

b. Transfer of funds from Maint., Utilities & Rents Acct 413 to Professional Svcs. Acct 408 (\$5,000)

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

6. EMERGENCY COMMUNICATIONS: John Balloni, Jr., Commissioner

a. Confirming Appointment of John M. Balloni, Jr. as Commissioner of Emergency Communications

Mr. Masterpole asked if 911 has had any effect negatively or positively on response time as City Police indicated that 911 doesn't dispatch them the right way; therefore their response time is an hour and it should be 5 minutes. Mr. Balloni said that they work closely with SPD. There has been fingerpointing back and forth. He said that he cannot dispatch a resource that doesn't exist; if there is no car, they can't send someone. They are working together to improve response time in the City. All County agencies are dispatched also, and they don't have a response time problem as a general rule. A lot of calls come in from the city and their resources are stretched thin at times. There is a Supervisor for the City Police sitting in the City dispatch area at Emergency Communications on an overtime detail periodically.

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

7. EMERGENCY MANAGEMENT: Peter Alberti, Commissioner

a. Confirming appointment of Peter Alberti as Commissioner of the Dept. of Emergency Management

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

Chairman Lesniak said that he received a letter from the County Clerk's Office, offering to have the committee tour through her department. Many of the departments, which report to this committee, have also offered to provide tours of their facilities. He would like to hold some future meetings at those locations.

The meeting was adjourned at 9:20 a.m.

Respectfully submitted,

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COUNTY FACILITIES COMMITTEE MINUTES
PATRICK M. KILMARTIN, VICE CHAIRMAN
January 17, 2008

MEMBERS PRESENT: Mr. Lesniak, Mr. Jordan, Mr. Kinne, Mr. Laguzza, Mr. Masteropole

MEMBERS ABSENT: Mr. Kraft

ALSO PRESENT: Mr. Meyer and see attached list (Attachment 1)

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

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

1. PARKS:

a. Confirming appointment of Robert J. Geraci as Commissioner of the Parks and Recreation Department

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

Mr. Geraci noted that the County has spectacular parks based on geography and where they are situated, fortunate that we have enough people who recognize how important they are in terms of defining the quality of life that we all enjoy in this community. It is not just recreational; there are economic and environmental benefits. Mr. Geraci said he sincerely respects the issues that have been brought up this past year, intends to put together a spectacular program in terms of the expansion of the Elephant Exhibit, etc., will see some nice things happening over the next several months; completion of everything will probably take 18-24 months.

Mr. Jordan noted that Mr. Geraci has done an outstanding job as Commissioner of Parks and Recreation; we have parks that are the envy of not only the state, but nationally; zoo is one example of that.

A vote was taken, passed unanimously; MOTION CARRIED.

b. Amending the 2008 County Budget to Transfer funds from the Parks and Recreation Contingency Account and to enable the Establishment of Project Accounts for Tourism Promotions and the 2008 Bass Pro Tour (\$62,575)

Mr. Geraci provided a list concerning the 2008 ROT Program (*on file with clerk*). Mr. Jordan asked Mr. Geraci to elaborate on the numbers. Mr. Geraci mentioned the following:

- Averaging \$16,00 to \$17,000 every year for management of the website
- \$3,000 for brochure distribution to local and regional brochure outlet, pay to have someone put them out and check the racks on a regular basis
- \$9,400 for regional Zoo advertising (matched by Friends of the Zoo)
- \$800 for Interstate signage (annual fee for signs on the Thruway and Rt. 81 for Onondaga Lake Park and Oneida Shores)
- \$4,000 for Hotel Visitor Guide advertising (use a variety of advertisements for parks and recreational activities)
- \$62,575 for Bass Tour, the logistical support they need to make sure Bass Tour is done as successfully as in the past. Mr. Cooley said this is the third consecutive year that they have had the Bass Tour; it may grow this year because they have been informed that there will be a junior event in conjunction with this.

Mr. Jordan asked about the Zoo advertising. Mr. Cooley said the Zoo has a marketing committee and they will meet next week to jump start what they will be doing, the first step will be significant placement in a Convention and Visitors Bureau (CVB) piece that is being created to market Syracuse – targeting Rochester, Ottawa, Northern Pennsylvania and Albany. Mr. Geraci said they are partners with CVB, staffs are working together in promoting and marketing Onondaga County.

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

In answer to Mr. Lesniak, Mr. Cooley said Onondaga County Parks has two distinct web sites: the Parks Department (about 180 pages) and the Zoo (100 pages); contractor does the editing, program and updates. Mr. Lesniak asked why it isn't under the County IT Department budget. Mr. Geraci said they have the most elaborate web pages; they are out there promoting and marketing. Mr. Masterpole asked if the web design is re-bid every year; seems like a lot of money. Mr. Cooley said the website is 24/7 to keep it up to date, can make facility reservations, provides educational information. Mr. Laguzza asked why the County can't do the website in house. Ms. Smiley said the current County website is very structure based, not very public user friendly.

Mr. Laguzza asked about the Elite Bass Tour. Mr. Cooley said it is the major league for professional fishing, there are about 102 on the tour; it will be the final event of their tour, will be crowning their World Champion. Mr. Laguzza asked what kind of expense they will have in order to accommodate the Junior Tour this year. Mr. Cooley said it will be a two day program, talking about possibly doing something on Sunday at Onondaga Lake; if they do, there would be an additional cost and collectively they will come up with a mechanism including ROT dollars to help cover that expense.

Mr. Jordan seconded the motion to approve this item. Passed unanimously; MOTION CARRIED.

c. Approving the Classification of an Unlisted Action under the State Environmental Quality Review Act; Declaring Lead Agency Status, Accepting the Short Environmental Assessment Form; and Accepting and Adopting the Negative Declaration for the Expansion of Loomis Hill Cemetery.

As provided in the 2008 Budget, Mr. Geraci said Loomis Hill Cemetery would be expanded. Mr. Geraci displayed a map and showed the area to be expanded. It is a \$25,000 project, will be clearing the area and planting grass to make it presentable for burial purposes, should provide space for about 900 graves.

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

Mr. Laguzza referred to talk last year about sprucing up Loomis Hill Cemetery, asked if they have increased the budget to do that. Mr. Geraci will check the budget, said there are no headstones in Loomis, many of the earlier graves have settled, they need to buy top soil to fill in the areas and make it level again; the same care is given to Loomis as to the Veterans Cemetery concerning mowing and weeding. Mr. Laguzza said it is a sore thumb, would like to see it dressed up a little, if needed, should talk about it as a budget item. Mr. Jordan said there might be nurseries in the area willing to donate product. Mr. Kinne referred to the map and asked about a small piece of land set alone that is marked Loomis Hill Cemetery. Mr. Geraci said he would find out.

In answer to Mr. Lesniak, Mr. Geraci said \$20,000 was put into their 2008 budget for a Parks Beautification program; they will likely adopt Oneida Shores and Onondaga Lake Park with that money, will put a core of volunteers together and will buy materials, it is seed money to get other people involved. Mr. Meyer said they are working on a DVD and some materials to go to community groups concerning Parks in general, will give the different groups the opportunity to participate concerning their favorite item - Veterans Cemetery, War Memorial, Oneida Shores etc.; they will be given an opportunity to expand on the Adopt a Park Program.

The motion to approve was seconded by Mr. Jordan. Passed unanimously; MOTION CARRIED.

2. TRANSPORTATION:

a. Confirming Appointment of Mark P. Lynch as Commissioner of the Department of Transportation

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

Mr. Lynch said the department is responsible for and has maintained a good level of service for approximately 800 miles of roads and 230 bridges. County's highway system is in excellent condition, but it is becoming more and more of a challenge with the escalating asphalt price, fuel and equipment costs to maintain that level. Also have challenges with loss of qualified, experienced personnel through retirement, etc., had a huge turnover in their department, are continually training people to bring them up to speed to current standards. 2007 winter operations in spring and fall were a challenge, continue to try to give people a good level of service through the winter months. Mr. Lynch thanked the Legislature and the Executive Department for their support with funding through the years.

Mr. Masterpole asked where the county purchases asphalt and if there has been any conversation with the City about purchasing from their new asphalt plant. Mr. Lynch said they have an annual bid; purchasing from the City has been discussed, but not officially. Mr. Masterpole said he is optimistic that the County will take advantage of that.

Mr. Kilmartin complemented Mr. Lynch and his department for being very proactive and responsive whenever he has had to reach out to them to inquire about a project or an issue.

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

b. Update: 2007 Highway Equipment Budget vs. Actual Purchases

Mr. Lynch distributed a list of what was budgeted in 2007 for equipment and what they actually spent (on file with Clerk). Bought everything that was budgeted, total dollar amount spent was close to budgeted amount. Also bought two trucks to be used for striping with monies from their annual auction (\$78,000). Mr. Kilmartin asked if the department has ever explored working with other counties, towns and villages concerning bulk purchasing for equipment. Mr. Lynch said to his knowledge, they have never bought anything in conjunction with another municipality; some of the towns have done that. There has been discussion about the County doing work with the towns concerning striping, plans to pursue that in the future. **Mr. Kilmartin asked Mr. Lynch to report back to the committee concerning this issue.**

Mr. Jordan said he was happy to see that they came in close to what was budgeted; noted that the Dual Wing All-Wheel Drive 10 Wheel truck came in about \$23,000 higher than budgeted. Mr. Lynch said they go to budget in early May, but equipment isn't purchased until the following January, try to be as accurate as they can. Mr. Lynch said they looked at buying it off State Contract, but it was recommended by Purchasing to bid it out because of equipment add-ons that they needed. **Mr. Laguzza said he would be curious to see what the variance was between add-ons and bid. Mr. Lynch will get the information.**

c. Update: Snow Removal Costs 2007-2008 Season

Mr. Lynch provided information regarding the 2007 snow season with comparisons to previous years (on file with Clerk). January thru April and November and December were very difficult months, resulting in 184 inches of snow for the calendar year (average snowfall is 121 inches). Amount of snowfall doesn't always translate into the number of times they go out, ice storm on Martin Luther King weekend last year resulted in 3,800 hours of overtime and 1,700 tons of Clearlane used. 40% of the time they go out with less than 1 inch of snow because of icy roads. In 2007, they purchased 73,000 tons of Clearlane, (budgeted 44,000 tons), overtime had 59,000 hours (budgeted 44,000 hours). Had a \$1,488,750 shortfall for the 2007 calendar year, part of that was offset by \$633,000 additional compensation by New York State as provided by the NYS contract severity factor. They came last month for additional funds from their department fund balance to cover projected shortfalls (based on an average November and December); have a current deficit of \$482,780, due to severity of December. Will be coming to Ways and Means this month regarding \$45,000 from their Road Machinery budget and \$438,000 from the County Highway Budget.

Mr. Lynch said they are experimenting with brine to try to reduce costs. State has funded the drilling of a well off Rt. 690 and is hauling brine out of this natural well to the village of Fayetteville; village owns a computerized brine machine that adjusts the alkalinity. The State is using part of it on their roads and the county is running one six-wheeler with a 1,500-gallon tank. In the future, could cut significantly the cost of buying salt. State is using it to pre-wet their salt (allows salt to work quicker); Thruway is using it in anticipation of a storm. Mr. Kinne asked if the trucks would have to be converted in order to use this system, noted that it would be an expense. Mr. Lynch said they wouldn't convert all, but there would be an expense for those they do. Mr. Jordan said it would be an advantage for low-accumulation events to send out one of these trucks with one person driving. Mr. Lynch said another issue is the cost of material for Clearlane and salt.

In answer to Mr. Lesniak, Mr. O'Shea said they have \$142,000 in their fund balance to help cover the \$482,780 deficit. Concerning the NYS severity factor for November and December, they won't know what it will be until the end of the season.

Mr. Lynch said they have been investigating the partial use of one person plowing, have had a long series of meetings with employees, union and management, hired Mohawk Community College to train and certify people; goal is for the workforce to cover more roads and do the job quicker. Have an agreement with the unions, working on a voluntary basis (have 30 volunteers), incentive pay would be \$2.00 an hour; some people are not in agreement on this.

Mr. Kinne asked if safety is an issue when using one person. Mr. Lynch said that is one thing they are looking into; State of New York does one person plowing 90% of the time. Mr. Lynch said there has been heated debate on this issue, doesn't think they could switch all 52 trucks to one-person plowing, high traffic areas around the city would be difficult, two people would be needed for blizzard conditions. In answer to Mr. Kinne's question about possible accidents, Mr. Lynch said other municipalities are doing this, information he is receiving shows that there is not an accident problem and that the accident rates go down, but he needs to document that better. Mr. Lynch said there was a study group with representatives from the union, shops, management, personnel; they hired a consultant to come in as a mediator to work through all the problems; Mr. Lynch doesn't think they should go into this quickly and without thought, but it is something that should be explored.

Mr. Masterpole said he is highly against one-person plowing; mentioned the legal ramifications that they would have with lawsuits from accidents even if the county is not at fault, county would have only one testimony compared to other vehicle that could possibly have four. Mr. Masterpole said he is all in favor of giving Dept. of Transportation the resources to put more employees on to make sure there are two people in those trucks.

In answer to Mr. Lesniak, Mr. Lynch said they haven't done this yet, are still in a training phase and picking routes. Mr. Lynch said there are issues, but he has issues also, he has a very limited staff, people are working way too many times over 16 hours in a shift; that is not acceptable.

Mr. Jordan said it seems more of a risk factor for employees to work longer hours than whether they have two people on a truck; to double the payroll at taxpayer expense in order to have two witnesses instead of one witness is a bad idea; if they can go to one-man trucks, not compromise safety and reduce the number of overtime hours, that would be wise.

Mr. Kilmartin asked if the discussions, with a mediator involved, are a work in progress. Mr. Lynch said yes, they have started to train the people, hope to institute some of the routes before the end of the season. **Mr. Kilmartin requested that Mr. Lynch come back to the committee in February to report on the progress.**

3. FACILITIES MANAGEMENT:

a. Confirming Appointment of Brian Lynch as Commissioner of the Department of Facilities Management

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

Mr. Lynch mentioned that in prior work experience he was the Administrative Officer for Syracuse Department of Public Works, which entailed overseeing the front office as well as working extensively with Sewer Department, Street Repair, Payroll, Human Resources; worked on bid specifications, contracts, was extensively involved in the asphalt plant bidding and negotiations for the RFP, sidewalk and salt contracts. Mr. Lynch's education is in accounting.

Mr. Lesniak asked about things he is looking to implement at this point. Mr. Lynch said he has been on the job three days and has met with the majority of his staff. One of the first orders of business will be to develop an automated inventory and work order system. Mr. Lynch said he would also standardize a procedure for departments needing to have jobs performed. He would like to develop a project management team to oversee process of when a request is submitted thru to its completion, and that it is satisfactory to the person who requested it. Mr. Lynch said he would like the perception of the department to be that when a department calls Facilities Management concerning a job, it will be done, done correctly and on the day promised or close to that day.

Ms. Smiley said they had ten candidates to look at during the interview process; the skill sets that Mr. Lynch brings to the table are excellent. Ms. Smiley said we need to change the process, develop systems so that things get done timely; some of the delays are things they can contract for, but it is a long process, will be working with Purchasing to see how they can expedite that.

Ms. Smiley said Mr. Lynch is the right person and the right temperament to work with the existing staff.

Mr. Laguzza seconded the motion to approve this item. Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

Johanna H. Robb
Deputy Clerk

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WAYS AND MEANS COMMITTEE MINUTES - JANUARY 29, 2008

CHAIRMAN JAMES M. RHINEHART

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

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

1. BOARD OF ELECTIONS: Ms. Kiggins, Mr. Szczesniak, Commissioners
 - a. HAVA Update

It is required that there be a ballot marking device in every polling place this year for Sept. and Nov. elections. The commissioners provided written detail (see attachments no. 1). A judge has required that the State come up with one unified plan. The plan was submitted Jan. 4th and amending Jan. 11th and the judge adopted it. In 2009 there is a requirement to have a full replacement voting system. State BOE has come up with 3 acceptable voting systems that could be used for valid marking devices in 2008; all 3 are optical scan systems. One has to be chosen by Feb. 8th. None of the systems are certified, they are best estimates of what the State BOE thinks could get certified. With Judge Sharp's decisions, they are waiving all certification requirements that are State law and enabling use of BMD. The Sequoia system has applied for certification, Plan A/Lock 1 system; which then could be used as a replacement system. The commissioners agree that the Sequoia is the type of system that the County should have. It will cost about \$2 million to put in the ballot marking device system. If they were unable to use it as a Plan A system (permanent solution) then it would be a throw away. About \$5.3 million was dedicated to the County from HAVA funds, which enables the purchase of a whole new system, but if \$2 million is spent for BMD and then they have to go to a totally new system, they may exceed their moneys and any shortfall would have to come out of County funds. They are meeting with Sequoia today to see if they can reduce the number; everyone in the region will go with the same system. A lot of training has to be done very quickly; they anticipate getting 10% of voting machines by the end of March-early April. They will go into training mode: first BOE staff, poll workers, then voters. They expect high turn out for elections because of the open-seat presidential election. A maximum number of voting machines will have to be in place. Additional supervision people will be needed. There is a mandatory 3% audit by the State for new voting systems. It could mean 3% of all voting districts or 3% of every ballot style. In most counties it could mean 60%-70% of all paper ballots that are cast would have to be manually counted. The rules have not been finalized.

There is a need for a service center. A location on Brighton Ave. has been identified as a possible solution. A facility needs to be in their hands in a quick timeframe. The electronic voting systems need to have some climate control; the optical scans need climate control for all of the paper ballots. They have to be maintained for 22 mos. after the election; have to be capable of running through the optical scans again, and manually counted. Humidity has a major impact on the paper. Regarding the audit; there is a need for a better/bigger workspace to be able to control it.

The critical element is security – chain of custody is critical from the day they get the systems. There is an acceptance testing process. When they get the system in-house, they need to be able to control the system either with people, cameras, other devices, to make sure they have control. It is as critical when they move out to the polling places. The machines will be about 170 lbs, easier to move around, and because of the control component, it may preclude them from sending the machines out earlier; may have to do it the day before elections, will change some of the process.

Ms. Kiggins said that if the system gets certified, they would like to dump the lever machines this year. It will be difficult for current staff to run a dual voting system election. Sequoia claims they will be certified by Spring. If that happens, they will feel pretty comfortable in slipping over to a new voting system.

Ms. Kiggins provided a cost breakdown of the various systems (attachment #2).

Reasons for going with Sequoia:

- Best price - \$11,750 with scanner and accessibility device
- Just scanners can be purchased
- Easier for inspectors to work with
- Manufactured in New York State
- Wonderful service record

Chair Rhinehart asked if the Sequoia system is certified, can it be delivered this year. Ms. Kiggins said that they have two manufactures set up in New York State; started manufactured 3,000 machines last week; they will not have trouble delivering to every county and not every county wants to go full bore.

Mr. Stanczyk said the fiscal impact, from the amount that is not in the budget is about \$300,000. The system will cost about \$3.5 million. Ms. Kiggins replied that they will purchase more units than will actually be needed so that they have some on hand. Mr. Stanczyk asked about a service component, redundancy, back up, etc. Ms. Kiggins said that they are still trying to figure out exactly what they will need based on the number of voters in the polling places. They are doing a percentage of spare machines. Some places will be fine with one scanner; some will need 2 or 3 scanners. Regarding service, there is a 5-year contract for parts and maintenance with Sequoia, which is part of the price. The percentage of additional machines will be about 10%. The vendors are quoting at least \$175 for the booths; she has found them for \$132. Mr. Szczesniak added that they may need more than an additional 10% of the booths, as they are not as durable and can be damaged or lost easier. Mr. Stanczyk feels that in working with the \$5.3 million, that whatever is needed going forward should be purchased. Mr. Szczesniak said that the window for the money is open-ended unless Congress pulls the money back. Mr. Stanczyk asked about money for training. Ms. Kiggins said that they have enough money to train everyone once. If they convert to a new system, they will have to use it now. If they have to train people this year and next year, then there will be some money issues. It will all depend on whether they go to full conversion or if they go halfway this year; there will be one lot for training. The State is prepared to make an exception this year so that they can use the system full blown on a pilot program. They have to get permission for it and will ask for it. Mr. Stanczyk asked if the County will get some of the money back. Ms. Kiggins said that they will; probably almost all of it. They won't need the extra inspectors if they change over to a new system.

Mr. Warner asked if this is the same system that the Commissioners were set on two years ago. Ms. Kiggins said "no"; that was a DRE and this is an optical scan. Mr. Szczesniak said that they still believe that the optical scan system does not comply with HAVA. Currently there is no system that is HAVA compliant. Other states have systems that are consistent with 2002 standards, not the 2005 HAVA standards, which enables them to not be taken to court. NYS has not shown good faith in trying to do something. Mr. Warner asked if there is any idea of what it will cost to make sure that the handicapped can vote. Mr. Szczesniak said that it will be whatever is compliant with HAVA. He pointed out the NYS is at risk because all the State has given them is an optical scan, that someone could sue them, and the courts could rule that we are not compliant.

Mrs. Rapp asked about bringing in 210 additional inspectors. Ms. Kiggins said that they will need them if a dual system is run. If a full conversion is made, they won't need it. Mrs. Rapp asked if there is anything the County Legislature can do to move this forward. Ms. Kiggins said that NYSAC has been involved. Mr. Szczesniak said that there are things being mandated by the State that the County will have to fund; the State has not provided funding for them. Mrs. Rapp suggested a memorializing resolution to get something certified. Ms. Kiggins said that they also need a facility soon to put the equipment and supplies in. Mr. Szczesniak said that the State is working aggressively on certifying machines, as they have to report to the judge every Friday. A problem has been that there are independent testing authorities.

Ms. Kiggins reviewed what the voting process will be like (ballot, booth, scanner, etc.). She said that the system takes an image of each ballot as they are scanned, so it prevents post-election tampering. Mr. Szczesniak said that the whole voting booth will be different, and they are trying to determine which and how many types of booths will be needed. Mr. Kilmartin asked about other costs that are anticipated, and if there is a contingency in any of the numbers. Ms. Kiggins said that paper ballots are a cost; the ballots have to be bundled in lots of 100, with a perforated tab; numbered, shrink wrapped. Inspectors have to count every ballot when they get to the polling place. They have to order 110% of the registered voter population; the best price they have gotten is \$.52, approximately \$150,000 at current prices. Each ballot is unique for each election district--452 different types of ballots are needed. There are different ones for affidavits. Mr. Kilmartin asked if there will be an impact on absentee voting; Ms. Kiggins said "no."

Mr. Kilmartin asked for more detail regarding the storage facility. Ms. Kiggins said that they need to store the machines, areas to

store supplies, area to store ballots; area to store disability devices (ramps, cones, signs), areas to store voting booths, tables and chairs. They looked at many sites this summer; they would like to see the whole operation in one place; it would be easier to be on one site. It is difficult to go back and forth to the service center; they are now going 3 – 4 times per day.

Mr. Stanczyk asked about the image process and privacy issues. Ms. Kiggins said that the images are taken randomly. If they want to get a copy of a certain ballot, they have to punch in all of the offices that the person voted for, and it brings up every ballot that has that voting pattern. Ms. Kiggins said that the ballots themselves are not numbered, the tabs are numbered. Mr. Stanczyk asked about double checks and referenced an election in 2005 wherein the ballot was wrong. Mr. Szczesniak said that every ballot is unique to every election district; they will be proofing every ballot in advance. It is another reason to have the whole operation in one spot, they could use more senior staff to go in and check all of it. They have 2 additional people now and they are working on those different type of things. There is a lot of redundancy in elections, a lot of proofing, a lot of checking things. They will do as many checks as they feel are necessary.

Chairman Rhinehart said that there will be a lot of issues; it will be very complex making the switch over to the new system. He suggested that after the machines are certified that a special meeting be held for discussion on this topic, the upcoming election, and procedures.

Mr. Holmquist asked about retention, recruitment for polling inspectors--has heard many say that when this new system comes in that they will leave. This is bad year to practice and asked if it could be done next year. Ms. Kiggins said that they lobbied, begged, pleaded, tried to join a lawsuit with DOJ; but they don't care. Mr. Szczesniak said that to start a new system this year is the worst time to do it. It will be a challenge.

Mr. Kinne asked what the backup is if a scanner breaks. Ms. Kiggins said that they will probably have ballot boxes to slide ballots in and would have to be scanned after elections or there will be a process where the inspectors can open them and scan them once the scanner starts to work.

Ms. Kiggins indicated that they will be coming back; a 5% match will be needed when they purchase the machines, and that has to be paid by April.

b. Appointing Edward F. Ryan as Democratic Commissioner of Elections

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

2. COUNTY CLERK: Ann Ciarpelli, County Clerk

a. Authorizing NYS reimbursement for 2008 expenses of the Recording Officer for the County of Onondaga for Administration of Mortgage Taxes

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

3. PURCHASING:

a. Confirming Appointment of Patricia M. Mosley as Purchasing Director

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

4. WAYS AND MEANS MISCELLANEOUS:

a. Appointing two Directors to the Onondaga County Tobacco Asset Securitization Corporation (Mr. Rhinehart and Mr. Kraft)

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

b. Memorializing the Legislature and the Governor of the State of New York to enact Tiffany Heitkamp's Law (Sponsored by Mr. Corbett)

Mr. Corbett said that Tiffany Heitkamp was a Syracuse area resident and was killed in July 2006 while riding in a boat driven by an intoxicated driver. The driver had a number of alcohol related offenses in a car. Currently there is no way to tie together alcohol related offenses to ATVs, snowmobiles, boats, etc. Each one is separate. This has passed the Senate and is in the Assembly.

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

c. Confirming Appointment of Lisa M. Alford as Commissioner of Aging and Youth

A motion by Mr. Kinne, seconded by Mrs. Rapp, to approve this item. UNANIMOUS; CARRIED.

d. Confirming Appointments to the OCPL Board of Trustees (Mr. Fisher and Ms. Moynihan)

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

e. Informational: Tax Exemption for Cold War Veterans (Mr. Meyer)

Chairman Meyer said that in Aug. 2008, the State passed a Cold War Veterans Tax exemption. However, there were some

difficulties, wherein the applicant had to come up with a certificate that showed that they were eligible. It has been a very difficult certificate to obtain. The NYS Senate and Assembly recently changed the law so that the certificate is not required. The Governor has not yet signed it, but is anticipated to do so. Mr. Meyer will come back to committee after that happens. A public hearing would have to be held. Eligibility is for people that served between 1945 – 1991.

Mr. Warner asked what the percentage of tax relief will be associated with this. Chairman Meyer said that it is minor. There are 2 categories: 1. 10% with a maximum of \$8,000; 2. 15% with a maximum of \$12,000.

5. PROBATION: Andrew Sicherman, Prin. Probation Officer

a. Authorizing the Probation Department to apply for grant funds to provide for Alternatives to incarceration and authorizing the County Executive to enter into contracts

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

Mr. Stanczyk asked how many offenders this involves. Mr. Sicherman said that ATIP I Alcohol and Drug Abuse program has 38 offenders; ATIP II Halfway House Supportive Living Program has about 30; ATIP III Day Reporting has over 100. Mr. Stanczyk requested a one-sheet detail of having these people incarcerated, cost of the program, size, savings, etc.

6. PARKS: Kate Skahen, Program Analyst

a. Amend '08 Budget to transfer funds from the Parks & Recreation Contingency Acct and to enable the Establishment of Project Accounts for Tourism Promotions and 2008 Bass Pro Tour (\$62,575)

This is for tourism promotion and 2008 Bass Pro Tour; funds spent in collaboration with CVB. The following information was provided on how the funds will be spent:

Syracuse Design Group \$17,600

Local brochure Distribution \$ 3,000

Regional Zoo Advertising (matched by Friends) \$ 9,400

Interstate Signage DOT/Thruway (OLP, Oneida) \$ 800

Hotel Visitors Guide Advertising \$ 4,000

Statewide Brochure Outlets \$ 4,200

Elite Bass Tour 2008 (share \$73,575 combined Parks/CVB budget) \$ 23,575

TOTAL \$62,575

Mr. Warner said that the Carp Tournament in Baldwinsville generated a tremendous amount of publicity and participation. Is there anything within the Parks system that may shed some money on tourism and attraction for it. Mr. Mareane said that it will be run through the CVB; about a \$2,500 allocation this year.

Mr. Stanczyk asked that this committee devote some time to know exactly what the balance in ROT account is see how the funds are anticipated to be spent.

A motion made by Mr. Kraft, seconded by Mrs. Rapp, to approve this item. UNANIMOUS; CARRIED.

Mr. Mareane said that they just reported on the contingency fund; and \$175,000 was just appropriated to the CVB; none of it can be spent without the legislature's authorization.

7. STOP DWI: Rick Trunfio, First Chief Deputy District Attorney

a. Amending the 2007 County Budget to reappropriate 2006 surplus Stop DWI funds (\$36,685)

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

This account earmarked for projects or initiatives. Before any money is spent, it is reviewed by the Stop DWI Board. Mr. Stanczyk questioned why it is going to 2008. Mr. Seitz explained that it is a project account--it could be put in 2007 or 2008. The money has not been spent, it is surplus from 2006; it will be carried in a project account until they spend it down to \$0--it will not lapse to fund balance. Mr. Trunfio said that there is no spending plan for it; but it would be used for initiatives or project related to STOP DWI and the only way it can be earmarked is if the Board agrees to it.

Mr. Kilmartin asked for some background on the Stop DWI Program and how the funds are administered. Mr. Trunfio said that they work with every law enforcement agency; there are a lot of preventative programs, educational programs, programs within schools educating kids about the evils of drinking and driving. The funds come from the fines that are generated when someone gets arrested and prosecuted. The budget is approximately \$1 million; which is approved by the County Legislature.

Mr. Stanczyk suggested that the money be put into a separate account; so what it is being used for is known. There is a lot of money in this; and he wants positive results, but is not sure that it is an easy thing to test; i.e. what positive effect is there from a classroom presentation. Mr. Trunfio said that he will ask Mr. Weiss to report back to committee as to some of the ways the money to be spent. Chairman Rhinehart clarified that he should report to Public Safety Committee. Mr. Warner said that there is budgetary oversight, but no control as to where the money is spent. Mr. Maturo added that to actually define revenue that came in over expenditures for 2006, they have to wait until the accruals are actually realized. Mr. Stanczyk would like a detailed explanation of the funds brought in, actual expenditures, personnel associated, results, etc. Mr. Kilmartin added that it would be educational to see how this program benefits entities throughout the county.

Passed unanimously; MOTION CARRIED.

8. DISTRICT ATTORNEY:

a. 2007 Transfer of funds from Acct. 401 Travel/Training in the amount of \$2,000 and Acct. 570 Contracted Services in the amount of \$249 to Acct. 410 All Other Expenses to cover the Expenses of the Drug Diversion Program (\$2,249)

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

b. 2007 Transfer of Funds From Acct. 413 Maint., Utilities & Rents to Acct. 408 Fees for Services in the amount of \$5,000 to cover the additional expenses for the Department's Grant Coordinator (\$5,000)

Jim Quick is the grant coordinator and is one of the prime people that administer the Operation Impact Grant. It is a one-year contract.

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

Mr. Stanczyk asked how much the contract is for. Mr. Trunfio said is it approximately \$32,000. Mr. Stanczyk asked for a one-page detail about the contract.

Passed unanimously; MOTION CARRIED.

9. CENTER FOR FORENSIC SCIENCES: Linda Karmen, Deputy Commissioner

a. 2007 Transfer of funds from Acct. 101 Reg. Empl. Wages to Acct. 408 Fees for Svcs. in the Amount of \$15,000 to Cover Higher than Anticipated Costs Due to the Inability to Recruit a Toxicologist

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

10. HEALTH: Linda Karmen, Deputy Commissioner

a. Abolish Dir. of Special Health Services, Gr 35 @ \$64,753-\$91,357 effective Feb 16, 2008; Create Prog Coordinator (Education/Handicapped children), Gr 14 @ \$54,414 - \$63,603 effective Feb. 16, 2008

b. Create Administrative Aide, Grade 7 @ \$32,429-\$35,841 effective February 16, 2008; Create Nutritionist, Grade 10 @ \$41,171 - \$45,555 effective February 16, 2008

c. Create Environmental Health Technician II, Grade 9 @ \$38,313 - \$42,378 effective February 16, 2008; Create Outreach Worker (Health), Grade 4 @ \$25,909 - \$28,597 effective February 16, 2008

A motion was made by Mr. Warner to approve items 10a – 10c, seconded by Mrs. Rapp. Passed unanimously; MOTION CARRIED.

11. METROPOLITAN WATER BOARD: David Fitch, Administrative Director

a. Approving the Classification of 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

The County Water District has open reservoirs; there is a federal regulation which requires that open reservoirs be covered. The County does not want to issue the necessary debt to finance the covered storage. The County had asked OCWA to consider issuing the debt, and they have agreed to do that.

The components of the proposed agreement are:

- County will grant right of entry for OCWA to come on the existing reservoir sites to construct tanks
- OCWA would construct, operate and maintain

- OCWA would issue the debt; rates charged to customers would support the debt
- County would reserve the right to purchase the tanks back, once the tanks are constructed and debt issued
- OCWA will own the tanks
- Transfer ownership of storage from County to OCWA – County will own water stored in the tanks; will own the remainder of the system

Mr. Stanczyk said there is a wholesale operation and a retail operation selling water. The County should be moving aggressively to eliminate half of it. If the retail part were eliminated, there would still be control with the MWB. In trying to avoid this public debt, by putting it on another public debt, clouds the issue going forward on the unification of the two organizations. He objected to the contrived situation. Mr. Mareane said that it is not a contrived situation; it is being able to manage a project that is a costly mandate. Public debt will be issued to support the project. It can be done through the Water Board--the Legislature would be asked to authorize near \$60 million of debt for the two tanks, and another \$30 million for the third tank. The other option is to ask OCWA to finance, own, and manage those facilities using their debt. From a consumer's point of view, in terms of the customer, there is not much difference. If the County floated the debt, and passed that cost onto OCWA, they would pass it on to their customers. The benefit to the County is that right now there are \$399 million in outstanding debt. With these two projects, it would add 15% to outstanding debt. To do the third (Central), it would be near \$100 million debt, 22%. The credit agencies will look at that. There is competition for County debt right now. If the rating agencies decide to reduce the credit rating, it will be felt by taxpayers. It will mean higher interest rates for all county projects. By doing it the proposed way, a benefit and protection is produced for our property taxpayers.

Mr. Stanczyk said that if issued as a general obligation debt, there will be a revenue source to pay for it; the bonds are much better secured than if OCWA offers revenue debt. There will be a better rate of return or lower interest cost by offering it as general obligation debt; it would not affect the County's ratings whatsoever.

Mr. Warner asked if it were a general obligation bonds, would all taxpayers pay for it. Mr. Mareane said that if there were no revenue to pay for it, the property taxpayers would be charged to cover the debt. If OCWA floats the debt, there isn't a property tax backstop.

Mr. Kilmartin asked if this is floated as a general obligation, will all taxpayers, even those not using public water, be subject to taking on financial obligations, as opposed to a situation where OCWA would float the bonds. Mr. Mareane said that if all goes well, and the Water Board remains viable and realizes enough revenues to their sales to OCWA to cover that debt, then it stays with the water customers. With general obligations if there is a hiccup, the County stands behind the debt with property taxes. Also the credit agencies look at the amount of debt that it outstanding. They wouldn't look at it if OCWA floats it.

Mr. Kraft objects to this approach; it is not forthright. The water users will pay the bill. It is being implied that it will be something different. If it were taken on by the County, it would be passed through as a charge to the wholesaler of water and paid by the water users. It is a sham to suggest that somehow we are going to try to cheat somebody somewhere that doesn't get any water. He asked what the County's limit is; Mr. Mareane said that the County has consumed about 8% of the borrowing power; there is plenty of borrowing capacity.

Mr. Warner asked if the plan is totally legitimate and totally legal. Mr. Mareane said that it is; it has been reviewed by lawyers on both sides and by bond counsel very carefully. This is a public setting, and they are fully disclosing what this is. It is a public policy decision that the legislature is being asked to make in a very open forum. He has tried to articulate what the argument is. It is an incremental benefit, a protection to the property tax payer. If the additional debt were to contribute to and impact on their ratings, it will effect every project that they will borrow for until they can reverse those ratings.

Mr. Kinne said he would like the Co. Executive to give a better reason for this than what has been provided; it is a simple case of what is a better way to fund something. Chairman Rhinehart said that it comes down to the fact that this needs to be done; this the 4th time it has been here in 6 months. Action needs to be taken. He sees it as the Executive side keeping options open, the County is in the midst of a major project with our sewer reconciliation. The Executive side is concerned about the County's bond rating and how to go forward for future bonding. He does not have a problem with the Authority issuing the debt. There were 2 other major concerns through the process—how NYC came out with their lawsuit; NYC was not successful. The other concern was that the Authority would own the renovations; the agreement today allows the county to purchase it back if we decide to. He is not concerned about the County owning it.

Mr. Stanczyk said that there are a number of legislators that are interested in putting MWB and OCWA together. He would like to hear from the County Executive to see if that will get done soon. He would like to know the Executive's Office is taking a look at it and will come to the Legislature with a proposal. Mr. Kochian said that the County Executive had conversation last week with MWB and OCWA and she is deliberating on how best to proceed with it.

A motion was made by Chairman Rhinehart to approve item 11b, seconded by Mr. Warner.

Mr. Kraft said that there was no intention to charge people who don't receive water; it was a threat thrown out to try to get legislators' support. Mr. Kilmartin recommended that there be care given regarding implications that are made with respect to parties and people that appear before this committee. This is a public forum; this is a local law that is subject to discussion in another public forum before the legislature.

Mr. Tomeny said that he doesn't agree with Mr. Kraft's statement. If the County does fund the project. Under certain circumstances there will be people that will pay for this project that do not receive water. With OCWA carrying the debt, they are derived at their revenue from rates from the people that get water and the users would be the only ones paying.

Mr. Stanczyk asked that if the County undertook this, would the rates be raised to cover the cost; Mr. Fitch said "yes." There are 2 ways of doing it within the district: 1. put on the assessment base, which is off the table right now; 2. put it on the wholesale water rate, which means it would be passed onto the Authority. Since the Authority purchases 99% of the water that they bring from Lake Ontario, it is a pass through to them. The same customers are going to pay; there is an option for the County Water District.

Mr. Picardi, Chairman, MWB, said that this project has to involve a partnership between the County and OCWA. It is one of the recommendations from the CNY Water System Task Force; the Executive is currently studying it. Going forward, the price of water will go up because of what is on the drawing board; things will be asked for in the future. He suggested that it is best done by a cooperative effort of two parties rather than one.

Vote was taken on item 11b. AYES: 6 (Rhinehart, Corbett, Rapp, Holmquist, Kilmartin, Warner) NOES: 3 (Stanczyk, Kinne, Kraft). MOTION CARRIED.

A motion was made by Mr. Warner, seconded by Chairman Rhinehart to approve item 11a. AYES: 8; NOES: 1 (Kraft). MOTION CARRIED.

12. PERSONNEL: Ed Kochian, Deputy County Executive

a. Abolish Sr. Executive Secretary, Gr 28 @ \$37,413 - \$52,655 effective Feb 9, 2008 (Co. Exec.); Create Sr. Executive Assistant, Gr 32 @ \$49,189 - \$69,324 effective Feb 9, 2008 (Co. Exec.)

Position will grow in responsibility; proposed person has Master's degree in science from Johns Hopkins.

b. Create Dir. of Inter-Governmental Relations, Gr 35 @ \$64,753-\$91,357 effective Feb 9, 2008 (Co. Exec.)

A new position; the person will work on relations with towns, village, City, and higher levels of government. They are embarking on shared services with other municipalities; the person will be immersed in that.

c. Abolish Commissioner of Information Tech., Gr 37 @ \$77,814-\$109,846 effective upon Filing of an Appropriate Local Law (IT); Create Chief Information Officer, Gr 39 @ \$97,758-\$138,075 and Authorize advanced step hiring in Step L @ \$114,728 effective February 9, 2008 (IT)

This is a title and grade change; there is an accompanying local law related to the title change. There are mounds of data that come into the County, which is critical to our future and how we adapt. There is someone in mind for this position who has been very involved in strategic use of technology in the business environment.

d. Abolish Deputy Commissioner of Information Technology, Grade 36 @ \$70,981 - \$100,172 Effective Upon Filing of An Appropriate Local Law (IT); Create Deputy Chief Information Officer, Grade 36 @ \$70,981 - \$100,172 Effective February 9, 2008 (IT)

e. Authorize advanced step hiring for County Attorney, Grade 39, Step Q @ \$122,031 effective February 9, 2008 (Law)

This is to hire the new County Attorney at an advance step. He is a person with considerable experience in government both as a prosecutor in the DA's office and in the DAG's office.

f. Abolish Executive Secretary, Gr 26 @ \$34,165 - \$48,056 effective February 9, 2008 (Personnel); Create Executive Assistant, Grade 26 @ \$34,165 - \$48,056 and authorize advanced step hiring in Step S @ \$43,579 effective February 9, 2008 (Personnel)

Position has grown in its scope. The person works on things related to risk management, ID card system, and other new initiatives. This is a title change and step movement.

g. Authorize Advance Step Hire for Purchasing Dir, Gr 37, Step K @ \$90,178 eff. Feb 9, 2008 (Purchase)

This is a step change; incumbent would have a modest increase of \$2,000 in moving from Deputy Commissioner position to Director position; person has responsibilities for the entire department and all of the county buying, contracts, etc.

h. A Local Law Amending the Onondaga Co. Administrative Code to Change the Name of the Commissioner of the Onondaga Co. Department of Information Technology to Chief Information Officer

A motion was made by Mr. Kinne, seconded by Mr. Warner to approve items 12a - 12h.

Mr. Holmquist asked that as of today, he would like to abstain. He would like some time to think about this; he would like time to continue on with thoughts and questions.

Mr. Warner said that he was on the transition team; these positions have been discussed at length and they are justified. He asked if since the election of the new County Executive, has there been other positions that have gone through as advance step hires. Mr. Mareane said that there have been some advance steps--under the rules of the management plan, the County Executive is authorized to appoint somebody up to a step G. Beyond a step, G it would have to come to the County Legislature for approval. They have taken a lot of time to make sure that all of this is budget neutral.

Mr. Kilmartin said that he has had prior experience with the Co. Attorney; has known him for a long time, and has a great deal of faith and confidence in him. He asked to be a co-sponsor. Mr. Warner asked to be a co-sponsor on all positions.

Mr. Corbett asked how many positions started at a step G. Mr. Kochian said that all of these today are above G. Mr. Corbett asked about other positions that have started with the County--how many started at a step G. Mrs. Walter said that there are a half a dozen or so; she would have to look at the list, but many came in at steps A, B, or C. Not everyone came in at a G.

Mrs. Rapp referred to item 12g--asked if this is hiring for the person or hiring for the job. The person was in a position before and is choosing to take this job; questioned why the salary is being changed. Chairman Rhinehart said that there are 4 hires with advance steps, and creation of 2 new jobs. He agrees with Mrs. Rapp. There were good people working in those positions before--some have left on their own, some have not been hired back. It is the Executive's purview, but before voting on the legislature needs to know why. Mr. Kochian said that this person is an incumbent within the County, and is taking on the added responsibility from a deputy level to a director level. The salary promotion formula would have allowed for 2%, around \$2,000. The County Executive feels that the added responsibility was worth a little more than that. It is a vital position; the consequence of not getting the right person could be material to the County. Mrs. Rapp asked if the person would not have taken the position without this; Mr. Kochian said that is their belief.

Mr. Kraft said that he is sensitive to the fact that there is discussion about real people. Mr. Kraft made a motion that items 12a -- 12h be moved to the floor and leave the opportunity for each member to chase after the items that are of interest to them and vote at session. Chairman Rhinehart said that he believes this discussion is more about policy rather than actual people. It is more about the job and what the legislature is being asked to do with the positions being created.

Mr. Warner asked if this motion supersedes the original motion to approve all items. Mrs. Tarolli said that there is a choice to ask that Mr. Kraft's motion be voted on to take preference, or hold the motion for discussion.

Mr. Holmquist seconded Mr. Kraft's motion.

Mr. Kilmartin asked for clarification--is the motion to move to the floor a motion to move it to the floor immediately without further discussion. Mrs. Tarolli indicated that it was. Mrs. Tarolli said that there is also an option to go into executive session if there is a desire to talk about employment history of a particular person.

A vote was taken on Mr. Kraft's motion to move items 12a-12f to the floor. AYES: 4 (Rapp, Kraft, Holmquist, Rhinehart); NOES: 4 (Stanczyk, Kinne, Warner, Kilmartin). ABSTAINED: 1 (Corbett). MOTION FAILED.

A motion was made by Mr. Stanczyk to consider items 12a -- 12h all in one vote, seconded by Mr. Warner. Chairman Rhinehart clarified that this is a vote to take one vote on all of the items together. AYES: 5 (Warner, Kinne, Kilmartin, Stanczyk, Rhinehart); NOES: 0; ABSTAINED: 4 (Kraft, Corbett, Rapp, Holmquist). MOTION CARRIED.

A vote was taken on the original motion to approve items 12a -- 12h. AYES: 5 (Warner, Kinne, Kilmartin, Stanczyk, Rhinehart); NOES: 0; ABSTAINED: 4 (Kraft, Corbett, Rapp, Holmquist). CARRIED.

13. MANAGEMENT AND BUDGET:

- a. Confirming Appointment of Joe C. Mareane as Chief Fiscal Officer

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

- b. 2007 Transfer of funds from Facilities Management, Acct. 413 Maintenance, Utilities & Rents to Finance County Wide Allocations, Acct. 410 All Other Expenses in the amount of \$330,000 to cover increased Community College Chargebacks (\$330,000)

A motion by Mr. Kraft, seconded by Mr. Kinne, to approve this item. UNANIMOUS; CARRIED.

16. LAW DEPARTMENT:

- a. Confirming Appointment of Gordon J. Cuffy as County Attorney

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

Mr. Kilmartin requested to be listed as a co-sponsor.

14. DOT: Mark Lynch, Commissioner

a. Amending the 2007 Road Maintenance and Road Machinery Budgets to adjust for year-end deficits due to extreme and persistent winter conditions (\$497,500)

This will cover 2007 shortfalls: winter de-icing materials, overtime wages, fuel.

- Difficult Jan, Feb., March, Nov. and Dec.
- 185" of snow during that time period; an average snow fall is 121"
- Plowed, sanded/salted 304,000 miles; compared to 2006 which was 151,000 miles.
- Did 10,400 trips; 2006 they did 5,207 trips.
- Used 73,000 tons of clear lane material (salt); in 2006 used 35,000 tons.
- Overtime wages were 59,000 hours; 2006 was 32,000 hours.
- Experienced a total shortfall in '07 budget of \$1,488,000; received \$633,000 from the State due to the severity of the weather
- Left \$855,000 shortfall; transferred funds in Dec. from fund balance in Road Machinery and County Roads to cover part of it. However, they estimated using the average snow fall for Nov. & Dec. Then in Dec. 57" of snow was received. A normal Nov. and Dec. is 31".
- This resolution transfers \$303,000 from Facilities Management; \$142,000 from County Road fund; \$47,000 from Road Machinery (remaining balance).

Mr. Corbett referred to item 13B and noted that \$330,000 was transferred; this resolution transfers \$303,000 from it; he asked how much is in that account. Mr. Seitz said that there was about \$1.2 million surplus in Co. Facilities; most due to gas savings. A significant increase in natural gas was projected and it didn't happen.

Mr. Stanczyk asked if there is any balance in road machinery now. Mr. Lynch explained that this will zero out the accounts; it takes out \$142,000 from County Road Fund and \$47,000 in road machinery.

A motion by Chair Rhinehart, seconded by Mr. Warner, to approve this item. UNANIMOUS; CARRIED.

15. DESTINY RESEARCH & DEVELOPMENT PARK: Legislator Casey Jordan

a. Approve the Classification of a Type I Action Under the SEQRA; Accept the Final Environmental Impact Statement on the Destiny USA Research & Development Park; Make and Adopt a Findings Statement Pursuant to the Requirements of the NYS Environmental Quality Review Act

b. A Local Law Authorizing the Sale of County Property located in the Town of Salina to Destiny USA Research and Development Park, LLC and Providing for the Lease of a Portion of that Property Back to the County (Sponsored by Mrs. Rapp)
Chairman Rhinehart said that item 15b would be discussed first.

Mr. Jordan explained that this item went to Planning Committee in December; it was held off due to questions and issues. A number of issues have been worked out. The proposal today provides:

- County authorizes a sale of approximately 51 acres of land, Town of Salina, adjacent to Ley Creek Transfer Station. It is land not currently being used for county purposes.
- Transfer to Destiny USA Research & Development Park, LLC for the sum of \$100,000
- \$77,000 paid upfront; non-refundable
- Remaining \$23,000 will be paid at time of closing of property
- Destiny USA R&D Park will indemnify the County from any claims arriving from hazardous material that is on the property
- Purchaser is obligated to remediate any hazardous material that is on the property
- Appraisal was done by the County; appraisal was approx. \$2.3 million with property in pristine condition, estimate to remediate the property would be approximately \$3.3 million
- MWB and WEP have facilities currently on a portion of the 51 acres; there is an additional piece of property that OCRRA has indicated that they would like use of. The portions of land would be leased by the County and by OCRRA under a 99-year lease. The County will have the option to purchase the land that MWB and WEP is on for a \$1 payment waived, if the County chooses to exercise that option.
- A joint easement for the land currently being occupied; an easement for ingress/egress going to the WEP site, MWB site and Ley Creek site. County and OCRRA would have a joint easement for ingress/egress to the site. County would have right to enforce the easement including the right to remove any obstruction or impediment to ingress or egress caused by purchaser, its agents, or employees at sole cost & expense of purchaser
- The R&D Park would have 3 years to exercise their option to purchase the property. A suitable or agreeable tax agreement to be worked out between County and Destiny USA R&D Park, LLC. The PILOT is not before the committee at this point in time.

Chairman Rhinehart said that this is culmination of 4 proposals brought in December. It came from a number of suggestions from legislators. A lot of work was put into this by Legislators Jordan and Kilmartin.

Mr. Stanczyk said that the right way to look at this is that it is a purchase option. There is an option that the only payment that

the developer is making is the refunding of the \$77,000 that the County paid at his behest to make an assessment of the environmental problems of the site. Essentially, the County is allowing the developer to tie up County property for nothing. He referred to a local law that he is sponsoring, which is on the table, local law D on the desks. Chairman Rhinehart said that local law 15B, on the agenda is being discussed right now. Chairman Rhinehart said that he does not have Mr. Stanczyk's local law and was not informed about it. Mr. Stanczyk said his local law is amendment to the local law that is being discussed. Chairman Rhinehart said that this is the first that he has heard it and none of the members have seen it. He suggested that if there is an amendment or an item desired for discussion at the committee, it should be discussed with the Chair of that committee. Mr. Stanczyk questioned why it wasn't in the agenda packet; Mrs. Maturo, Clerk, said that she was told that the item was for session, not Ways and Means Committee; there was no discussion with her from the sponsor or the Chair to add the local law to the committee agenda. Chairman Rhinehart said that no one has seen the item and therefore it cannot be discussed at this meeting. He said discussion will continue on item 15B, as listed on the agenda.

Mr. Warner said that if the sale is proceeded with, and in the future Destiny wants to push the Resource Recovery Agency off of that site; then they should be totally responsible for the full cost of doing so. He has asked why it wasn't included in the actual local law--he requested that it be added. The cost to change the transfer station is about \$30 million. Unless he gets something in writing to that effect, that Destiny will be fully responsible for the total cost to push OCRRA out of their location, then he will vote against this. Mr. Jordan said that legally there is problem with it; it puts a restraint on land, which could effect the land; it would be an indefinite restraint upon land.

Mr. Holmquist said that this legislation is well thought out; it has been through several committees; 4 legislators have worked very hard on it; he will be supporting it. Mr. Kraft said that in December he voted against it; since then there has been a lot of work put into this and a lot of concerns addressed. He thanked legislators Jordan and Kilmartin for their hard work. Mr. Kilmartin added that there were discussion with Law Dept. and OCRRA as well. OCRRA was asked about their concerns and desires. From there the local law was re-crafted and there is now a much more advanced resolution with a greater amount of detail. Mr. Jordan said that OCRRA representatives attended the last Planning & Economic Development Committee meeting, and he understands that they are happy with the current language.

Mr. Kilmartin referred to Mr. Warner's concern; it would be very unusual to put in a local law what rights somebody doesn't have. If that were the case, local laws could be hundreds of pages, if we were to document what rights Destiny would not have in respect to adjoining property owners. Also, if this local law is passed and there is a purchase of the property by Destiny, they will be a neighbor to OCRRA, just as OCRRA has other neighbors presently. Neighbors to OCRRA currently do not have the right of their own volition to take the property of OCRRA, nor would Destiny if they were to become a neighbor. Within common law and case law there are some very substantial protections for OCRRA.

Mr. Kinne said that he has never know a purchase offer to be so open ended; questioned why it takes 3 years to close. Mr. Jordan said that the main reason is that there has to be testing of the land, they have to determine what type of contamination is there; make a determination as to the extent of the remediation. The County had an appraisal done of the property; in pristine condition it is actually less than what it would cost to remediate the problem. Mr. Kinne said that the developer knew what they were getting into and does not understand why they need 3 years. Mr. Jordan said that there are known environmental problems with the land and it takes time to test, determine what it will take to remediate, and determine the cost of do so. Mr. Aiken, Destiny, said that this project goes back to 2005, wherein they worked on a much more aggressive plan covering more land. They clearly heard that it was not acceptable to OCIDA and the County Legislature. Destiny went back to the drawing board and have invested a significant amount of money to move the environmental impact forward. This is an effort completely in line with the County and the State to grow green business in Central New York on a piece of property that has been under utilized with no interest in redevelopment either pre-2005 or post 2005. With a green light from the legislature, Destiny has the ability to do additional due diligence, where they are relying only in part on the analysis that was done for the County. There could be additional environmental issues, and Destiny has agreed to pick up the liability. There is planning and coordination that needs to take place with the town; they are lining up their partners; will need the opportunity to come back and bring this to closure. Sufficient time allowance is needed for all of the pieces to be put in place. They are doing it in partnership with the County to drive economic development and add a focal point to our community.

Mr. Warner said that he wants to make sure that the transfer station stays exactly where it is right now. There is a NYSDEC permitted landfill site located in his district. If he can be convinced between now and session that the total cost of any removal of the transfer station will be borne by Destiny, then he will support it.

Mrs. Rapp said that there was fair market appraisal done for this property; and terms were developed that are favorable for the County. There has been no interest in this land for the last 50 years prior to or after 2005. This is opening the door to say that there is interest in a half billion dollars of development in this County.

Mr. Stanczyk that the contention from his caucus is that the County is granting a purchase option to an entity for nothing. One of the incentives was to rid ourselves of a site that would need remediation. There should be incentives to have the developer close

the deal. As is it now, it is a 3-year option on the property, open ended, and no guarantee of closure. It should be tightened up with timeframes and timemarkers; nonrefundable dollars attached to timeframe, which would give incentive to the developer to close the purchase of property.

Mr. Kilmartin said that he understands the full context of the property and the site. Destiny is the only entity that has approached the County that is interested in developing this site. To a great extent that sets the tone for negotiations. The environmental condition of the property is another wrinkle in negotiations and dictates a number of the terms that are incorporated into this. OCRRA's future plan was addressed specifically and incorporated. Typically with a development like this, the buyer would go to the seller and demand that the seller pay for remediation of the site. In this case, the County has negotiated with Destiny that the County would not have to undertake any cost to clean up the sight, that it would be the problem of Destiny if they purchase the property. A 3-year period is not unusual for commercial development. Zoning alone could take one year.

Mr. Corbett said that because of Mr. Warner's concern, and as he has not seen Mr. Stanczyk's local law, he will abstain at this time.

Mr. Kraft was concerned that leases last 99 years; there should be leases and easements included that last forever.

Mr. Kinne said that he is concerned that the developer would want to be located next to a transfer station; and will demand that it gets moved. He noted that there are a lot of things going on about research parks, but are scattered all over. He doesn't like the fact that the developer is given 3 years.

Mr. Kraft said that he had discussions with OCRRA. Their future is not at present; they have expectations of substantially changing their facility to an enclosed operation or maybe moving somewhere else. If they stay where they are and nothing happens, they want to substantially upgrade, improve and be a better neighbor.

A motion by Mrs. Rapp, seconded by Mr. Kilmartin, to approve item 15b. AYES: 5 (Rapp, Rhinehart, Holmquist, Kilmartin, Kraft) NOES: 2 (Kinne, Stanczyk) ABSTAIN: 2 (Corbett, Warner). CARRIED.

A motion by Mrs. Rapp, seconded by Mr. Kilmartin to approve item 15a. 5 (Rhinehart, Rapp, Holmquist, Kilmartin, Kraft); NOES: 2 (Stanczyk, Kinne); ABSTAIN: 2 (Corbett, Warner). CARRIED.

16. LAW DEPARTMENT:

b. Settlement of Claims

Mr. Corbett made a motion to move out of regular session to discuss pending litigation, seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.

Mr. Corbett made a motion to move out of executive session and return to regular session; seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 12:35 p.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk
Onondaga County Legislature