

Office of the Onondaga County Legislature

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SPECIAL WAYS AND MEANS COMMITTEE MINUTES

July 5, 2006

WILLIAM H. MEYER, CHAIRMAN

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

ALSO PRESENT: *see attached list*

Chairman Meyer called the meeting to order.

A motion was made by Chairman Meyer, seconded by Mrs. Baker to waive the reading and approve the minutes of the previous committee meeting. Passed unanimously; MOTION CARRIED.

1. PERSONNEL: Mr. Peter Troiano; Mrs. Elaine Walter

a. Accepting and approving the contract between the County of Onondaga and the Onondaga Local 834 of Civil Service Employees Association, Inc.

* \$700 across the board in 2005; 2% across board in 2006; in 2007 1% in January and 2% in July.

* Co-pay increase to \$15 (from \$10) and \$12 for pediatric visits in 2006; \$17 and \$12 (pediatric) in 2007

All 4 contracts have same negotiated amounts. Total dollars for all 4 contracts are under \$7 million yearly for 3 years; approx. \$14 million cumulative for 3 years

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

b. Accepting and approving the contract between the County of Onondaga and the Central and Northern New York Basic Building Trades Council

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

* 18 - 20 skilled trades, same wage increase pattern and health and co-pay pattern as CSEA

Passed unanimously; MOTION CARRIED.

c. Accepting and approving the contract between the County of Onondaga and the International Union of Operating Engineers Local 8325, AFL-CIO

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

d. **Accepting and approving the contract between the County of Onondaga and the Onondaga Local 834 of the Civil Service Employees Association - Licensed Practical Nurses Unit**

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

- * Covers 2004 - 2007; this group had international affiliation with different local SCIU 721 and then last November decided to affiliate with CSEA
- * Increase in 2004 is same as negotiated with other units that have contracts - 3.75%; co-pays the same as other contracts
- * There are 91 people in this group; mostly at Van Duyn, 9 or 10 in correctional health services

Passed unanimously; MOTION CARRIED.

e. **Adopting Revised Salary and Benefit Schedule for Onondaga County Employees not represented by a bargaining unite and Amending Resolution No. 78-2001.**

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

- * 362 of them; out of them 80%, 292, are in grades equivalent to CSEA
- * Taylor Law precludes certain people from joining a union; they are serving in management, confidential capacity or have a role in conduct of negotiation.
- * Same salary increases as the previous 4 contracts just voted on; same increase in co-pays as other bargaining units

Mr. Ryan asked about the last contract passed for M/Cs. Mrs. Walter explained that there is no contract, but the resolution has smaller COLA increases than CSEA did last time. The last CSEA contract gave 14% over 4 years, and M/Cs had 9% for equivalent period. Most M/Cs receive annual step adjustment; all the other unions receive steps also, but not all on annual basis and some have fewer steps. There are 27 steps with M/Cs - about 42% range, which takes 27 years. CSEA has 4 steps and it is 11%. An average percent of a step is 1.25%. What takes a CSEA person 3 years to get to, an M/C person takes 6 or 7 years.

Mr. Kraft said that there are other ideas that have been put forth for consideration; some discussion that more homework needs to be done. There are differences between the 2 groups: paid leave, overtime, etc. Need to understand better the whole spectrum.

Mr. Ryan stated that from a political, perception standpoint, we have to vote on it and he compared it to a last minute issue; questioned if it has to be voted on today. Mrs. Walter recommended that it be voted on today, as it is very comparable, 80% is identical in terms of where they sit schedule wise; it would be inappropriate to do anything other than a similar adjustment. This is the exact same cost of living and exact same co-pay adjustment.

Mr. Stanczyk asked of the 362 ; how many are at top steps; Mrs. Walter said it is a small number. Ms. Migano said it is under 30. Mrs. Walter said that 81% of CSEAs are maxed out. Mr. Stanczyk asked why the steps aren't being addressed today. Mrs. Walter said overtime new hire rates have been compressed compared to CSEA counterparts because of not putting 14% on schedule and only putting on 9% for the last 4 years. Anyone hired in M/C titled who would have been equivalent to M/C title 4 years ago is now behind them by at least 5%.

Mr. Stanczyk asked for a percentage increase in steps comparing M/C to CSEA.

Mr. Stanczyk made a motion to table, seconded by Mr. Ryan. Voting Ayes: (2) Mr. Ryan, Mr. Stanczyk Noes: (7) Mrs. Baker, Mrs. Rapp, Mr. Kraft, Mr. Corbett, Mr. Warner, Mr. Farrell, Chairman Meyer. MOTION FAILED.

Mr. Kraft said that these conversations come up every time M/Cs are discussed. The vast majority of these people are workers in this system of government, just like CSEA is; There are a few commissioners and deputy commissioners, there are also elected officials in this group that aren't being talked about today. This should be voted on today.

Mr. Ryan said that the question is not if they deserve a raise; it is about the ancillary part -- vacation days, steps, etc, that will affect the M/C compensation package that will be looked at. This is asking to vote on the raise, which he has no problem with, but maybe this will double dip - has no problem delaying this for one month. Once this is passed, it may skew what is done for the other entities; i.e. CSEA and they may come back looking for something else.

Mr. Stanczyk agreed with Mr. Ryan; wants to move in direction where similar jobs are receiving the same pay, but feels that there is information that is not available yet; need to be fair.

A vote was taken on the motion to approve the item. Ayes: 7 (Mrs. Rapp, Mr. Corbett, Mrs. Baker, Mr. Warner, Mr. Farrell, Mr. Kraft, Chairman Meyer); Noes: 0; Abstaining: 2 (Mr. Stanczyk, Mr. Ryan) MOTION CARRIED.

Mr. Farrell left the meeting.

2. Amending Res. No 2-2001, as amended by Res. No. 13-2002 and Resolution No. 16-2002, authorizing the Co. Executive to execute a reporting agreement relative to the annual sales tax revenues for Carousel Expansion and to execute any agreements necessary to accept payments from SIDA - Mr. Anthony Rivizzigno, County Attorney; Mr. John Opar, Mr. Mike Lorenz, Mr. Bob Smith

Mr. Rivizzigno explained that the committee is being asked to consider the local law, which has been on the desks, a payment agreement that is the same as current agreement with DestiNY but this one would extend to 2022. This morning SIDA passed a new Agency Agreement along with a grant resolution, reporting agreement, grant agreement and agency agreement with Pyramid Companies. The mayor has signed the 2002 PILOT legislation, which he was directed to sign by Judge Centra; and signed other documents relating to that agreement. The last piece of the puzzle is for the County to extend the revenue sharing agreement with City to 2002.

The *Reporting Agreement* is a method by which the County determines what the sales tax revenue is on the expansion, on the 800,000 sq. ft; the agreement is used to determine the number.

The *Payment Agreement*: the County agreed to pay the City 30% of whatever the number from 2010 to 2022. There already is in existence a payment agreement that expires in 2010.

Mr. Stanczyk said that regardless of what is going on the City; we were intent on extending this 30% agreement to the City from 2010-2022 ; it just says that we agree this is a city project and want to make sure that they have revenues from city project, if in fact it happens, for a time period commensurating what we thought it would be years ago.

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

Mr. Ryan asked the attorneys, for the record: the Common Council had questions on legal interpretation on how this plays out in terms of taxes being given to Pyramid over 30 years if nothing is being built, taxpayers lose and they win. In addition, this money is in a PILOT and what do we get out of it; if they don't build, and people are successful in suing them, do they go the 30 years-what do we get back. Mr. Opar stated that PILOT payments will end up with the City and County if the project is not perceived, bonds are not issued. The \$60 million is paid to SIDA out of the initial bond issuance; only if bonds are issued does \$60 million ever become available. The \$800,000/month being paid into an escrow pursuant to Justice Center order will revert to City and County if project is not perceived because the bonds are not issued. If bonds are issued, those payments become PILOT payments that can be used by the developer to pay down the bonds that have been issued. Mr. Ryan stated that if it does perceive, they hand us a check for \$60 million when it begins. Mr. Opar said that they hand over a check for \$60 million and at that point undertake certain obligations to build. With respect to the 2000 SIDA bonds, the first phase, 800,000 sq. ft. expansion, is an obligation of Pyramid Companies and it backed by personal guarantees by certain individuals, including Mr. Congel and Mr. Keenan.

Mr. Ryan questioned if they give the \$60 million and choose not to build at that point in time, do they get they get the 30-year tax deal. Mr. Opar stated that they do not have the right to choose not to build. If they didn't perform their legal obligations, the Agency and County would have the right to take action to force the project to proceed. He does not see a situation where after the bonds have been issued the developer can just unilaterally opt not to proceed. Mr. Smith said that the \$60 million comes out of the bond proceeds - when bonds are issued, the \$60 million, which is going to be paid to City and County immediately, \$11 million first year, \$11 million second year, and then \$3.8 million every year there after, to take care of the gap of while this is being built comes out of the bond proceeds themselves. When the bond is issued, \$60 million is set aside immediately for those payments. The remaining money then is held by the bond trustee and by the bank and the process goes forward in terms of building. If nothing is ever built, then the project goes back on the tax rolls. Mr. Ryan said that it is from day one; Mr. Smith agreed. Mr. Opar said that the \$60 million is a phased payment over time, but immediately upon the bond issuance it is paid to SIDA and pursuant to grant agreements would be released to the County and the City; \$11 million on 1st anniversary of bond issuance and remaining \$38 million in 10 annual installments of \$3.8 million each. Mr. Ryan said that the \$11 million covers what we would get in property tax and we would continue getting that until it is built and then would be augmented by the sales tax generated. Mr. Ryan asked how phases 2 & 3 affects \$60 million. Mr. Opar said that it effects the \$60 million only marginally; the developer can treat \$60 million as satisfying certain then current obligations to pay SIDA additional fees for reporting a mortgage, taking other action. Mr. Opar said that the \$60 million is not refundable in any circumstance regardless of how much is built. The protections for building phase 2 & 3 are essentially the same as for phase 1; meaning it is an obligation of the PCO and guarantors.

Mr. Ryan asked if phases 2 & 3 aren't built, what is the downside for Pyramid. Mr. Opar said that he would speculate that the \$60 million payment was calculated based upon an assumed use of up to \$6 billion of benefits. If the developer doesn't build more than the initial 800,000, which we anticipated to involve roughly \$250 million of gross proceeds, the developer would by no means have gotten the full benefit of the prepayment of \$60 million and would remain obligated pursuant to agency agreement and completion guarantees to be liable for damages. Mr. Smith stated that the developer would have been required to pay \$56

million in pre-paid SIDA fees than it would have had to, because if they just build phase 1 and just complied with the original order that the court found in their favor, the requirement to pay SIDA fees would have been \$3.45 million. Instead they have agreed to pay \$60 million upfront, which is non-refundable - if they don't build phase 2 & 3, they lose all those monies and don't have any rights to take them as credits. Mr. Opar added that the Agency Agreement also limits the ability of developer to use and get bond proceeds to recap or to recover invested costs in the project, which have been substantial since the project was first entertained. Mr. Ryan asked what the number is; Mr. Opar replied that the number that is treated as if it were a reimbursement cost of phase 1 is anticipated to be \$107 million. Mr. Ryan asked if phase 1 is built, how much of \$107 million do they get. Mr. Opar said that \$90 million would have gone into the project; it would essentially represent an inequity commitment or investment in the project. There is an additional \$16 million that would be funded in escrow to secure the City Group Construction loan. Whether or not the developer could recover any portion, \$16 million would depend on upon the agreement with City Group. He said that under no circumstances does he believe those funds would be recoverable by the developer prior to having completed all of the first phase.

Mr. Ryan asked if this is viewed as a business decision, and if it doesn't happen, is it better to take tax deal for 30 years and letting \$30 million go because over time would be ahead of the game even though forfeited \$60 million and didn't build phases 2 & 3. Mr. Smith said the \$60 million is actually prepaid fees; it has nothing to do with the recap. The recap is the money previously invested, about \$280 million pursuant to the agency agreement cannot be recapped. In other words, Pyramid cannot go and try to issue bonds to try to get out of the project until all three phases have been completed. \$90 million is being reinvested back into the project. Mr. Ryan said \$107 was the number we were working on; have already captured \$90 million on first phase, so really have \$17 million at risk for phases 2 & 3. Mr. Rivizzigno disagreed - they can recapture, but not until they finish all 3 phases. Mr. Smith said that no money comes back to developer's pocket, which has been the concern that somehow you build phase 1 and after you build phase 1 you can recap your money and take it back out and put it into a bank account and keep it - that can't happen until all 3 phases have been constructed. Mr. Ryan asked if it the bank that will let you re-borrow to get your money back. Mr. Smith replied that it is on \$16 million of it; \$90 million stays in the project until all 3 phases have been built. Mr. Ryan asked about the other \$140 million; how is it recapped. Mr. Smith said when done with phase 3, it is their intent to have a phase 4 and phase 5. After the first 3 phases are built, there would be a right to cap in later phases. He said that they anticipate that the later phases will have a cost that will be equal to the amount they will take out in bonds and financing and therefore there won't be ability to recap even at that stage. It is really at the end that the recap is likely to happen. However, legally there is a right to recap after the first 3 phases have been built. Mr. Opar added that it is not as if the project, the existing Carousel, is free of taxes or alternative payments. Existing Carousel will be bearing a full load of PILOT payments at least equivalent to what the taxes would have been or possibly more. The developer and it's tenants will be responsible for continuing to make those payments for the entire 30 years for the first phase of the first bonds to be issued. There is really no tax savings that the developer can take and benefit itself or sell to someone else as a benefit -- PILOT payments are going to pay bonds rather than other City and County purposes.

Mr. Ryan asked about federated litigation. Mr. Opar said that the appeal of the EDPL or condemnation of proceedings, all action with respect to the parcels that have been condemned is stayed until Sept. 14th. He believes that is the date, in which the Appellate Division will receive briefs on the appeals by the tenants. Essentially the appeals represent the 3rd bite of the apple in the sense that the condemnation proceedings were instituted. The local Supreme Court and the Appellate Division already ruled upon the legality of the condemnation proceedings before, so these are very technical arguments such as notice, statute of limitations, etc. The expectation is that by either a date in late September or a date in early November, there would be a decision on the merits of that litigation and should be resolved prior to the year-end of bond issue. The legal obligation in the condemnation proceedings is that of the Agency, but the financial obligation is shifted to the developer. Mr. Smith stated that they have meetings set up with both parties already for the purpose of discussing settlements, and hope to resolve it even before Appellate Division has to. They are talking to Mark McNamara, Attorney with Hiscock and Barclay, who is representing SIDA in that action.

Mrs. Baker said that she understands that this is the same language; it is just agreeing with what we did in 2002. The attorneys agreed. Mr. Smith added that the Mayor has signed 2002 PILOT ordinance, which was approved by the Common Council and we are proceeding with the requirements of the 2002 ordinance that the judge found by way of his decision. Mrs. Baker stated that this is our opportunity to move forward with what the courts have upheld. Mr. Rivizzigno said that this is our opportunity to go beyond that. Mr. Ryan stated that it also includes the sales tax. Mrs. Baker said it is to extend from 2010 to 2022, which is a local law. The attorneys agreed. Mrs. Baker said that now all things discussed prior to this: obligation of the date, employee numbers, etc.; this is a confirmation of all of that. Mr. Smith agreed. Mr. Rivizzigno stated that it is not in the local law, but all the things that the SIDA has done is a confirmation of what was there before.

Mr. Warner questioned if this is an attempt to sidestep the City's last vote in any way; asked how long before we know an answer on an appeal, if there is an appeal. Mr. Rivizzigno stated that the appeal with Judge Centra will be withdrawn today by the Mayor, once the County passes its legislation. Mr. Warner asked if the Common Council has to approve it. Mr. Rivizzigno said "no" they were never party to the lawsuit; the County was, and did not appeal; SIDA was also a party, and they didn't appeal. The Mayor is the only one who appealed. Mr. Warner asked if the Council has the authority to override the Mayor. Mr. Opar said

that he does not believe so. He said that Agency Agreement approved by SIDA this morning is slightly different than the Agency agreement approved by the Agency on June 7th. The Agency agreement approved on June 7th had certain financing provisions for the benefit of the developer that would have required amendments to the 2002 City ordinance. The developer has agreed to withdraw those provisions from the Agency Agreement, or strike those provisions, so that the Agency Agreement approved by the SIDA Board this morning is within the scope of the 2002 ordinance and therefore doesn't require action by the Common Council to amend existing legislation.

Chairman Meyer said that this overall package has to go back to the Council at one time or another to extend the number of years. Mr. Opar stated that the Council would have to take action to approve extension of the sales tax and the receipt of grant from SIDA.

Mr. Kraft said that he has no information or indication of any sort that there is any kind of problem that would lead to what he is going to ask about - there is security behind deal with Pyramid in that the individual owners are cosigners, etc. He is also aware that today things are done with corporations or LLCs. In the case of this project, can he assume that the 800,000 sq. ft. that is to be built north of Hiawatha Boulevard is on the same premises of the existing mall. Mr. Smith said "yes", it would be built in what is the parking lot area of the existing mall; it is the same legal premises. There are multiple parcels that form the Carousel Expansion. Mr. Kraft questioned if they could be subdivided. Mr. Smith said "no"; the Carousel expansion sits on multiple parcels, which are taxed as one parcel. He added that the personal guarantees in this case are not by way of LLCs. Mr. Kraft said if 800 sq. ft. is built, and that secures the PILOT payments, the old mall also secures the PILOT payments on the first build. Mr. Smith said that the existing mall secures the PILOT payments on phase 1. Mr. Kraft asked if the existing mall is free and clear or is there debt on it. Mr. Smith replied that there is debt. Mr. Kraft said the asset isn't as big as the whole mall, it will be something less, deducting the debt. Mr. Smith agreed, stating that no one has ever made the assertion that the mall is 100% free and clear of any debt. Mr. Kraft question if \$200 million + of bonds are issued, is there enough security to back that up. Mr. Smith said "yes." Mr. Opar said that the first priority payment is to the junkyard and take yard tax and then to the holders of the bonds. You might think of these amounts as having the same priority and payment as real estate taxes. They are the first obligation of the owner of the property before it pays any debt service on a commercial loan. Mr. Kraft said if they are out of business and there is no revenue, to make payments we would then go to their personal guarantees. Mr. Smith said that you would go to the personal guarantees to complete the project. Mr. Kraft asked if an analysis has been done as to what is in their name, as opposed to grandchildren, trust funds, etc. Are there assets that can be reached out to. Mr. Opar said the guarantees that Mr. Smith talked about are guarantees to complete each phase, they are not guarantees of payment of PILOT amounts. Mr. Kraft said that it is the bondholders worry, not ours. Mr. Opar said as to the guarantors, the approach that was taken by the Agency was to say that we may not be in the best position to judge appropriate credit worthiness, so we are going to look to the commercial lender. In this case, it is CitiGroup. Whoever CitiGroup has identified a necessary guarantor of its loan, automatically becomes a guarantor in favor SIDA and the County of the obligation to complete. We are looking to the commercial lending community to tell us who the right lending communities are with the right balance sheets to provide the necessary credit behind the deal. Mr. Smith said that the bonds have been rated as high-rated bonds after due diligence by Wall Street.

Mr. Stanczyk left the meeting.

Mr. Warner questioned what constitutes a phase. Mr. Opar stated that phases 1, 2, & 3 are well defined and referred to an exhibit in the agreement. Future phases are left much more to the discretion of the developer to say that it could consist of a stand-alone facility, an entertainment facility, or of a further expansion of the existing center. Mr. Smith said that the first 3 phases as far as negotiation process with the Mayor and with SIDA, were specifically delineated what they would be. Beyond phase 3 there hasn't been a specific delineation of what the phases are. In order to give flexibility to the developer that once they build the first 3 phases, and want to build phase 4 & 5, they can do that without have to take an approach that was decided 3-5 years before that. Mr. Warner asked what advantages would come to Pyramid for phases 4 & 5. Mr. Smith said that they are no different than the first 3 phases. As they develop these phases, i.e. phase 3 can be used for the purposes of helping to finance construction of phase 4. If phase 4 is completed, can use the revenue from it to help build phase 5. If the revenue that comes off phase 4 is not sufficient to build phase 5, they would have to go out and borrow more money.

Mr. Warner asked what the present occupancy for the Carousel Center is. Mr. Smith said that it is between 95% - 97%.

Chairman Meyer asked for a brief description of phase 1, 2 & 3. Mr. Smith stated that phase 1 is 800,000 sq. feet of retail space to connect onto existing Carousel Center; phase 2 is 1,000 room hotel - can be built as a single 1,000 room hotel or multiple hotels that add up to 1,000 rooms on the site; phase 3 is additional 350,000 sq. feet of additional retail space. Chairman Meyer said the phases 2 & 3 may be reversed. Mr. Opar said that for each of phases 2 & 3 requires the developer to provide additional parking to augment what is already available. Mr. Smith stated that full construction of phases 2 & 3 will require the building of some structured parking.

Mrs. Rapp said that the agreement was going to the Council because there were additional enhancements to the 2002 agreement that primarily benefited the developer. What we are looking at today no longer has those enhancements, but what remains is the \$60 million enhancement for the community in general. She said the only things in here that we are looking at are sales tax

extension and \$60 million prepaid enhancement. Mr. Rivizzigno stated that the \$60 million is in the SIDA agreement; it has nothing to do with our resolution. It has already been approved by SIDA, have approved a grant resolution giving us our share of that. Mrs. Rapp said then that it is just the sales tax extension. Mr. Rivizzigno agreed. Mr. Opar said that is the only legislation required by the County Legislature. The Agency Agreement signed today by SIDA and the developer would implement the obligation to pay \$60 million to SIDA for the benefit of the City and County if the first bonds were issued.

Mrs. Rapp said that no matter what the applicants credit worthiness, they are responsible for all debt and all bonds that are issued and none comes back to the taxpayer ever. Mr. Opar said that these are limited recourse bonds, the bondholders can only look, as a source of repayment, the PILOT payments that are designated as available to pay the bonds. There is no opportunity for the bondholders to look to the City, County, Agency or taxpayers to repay those bonds.

Mr. Whelan asked regarding the September 14th appeal date, if they concur with the litigants what happens. Mr. Opar said that if the litigants were successful at the appellate level, then the options available to the developer would be primarily to attempt to reach a settlement that would allow the project to go forward or theoretically to appeal the negative decisions. He would expect and hope that the settlement would be more likely. Mr. Smith stated that if the litigants are successful at the Appellate Division, there would be a right to go to the Court of Appeals, but a more likely result would be to sit down and negotiate with litigants. He said that the litigants aren't litigating for the first time on whether or not there is a right to condemn their property. They have already litigated and lost in the Supreme Court, litigated and lost by the same Appellate Division they are trying to go to right now for the stay, and they attempted to go to the Court of Appeals, and the Court of Appeals refused it. What they are doing now is taking a technical procedure saying that now they want to stay per the construction and make a new or different argument. He said that it will be formally argued by way of a motion in the Appellate Division in September. Normally the Appellate Division takes anywhere from 4 -6 weeks to decide. Mr. Whelan asked Mr. Opar if they would go out to sell bonds until after that process is done. Mr. Opar said that ultimately that is a decision of the developer, but thinks there would be concern in the bond market about being able to price the bonds fairly with that litigation outstanding.

Mr. Whelan asked why would the legislature work with this item without the Common Council, who needs to vote. Mr. Opar said that he believes, based on the actions that have already occurred today, that the only action that Common Council is required to take would be to accept the extension of the tax agreement between the City and the County from 2010 to 2022. Mr. Whelan questions why we would vote on that not knowing if the Common Council would concur with our actions; have been down that road before and have seen things voted down. He questioned what do they want to accept prior to our making an adjustment. Mr. Opar said that the Common Council could choose to refrain from accepting benefits of the longer tax deal and the benefits of the \$60 million to SIDA, there is not economic reason to do so and believe that the action was taken today together with proposed action of the legislature would best enable the project to proceed. Mr. Whelan asked if would not appear that the legislature is slapping them in the face with our actions without them first concurring to this new step. Mr. Rivizzigno replied that one important thing, is that we, along with developer and everybody else has indicated that we are not going to negotiate to do this any more. This is what we agreed to do a while ago and all we are doing is implementing it. We are not going to go back and talk to the Council to say it will be 35% or 40% -- this is what we agreed to. If they chose to ignore it or refuse, that is their right, we can't stop them, but we will not go back and negotiate another deal. Mr. Whelan said that history indicates failure or denial and is very concerned with us unilaterally reaching out and saying here is an offer, take it or leave it.

Chairman Meyer said that he is not sure that it is unilateral; thinks there have been discussions with the mayor.

Mr. Ryan questioned how this agreement (2002 agreement that is being amended) affects any phases beyond phase 3. Mr. Opar said that the ability to access the bonds extends for 7 years from the first bond issuance. If the first bond issuance were in 2006, then the developer would have until 2013 to build not only phases 1, 2, 3 but also whatever phases it chooses to build. If they build 1.5 million leasable area, then it can extend for another 3 years. Mr. Ryan said if they take all of the Empire Zone acres accumulated for golf courses or bocce ball, it will not really generate a lot of sales tax. Mr. Smith responded that those sites are outside of the 140-acre print and that would require separate action of the Legislature, Council and SEQR.

Chairman Sweetland said that going to go forward under a 2002 PILOT agreement. The attorneys agreed. Mr. Sweetland asked if the PILOT agreement limits the amount of bonds, allow SIDA to issue bonds up to \$6 billion without further action by the legislative body. Mr. Opar said that the 2002 date is the reference to the ordinance that was passed by the Common Council in 2002; the PILOT agreement proposed to be signed today would be signed pursuant to the authority given by the Common Council to the Mayor in 2002. It would take effect on December 31, 2005. Initial bonds issued would be issued for a term of near 29.5 years, maybe a little less. The authority that SIDA is operating on under issued bonds is reflected in the agency agreement that is signed this morning, is limited to \$2.2 billion. There was talk about extended to \$6 billion, but it never actually happened.

Mr. Sweetland referred to a letter that 6 Common Councilors wrote. There are parts of it that relate to the 2006 PILOT that are no longer relevant, because there is no 2006 PILOT any more. Some of the things that these folks stated have bearing on this. He asked the attorneys to answer to the following statements from the letter.

Chairman Sweetland read "...Needless to say there is stark contrast between mall expansion and what has been represented to the public at DestiNY. Chief among the legislation's weaknesses is the lack of any guarantees that the developer will build a mall expansion much less DestiNY. The legislation can take no enforceable guarantee. In deed, the legislation states that SIDA and the City cannot terminate the PILOT agreement ever, even if Pyramid builds nothing..." Mr. Smith said that this is incorrect. Mr. Sweetland said that the City and SIDA can terminate the agreement if Pyramid never builds anything. Mr. Smith agreed.

Mr. Sweetland said that the letter also talks about the stores' lawsuit and the letter indicates that Pyramid would get the benefit of the DestiNY tax break even if the stores win. Mr. Smith stated that is incorrect. Mr. Sweetland said that if all that happens, there is no deal, everything goes back on tax rolls, it is already sitting there today and pays all the back taxes, everything. Mr. Smith agreed.

Chairman Sweetland read: *...in fact the Mayor Matt Driscoll, County Executive Nick Pirro, and Pyramid partner Bruce Keenan, each stated in sworn affidavits on June 15th that if the Appellate Court extended the stay on construction, that if they did DestiNY would be materially compromised. In deed, Mr. Keenan went so far as to say that that the project would likely fail. After all, if the project would "likely fail" because of the extended stay on construction, why would we vote to grant that project a 30-year tax break without the ability of the City to end the agreement...* Chairman Sweetland stated that the City can end the agreement. The attorneys agreed.

Chairman Sweetland read: *... and there is no way the developer could begin construction by December 31, as required in the agreement.* Chairman Sweetland asked if it is required in the agreement that they begin construction by December 31st. Mr. Opar stated that unless, there are unavoidable delays, the date to issue bonds and begin construction is December 31, 2006. Chairman Sweetland said that logistically bonds can be issued and construction can begin by then if there are not unavoidable delays. The attorneys agreed.

Chairman Sweetland read: *...despite the fact that the City would not get the money (\$60 million) Pyramid would still have the benefit of the 30-year tax break.* Mr. Smith said "not true." He added that the \$60 million comes out of the bond proceeds, and if the bonds are issued, it triggers completion guarantees in the Citibank financing that would have the project go forward. There is no way that we don't pay the \$60 million and get a 30-year tax deal because in that circumstance they didn't comply with the requirements of the Agency Agreement. The Agency agreement would allow it to be put back on the tax rolls.

Chairman Sweetland read: *...we have no written guarantee that the developer will use local labor or that prevailing wages would be paid.* Chairman Sweetland asked if there ever was any guarantee. Mr. Opar said that the Agency agreement deals with labor in 2 areas - it deals with paying prevailing wage on any public portions of the project, i.e. roads and other infrastructure. It also requires that the developer, with respect to his own work force, and the developer with respect to third party contractors causing them to do so, that they abide by the City's goals for minority and women owned businesses. Mr. Smith said that the idea that we can build a structure of 800,000 sq. ft. on phase 1 and subsequent phases just doesn't make any intuitive sense.

Chairman Sweetland said that in 2000 it was said that the bonds could only pay for public infrastructure and asked if that is what the 2002 agreement says. Mr. Opar said that the use of bond proceeds were brought in for public infrastructure; essentially anything permitted by state law and anything that would render the bonds taxable.

Chairman Sweetland reiterated that the 2002 agreement is what is going to be in effect; it was approved by the City and County and all we are doing at this point is making a statement saying that we are willing to extend the sales tax agreement to the year 2022.

Mr. Warner referred to the Centra lawsuit and said that we just heard that the Mayor is not going to appeal that, but we are not totally sure, if in fact, the City Council could somehow appeal to the next higher court. If they do appeal and win, and essentially the present mall will have to start paying taxes, would it have any affect on what we are doing here today. Or are we so far down the road that it wouldn't be relevant. Mr. Smith stated that it would have an effect. He believes they do not have that right. In the event they were somehow granted a right and prosecuted the appeal, and by doing so the holding was that there is no deal and therefore no agency agreement, the mall would be placed back on the tax rolls. Placing the mall back on tax rolls has already been found by Judge Centra that it doesn't have to go back until November of 2007. Unless the Appellate Division separately rules on that issue, in which case it would go back on the tax rolls effective December 31, 2005. If you wait until all these permutations that people have, and for whatever reason want to stop the project from being built, the project will be over by then anyway because of the inability to comply with the other financial clients--both with Citibank and bonding.

Mr. Ryan asked if this deal is done and the bonds are issued, and the \$60 million is received, and then turn around and it is decided that is it; don't want it. We give the bondholders their money back minus the \$60 million plus the interest; do we not have an agreement for 30 years--complied with the \$60 million but didn't build. Mr. Opar said that if the bonds have been repaid, the property goes back on the rolls. Mr. Smith added that when the bonds are issued, both Citibank and the bondholder will be given a completion guarantee and there will be a duty to construct it that way.

Mr. Whelan asked how we can vote on a local law that references a 2006 payment agreement, when there is no 2006 payment agreement. Mrs. Tarolli explained that there is the 2002 agreement that was approved by the 2002 local law. This is the payment agreement that would pick up from 2000-2010 extended to 2022. It is called 2006 payment agreement to differentiate from what was already authorized. The 2006 payment agreement will be authorized today. Mr. Whelan said that it addresses all of the amendments in which the Common Council disagreed with. The only thing we are touching is the tax agreement. Mr. Whelan said that the County Executive is authorized to enter into 2006 payment agreement in substantially the form on file with the Clerk of this Legislature and execute other such documents. Mr. Whelan said that gives him an open door, and he will not go down that path. Mrs. Tarolli said that only difference with this payment agreement is what is essentially in paragraph 3 -- giving the City 30% of the 3% sales tax and from 2022 30% of whatever the sales tax is.

Vote was taken on the motion. AYES: 6 (Mrs. Baker, Mrs. Rapp, Mr. Warner, Mr. Corbett, Mr. Ryan, Mr. Meyer) NOES: 1 (Mr. Kraft) Out of room: 2 (Mr. Farrell, Mr. Stanczyk) MOTION CARRIED.

3. A Local Law amending Local Law No. 2, 2001, as amended by Local Law No. 3-2002 and Local Law No. 5-2002, authorizing an annual payment to the City of Syracuse and authorizing the Co. Executive to execute payment agreement with respect to Carousel Expansion

A motion was made by Chairman Meyer, seconded by Mrs. Rapp to approve this item. AYES: 6 (Mrs. Baker, Mrs. Rapp, Mr. Warner, Mr. Corbett, Mr. Ryan, Mr. Meyer) NOES: 1 (Mr. Kraft) Out of room: 2 (Mr. Farrell, Mr. Stanczyk) MOTION CARRIED.

The meeting was adjourned at 12: 40 p.m.

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature

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PLANNING & ECONOMIC DEVELOPMENT COMMITTEE MINUTES

SANDRA L BAKER, CHAIR

JULY 10, 2006

MEMBERS PRESENT: Mr. Whelan, Mr. Meyer, Mrs. Rapp, Mr. DiBlasi, Mr. Stanczyk

ALSO PRESENT: see attached list (Attachment 1)

Chair Baker called the meeting to order at 11:02 a.m.

A motion was made by Mr. Stanczyk, seconded by Mr. Whelan to waive the reading and approve the minutes of the proceedings of the previous committee meeting.

1. SOCPA: Ms. Bobbie Harrison

a. Approving the inclusion of viable agricultural land within a certified agricultural district pursuant to Section 303-B of the Agriculture and Markets Law, Article 25-AA

Ms. Harrison passed out a map showing the approximately 195,000 acres of land enrolled in certified agricultural districts (*on file with Clerk*). Ms. Harrison noted that the State Agricultural Districts Law (to conserve farmland) was passed in the early 1970's, and modified in 2003 to allow additional land to be included. This 77-acre property is located in the Town of Pompey, and would be included in Agricultural District 4; 55 acres of this land is currently worked.

A motion was made by Mr. Whelan, seconded by Mrs. Rapp to approve this item. A vote was taken and passed unanimously. MOTION CARRIED.

b. Renewing with modification Agricultural District No. 3, in the Towns of Camillus, Elbridge, Van Buren, Lysander, Clay, Cicero and Manlius

Ms. Harrison distributed a map showing Agricultural District No. 3 with the 2006 proposed additions and deletions (*on file with Clerk*). A public hearing was held on June 27, 2006. Mr. Meyer asked about the deletions. Ms. Harrison said most of the parcels were deleted at the request of the property owner. The Farmland Protection Board also contacted municipalities in each town asking them to look at land that should be removed; for example, parcels converted to residential or no agricultural activity going on. There are deletions in Towns of Cicero, Elbridge, Lysander, Manlius and Van Buren.

Mr. Whelan, Mr. Meyer and Mr. Warner requested to be co-sponsors.

A motion was made by Mr. Whelan, seconded by Mrs. Rapp to approve this item. A vote was taken and passed unanimously. MOTION CARRIED.

c. Confirming appointment to the Syracuse/Onondaga County Planning Agency (Mr. Cupoli)

A motion was made by Mrs. Rapp, seconded by Mr. Whelan to approve this item. A vote was taken and passed unanimously.

2. Cornell Cooperative Extension Information: Mr. Paul O'Connor, Executive Director

Mr. O'Connor distributed a brochure *Cornell Cooperative Extension is Making a Difference in Onondaga County* (*on file with Clerk*). Mr. O'Connor said that Cooperative Extension started in New York State, and continues with one office in every County and New York City. Mission: bring the research and development resources of the university to the local community, as well as bring the needs of the community to the research institution. Every five years Cornell Cooperative Extension (CCE) is expected to go through a Plan of Work process. The current plan has four strategic areas:

1. *Agriculture:*

- * Work to conserve 195,000 acres as farmland; help producers to have cutting edge technology.
- * Pilot program - Tactical Agriculture Program (TAG) for Skaneateles Lake Watershed; help farmers increase their yields and profits in a way that is sustainable; will go to individual farms to look at pest management problems (individual help as well as community); reduce the use of pesticides on the farms while still being able to increase yields.

2. *Nutrition, Health and Safety:*

- * Continue to work with the County Department of Social Services to bring nutrition education to 1000 people annually; targeting those earning \$15,000 or less (family unit of four).
- * Food Safety Program - minimizing food-borne illness in the community (train employees from every food institution in the County).
- * Energy and Financial Management - education targeting and helping those in arrears of utility bills to manage energy and finances; open to anybody; have had workshops throughout the county.
- * School Wellness Policy Development - schools have been encouraged by Congress to develop policies by September; have been involved with the County's Department of Health in a grant program (multi county) to have healthier foods and drinks in schools.

3. *4-H Youth Development:*

- * 115 youth involved with management of 700 head of cattle and horses.
- * In the process of developing a 4-H standard. CCE is committed to the 4-H clubs, and they will also know what CCE expects. Will concentrate on youth development that benefits the individual as well as teaches them civic development.

4. *Natural Resources and the Environment:*

- * Water chestnuts removal - working with County Department of Health; water chestnuts are going through every watershed in the county, except Skaneateles.
- * Onondaga Creek Cleanup - 80 community volunteers.
- * Skaneateles Lake Watershed - continually work so that there will not be a need for a costly filtration plant, and that we have a safe, clean water supply.
- * Biggest year yet for planning and maintaining trees - 70 volunteers; community collectively saved \$50,000 on planting trees because of CCE's bare root tree planting program.

Mr. O'Connor said three big issues that they see locally and throughout the entire extension system are obesity (especially among youth), invasive plants and energy (both in terms of conservation and production). Mr. O'Connor mentioned Tech Link (pilot project with County's Office of Economic Development to link area businesses with Cornell Research and Development); eight to twelve companies are interested in going to Cornell to see labs and meet individually. Mr. O'Connor noted that Cornell Cooperative Extension Onondaga County is becoming an accredited association by the State system.

Regarding the 2006 leveraged support budget, Mr. O'Connor said that the County share is 37% and Federal and State 8%; the budget is still over 50% in grants and contracts. Regarding the 2007 budget, CCE has asked the County for level funding plus \$20,000 as a match on a grant opportunity they have with the USDA Forest Service (inventory and management of urban forest throughout the county). This would be a three-year project (\$300,000) with a \$20,000 match each year.

Mr. Whelan supports strongly the efforts of Mr. O'Connor and Ms. Harrison concerning CCE. Mr. Whelan asked what they do with material harvested out of the waters. Mr. O'Connor replied that it goes to landfills; a person harvesting material from Cazenovia Lake is in the process of trying to have it certified as organic weed to be used on farmland.

In answer to Mrs. Rapp, Mr. O'Connor replied that any municipality could be involved in the tree planting program; it is not just for trees that have blown down. Municipalities save \$50 on each tree, because of the bare root program (hydro gel used around roots, rather than dirt when transporting). Cost per tree is usually around \$75.

Mr. Meyer asked if it is inevitable that Skaneateles will have to have a filtration system. Mr. O'Connor replied that they have had a twelve-year program with the City, Skaneateles Lake Watershed and the Soil and Water Conservation District; it depends on things that could make it to the lake, such as pesticides, erosion of soil; not close to needing one at this point. Concerning the bio-energy, Mr. Meyer asked about the Fulton operation. Mr. O'Connor replied that they have a meeting with them in the afternoon to hear what their ideas are.

Mr. Stanczyk asked if they would receive state funding after the certification process is completed. Mr. O'Connor said it is not a mandate of New York State; it is an internal process within CCE at the state level. **Mr. Stanczyk asked for a breakdown concerning the sources of grants for 2005 and 2006 - state, federal and other.** Mr. Stanczyk asked for more information about the bare root system. Mr. O'Connor said each community can decide how many trees they want to plant, CCE helps them determine the right location and right tree, trees are chosen from a catalog and an order is sent to CCE. CCE sends in a bulk order for all the municipalities, and receives a 25% discount. CCE coordinates the delivery (requires each municipality to send two people and a vehicle to pick up the trees). CCE will train village crews on how to plant, or if using volunteers, CCE checks the grants and contracts to determine if they are allowed to help out (most grants and contracts are related to income level of municipalities). Mr. O'Connor said the trees arrive the first week in November; have seven days to plant. In answer to Mr. Stanczyk, Mr. O'Connor said they have helped the City of Syracuse, Village of Minoa, Town of Manlius, Village of Fayetteville, and Jordan. Concerning help when volunteers were used, CCE has worked with E. Syracuse, Syracuse, a small portion of the Town of Onondaga, Town of Salina and two others.

Ms. Rapp asked if the grant money could be used to defray the cost of the trees. Mr. O'Connor said a very small amount of it - most of the money is used to cover CCE costs.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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EDUCATION AND LIBRARIES COMMITTEE MINUTES

JULY 11, 2006

JAMES DIBLASI, CHAIRMAN

MEMBERS PRESENT: *Mr. Corbett, Mr. Holmquist, Ms. Mulroy, Mr. Kinne, *Mrs. Chaplin, *Mrs. Winslow

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

Chairman DiBlasi called the meeting to order at 9:08 a.m.

There was not a quorum at the time the meeting was called to order; therefore, Chairman DiBlasi took the agenda out of order.

2. Informational - Erie Canal Museum Interpretive Center: Ms. Michelle Keib, Interim Director

Ms. Keib said they have received a grant from State DOT for \$400,000 with matching funds of \$200,000 that will be used to rehabilitate and revitalize the downstairs of the Erie Canal Museum (current exhibits down there are twenty-five years old). Ms. Keib added that they have also written a State DOT grant (\$1.2 million) to purchase the Water Street Gym building at the end of their block. They qualify because it is a transportation grant, and they are a transportation museum; will be notified in October concerning award. Purchase price for building is \$499,000; grant would be used for a new façade to make the building look like four small Erie Canal warehouses, bathrooms would be made handicap assessable, an elevator would be installed. The building would have office space for a couple of staff members who are now located in the Weighlock Building (opening up Weighlock space for more exhibits). Also, they have talked with the Executive Director of the National Heritage Corridor about taking a twenty-year lease, once they receive the grant. They are asking the County to upfront the money that will be reimbursed by State DOT. Ms. Keib said that Mr. Mareane has agreed to it in principle. Ms. Keib noted that they have put a purchase offer on the building with a contingency that they receive the grant. There is a clause in the purchase offer stating they would pay within thirty days after notification of receiving grant.

**Mr. Corbett, Mrs. Chaplin and Mrs. Winslow arrived at the meeting.*

Mrs. Rapp, who serves on the Canal Museum Board, said the goal is to have the entire block as a Syracuse history center with other museums, bookstore, coffee shop and apartments above. Mrs. Rapp noted that there is \$3 million left for these State DOT grants. Ms. Keib said it will come around again for the third time next year; what monies are left will be reallocated next year, and they will go after more.

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

1. OCPL: Ms. McCaffrey

a. Transfer of funds from Regular Employee Salaries Account 101 to Professional Services Account 408 (\$10,000)

Ms. McCaffrey said the OCPL Public Information Officer retired on May 31, 2006. Rather than hire a replacement for the balance of the year, they intend to contract with a public relations firm for promotional and advertising service.

Mr. Kinne asked what firm would be used; Ms. Jensen said that it would be bid out by Purchasing. Mr. Kinne asked how many positions are vacant; Ms. Mignano replied two.

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

b. Amending the 2006 County Budget to accept CNY Community Foundation Funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts to implement this resolution (\$25,000)

Ms. McCaffrey said the money would be used to do a community user survey - users and non-users - what they need and what they want. Will work with KS&R Research - four focus groups (8 to 10 participants in each group) and telephone survey of 300 users and 300 non-users of the Library.

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

b. Amending the 2006 County Budget to accept Gates Staying Connected Grant Funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts to implement this resolution (\$7,768)

Ms. McCaffrey said the funds would allow them to send about 25 staff members from all the County libraries to take an on-line course at OCC in web page design training. Curriculum will be created so that those trainers can then train staff in their libraries and the public (targeting minority-owned, women-owned and small businesses).

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

Ms. McCaffrey distributed information regarding an Internet filter implemented by OCPL (on file with Clerk).

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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ENVIRONMENTAL PROTECTION COMMITTEE MINUTES

July 11, 2006

CHAIRMAN JAMES CORBETT

MEMBERS PRESENT: Mr. Whelan, Mrs. Winslow, Mr. Farrell, Mr. Kraft, Mrs. Chaplin

ALSO PRESENT: Mr. Meyer, *see attached list*

Mr. Corbett called the meeting to order at 9:35 a.m.

A motion was made by Mr. Farrell, seconded by Mr. Whelan to waive the reading and approve the minutes of the proceedings of the previous committee meeting.

1. LAKE IMPROVEMENT: Sue Miller

a. ACJ Update

- * 76% of concrete poured at Midlland
- * 54.7% expenditures on 4 prime contracts
- * proceeding with design activities on Phase 3
- * proceeding on 5 properties need to acquire for Phase 3
- * started construction of sewer separation on South Ave.
- * placed about 300 ft of new sanitary sewer on South Ave; next street to be done will be Bissell
- * Biosolids handling improvement project is going on Metro
- * Began demolition of 2nd floor of current sludge dewatering building
- * 50% design on Harbor Brook conveyances - pipeline - sent to DEC for their review
- * floatables control boat moves to 2 days per week in June

Mr. Farrell asked about the volume of floatables. Ms. Miller said that each year it increases; last year there was over 23 tons. There was discussion about organized clean up days and it was noted that even with them there is more being collected. They collect: tires, chairs, trees, Styrofoam, balls, shopping carts, etc.; she can provide a list of items. The cleanup days are helpful, but do not take care of the majority of the waste.

Ms. Miller distributed range gages to the members, as part of the Non-point Pollution Education effort. They will be getting them into the schools this fall, they were handed out on Lake Day.

Mr. Kraft referred to page A-3 in the report. Mr. Elander said that it is as of the end of June, but there are things that aren't necessarily in there. There will be a modest balance at the end of the year.

There was discussion about reasonable sums being included in the encumbrance column. Mr. Farrell felt it should be an accurate representation of what has been expended a committed to. Mr. Elander explained that for example the Law Dept. charges are at \$0 as they do not have them yet; he has no control of when the bills come in. They are not encumbered, but are expected.

Ms. Chaplin arrived at the meeting.

2. WATER ENVIRONMENT PROTECTION: Mr. Richard Elander, Commissioner

a. Calling a public hearing pursuant to Article 2 of the New York Eminent Domain Procedure Law prior to the consideration of the acquisition of property for the Harbor Brook Sewer Improvement Project with the following

Tax ID Numbers: 108.01-01-01.0, 108.01-01-02.0, 108.01-01-03.0, 108.01-01-04.0, 108.01-01-05.0, 108.01-01-06.0, 108.01-01-07.0, 108.04-01-02.0, 108.02-06-04.0, 108.02-06-26.0, 109-03-02.0, 109-03-17.0, 109-03-18.0, 099-03-01.0, 099-03-02.0, 099-03-07.0, 097-18-14.0, 097-17-03.2, 097-17-04.7, 097-17-04.6, 097-17-07.0, 097-17-08.0, 097-17-09.0, 098.02-01-05.4, 091-02-35.0, 091-02-36.0, 113-04-15.1, 113-03-08.0

Chairman Corbett explained that that there has been a change in the law and now have to hold public hearing.

Mr. Elander said that the two resolutions are asking that public hearings be held prior to the September session for Harbor Brook and Midland projects. They do not have appraisals; have aerial photos that show properties. He will come back with survey numbers, tax number, etc. They have designated permanent and temporary easements; advised property owners that their property is potentially part of project; they will be advised that a public hearing will take place. Mr. Elander clarified that there is no intention of getting into eminent domain; this is just a new legal procedure that they must follow.

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

Mrs. Chaplin said that it is important for legislators to hear what people are saying during public hearings; that side meetings do not occur, which she found quite offensive - wants people to listen and give courtesy to the speakers.

Chairman Corbett seconded the motion to approve. Passed unanimously; MOTION CARRIED.

b. Calling a public hearing pursuant to Article 2 of the New York Eminent Domain Procedure Law prior to the consideration of the acquisition of property for the Midland Avenue Sewer Improvement Project with the following Tax ID Numbers: 078-10-04.0, 075-15-01.0, 075-15-02.0, 075-15-03.0, 075-15-04.0, 075-15-29.0

Mr. Elander explained this is the same procedure as item 2a; 6 properties from Brighton to Newell Streets.

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

c. Appropriating \$3,000,000 of the proceeds of the bonds authorized to be issued pursuant to bond Resolution No. 231 dated September 7, 1999 to provide funds for property acquisition and other related expenses of the Clinton Street conveyances and regional treatment facility projects

There will be a presentation and comments received at the public hearing. They are asking that the properties to be including at the public hearing be approved for purchase. Item "2d" includes the amounts, fee acquisition, temporary easements, permanent easements, types of activities for all properties related to Clinton. They would adopt the determination and findings and authorize acquisition of the property for the Clinton project. This resolution is asking to appropriate \$3 million of the project, that has already been approved, so there is some buffer to allow some negotiating room, primarily/potentially with the City. It would give them money to do the negotiations and purchase the properties. He believes that a resolution would be between \$2.3 and \$3 million; the actual appraisals total \$2,239,100.

Mr. Kraft questioned the mass of easements. Mr. Clare and Mr. Elander displayed the conveyances and easements to get to the Trolley Lot (Clinton Station), also easements related to City property at Trolley lot. Temporary easements are strictly to have construction; permanent easements are where there is a pipeline underground. They are in the business district of Armory Square. Mr. Clare explained that the areas are primarily used for parking lots and the appraisal takes into account the value of lost parking revenue that will occur while pipeline is being put in.

There was discussion about the amount of appropriation.

Mr. Farrell made a motion to reduce the amount to a total of \$2,420,000 and approve the resolution with said amendment. After further discussion regarding the number, Mr. Farrell amended his motion to reduce the amount to a total of \$2,440,000 and approve the resolution with said amendment. Mr. Whelan seconded the amendment.

Mrs. Winslow asked if there were discussion with property owners and if they would accept the figures; Mr. Elander stated that there have no conversations regarding the appraised values. Mr. Clare said that no offers have been made.

A vote was taken on the motion: AYES: 3 (Mr. Whelan, Mr. Corbett, Mr. Farrell) Noes: 2 (Mrs. Winslow, Mr. Kraft); ABSTAINING: 1 (Mrs. Chaplin). MOTION CARRIED.

d. Adopting a determination and findings pursuant to Article 2 of the New York Eminent Domain Procedure Law and authorizing the acquisition of property for the Clinton Street Sewer Improvement Project

Mr. Farrell made a motion to amend this item to a total of \$2,440,00 and approve as amended; Mr. Whelan seconded the motion. AYES: 3 (Mr. Whelan, Mr. Corbett, Mr. Farrell) NOES: 2 (Mrs. Chaplin, Mr. Kraft) ABSTAINING: 1 (Mrs. Winslow) MOTION CARRIED.

3. METROPOLITAN WATER BOARD: Mr. David Fitch, Executive Director

a. Authorizing a public hearing to consider the Metropolitan Water Board's proposed improvement and construction of covered storage facilities at the Onondaga County Water District Eastern and Western Reservoir sites

This is to schedule a public hearing prior to the September 5th session to consider the MWB's plan to cover both Eastern and Western Reservoirs. The plan and estimate is in draft form at this time; will come back to committee next month to go over details.

A motion was made by Mr. Farrell, seconded by Mr. Whelan to approve this item.

The design will be completed in 2007; construction in 2008; they are under a mandate from the federal government that all open reservoirs must be covered by 2012. It is a multi-year project--2 reservoirs to be completed in 2010, and last one in 2011. A reservoir covering alternative study was done in 2005 and submitted to the water board; the board chose this approach. **Mr. Farrell asked that a copy of the report be provided to the committee.**

Mr. Whelan questioned how much of the \$56 million is local vs. federal or state money. Mr. Fitch explained that the number assumes no contribution from anyone; are in the process of pursuing funds from federal and state. They could obtain funds through grants from Homeland Security or a low-interest loan from NYS Revolving Fund for Water Supplies. Mr. Whelan expressed concern about knowing the dollars available by the time for the public hearing. Mr. Fitch said that he will provide all the information that he has available at the time.

Mr. Farrell and Mr. Whelan withdrew their motion and second.

Mr. Kraft asked for legal opinion about moving this to the floor without a vote at committee. Ms. Testut explained that the item would need a waiver to be considered at session.

Mr. Kraft made a motion to move this item to the floor without a vote, seconded by Mr. Farrell. AYES: 2 (Mr. Kraft, Mr. Farrell); NOES: 1 (Corbett) ABSTAINING: 3 (Mrs. Winslow, Mr. Whelan, Mrs. Chaplin) MOTION FAILED.

4. Requesting the County Executive to commission the conduct of an independent audit of the cost overruns and rising cost projections of the Midland Avenue, Clinton Street and Harbor Brook combined sewer overflow (CSO) projects (sponsored by Mrs. Chaplin)

Mrs. Chaplin stated that she is concerned about the costs at Midland and there are 2 more of these projects. These numbers should really be looked at; need charts and figures of where this will truly end up, need to know specific costs, i.e. materials, construction, inflation, etc. The numbers have changed and feels it is all over the place; she wants to have another set of eyes to look at these figures and is asking for an independent audit. She said if an audit were done, she would rather spend \$100,000 to save millions; this is trying to be fiscally responsible.

Mr. Whelan asked Mr. Mareane who would do an audit such as this; who is qualified, does an RFP need to be done; should dollar limits be set; can Comptroller's office do it; establish what the cost might be and put language in resolution; doesn't know how much is willing to be spent. Mr. Mareane replied that he doesn't believe it is the purview of the State Comptroller. DMB can provide an explanation of the disparity of the \$75 million and current estimate of \$122 million in greater detail. They can compare known costs to what they think the rest of the costs are going to be and perhaps provided greater detail. If it helpful to have the Comptroller's office involved, they can ask them. Mr. Whelan said that he would like to have that information so that if they were to reach out beyond the County Comptroller and Budget and review efforts of WEP, and know that it was examined in-house. He feels it should have been done by this point in time--if there were a clear understanding of where we are; we can have a clear understanding of where we are going.

Mrs. Winslow said that she can understand the list of increases on cement, change orders, rock blasting; she does not understand the inflation piece. We are working with professions that cost out in a contract what they will charge the County to do the job. She feels inflation isn't the problem of the County; it is that of the contractor. Mr. Mareane replied that once a project is bid, the contractor should be held to that cost, except for certain situations. Mr. Mareane said that the fact is; that they are doing that. This project is higher today than it was several years ago from the initial estimate of \$75 million. It was done back in the mid 1990s when the county was trying to figure out the cost of the entire project, including Midland. Based on an even earlier estimate, it was estimated to cost \$75 million in 1996/97. Since that time, the engineers have gone to work, scope has changed, and bids were put out. Because of the bids, it is known exactly what the costs are; contractors are being held to those bids. They have done as much as the can with the existing money. It is now time to enter into the next waive of contracts, which have been estimated based on existing conditions, not those of 1997. Looking at actual bids and current estimates, those things combined are \$11 million. The disparity relates to an estimate that was done 10 years ago; and that estimate is based on a contract 5 years before that.

Mr. Elander referred to the phase 2 contract, that activity is expected to be \$2 million difference than the number that was bid. Usually when a construction project is bid, it is planned on a maximum of 5% contingency for things that happen during the job. This is well within the 5% on that job; it is lower than was reasonable expected to be. It is not an inflation issue on the phase 2 projects; the contractor is being held to that bid. Mr. Mareane added the inflation is that which has occurred since 1997 up to the time of the bid.

Mr. Farrell said that he is hearing that there are reasons why the numbers changed, but no one is doing a good job of explaining them. He believes and supports the intent of this; and at this point does not support going outside to an auditing firm. **He suggested that a matrix with back up be created with columns - 1997, 2002, today. The 2nd column should include alternatives. It should be broken down with basic construction costs, engineering costs, contingency costs, legal costs, and additional unforeseen circumstances/conditions from the time of the original estimate. All back to should included that was presented in the relative time frames.** Mr. Mareane said that his department can work with Mr. Elander to provide the information - the difficulty will be in the scope/nature of the project.

Chairman Corbett said that next month is the bonding; may to want to delay, as we haven't voted on the issue.

Mrs. Chaplin said that she wants all of this looked at. Has a problem with "us looking at us"; questions if we will really scrutinize what we have done--usually what happens is that we try to justify. She wants a clear picture and wants it really broken down. Feels that a summation is a good idea and will hold on this until the information is received.

Mr. Kraft stated that he would like to obtain more information and **made a motion to table indefinitely. Mrs. Chaplin objected.** No action was taken on Mr. Kraft's motion.

Mrs. Chaplin stated that she is pulling the resolution for now.

The meeting was adjourned at 11:08 a.m.

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature

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HEALTH COMMITTEE MINUTES

KATHLEEN A. RAPP, CHAIR

JULY 12, 2006

MEMBERS PRESENT: Mr. Warner, Mr. Meyer, Ms. Mulroy, Mr. Laguzza, Mrs. Winslow

ALSO PRESENT: see attached list (Attachment 1)

Chair Rapp called the meeting to order at 9:06 a.m.

A motion was made by Ms. Mulroy, seconded by Mr. Laguzza to waive reading of minutes and approve minutes as presented. MOTION CARRIED.

1. MENTAL HEALTH: Mr. Bob Long, Deputy Commissioner

a. Abolish Student Assistance Counselor, Grade 12 @ \$43,904 - \$48,678 effective September 4, 2006

Mr. Long distributed program and financial information regarding this position (*on file with Clerk*). Mr. Long said they would like to abolish one Student Assistance Counselor position, as a result of Solvay School District discontinuing its Student Assistance Program, effective June 30, 2006. Solvay School District will be hiring a social worker, as they do in the elementary and junior high levels.

Ms. Mulroy asked if it was a financial decision by the school district. Mr. Long said the program is funded two-thirds by State Aid, with the balance being 90% school and 10% County; he assumes that it is costing the school about the same, if not a little more. Mr. Long said there would be a small reduction in County dollars (\$4,000).

Mr. Warner asked for a description of the position. Mr. Long said early intervention counseling to address potential drug and alcohol problems and assessment for potential suicides; no long-term counseling, they make appropriate referrals.

Mr. Laguzza asked if there was concern that the counselor was not meeting the challenges of the school. Mr. Long said they work closely with the schools regarding issues; Solvay School District simply wanted to go to a different model.

Mr. Meyer asked if other school districts are going in same direction. Mr. Long said he is not aware of any.

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

2. HEALTH: Ms. Jean Smiley, Deputy Commissioner

a. Authorizing the County Executive to enter into contracts with Jefferson, Lewis, Oswego, Cortland, Cayuga, Madison and Tompkins counties to provide regional consultation for public health preparedness

Ms. Smiley said they have had previous contracts with the surrounding counties and Tompkins, and have been approached by Jefferson and Lewis to be added to the alliance. Ms. Smiley distributed information concerning the scope of services that they have been utilizing with the other counties (*on file with Clerk*). Ms. Smiley said in the past, this program was funded by each of the participating counties and New York State, through the NYS Association of Counties. The counties surrounding Onondaga would be charged \$7,000 each; Lewis and Jefferson would be charged \$6,500 each, because they are not close enough to provide the public health response team portion of the project. Ms. Smiley said the alliance counties consider this a major benefit, and will pay, regardless of whether money comes in from the State (dollars from the State are in question at this point). Ms. Smiley said the alliance is a benefit to the County; they have stronger bargaining power with the State and also have the expertise from other counties when developing exercises and coordinating during times of crisis.

Mr. Warner asked if this program was mandated by the State. Ms. Smiley replied no; health officials from the NYS Association of Counties pushed the State saying they wanted to form alliances for the benefit of the State and counties; the State agreed to do a couple of pilots, of which the County is one. The State is not requiring counties to form alliances, but have used the alliances when it benefits them to get out information.

Mr. Warner asked what the set-up cost is. Ms. Smiley said she is setting up a budget of \$48,000, paid for by the dollars they get from the other counties; no local cost. Ms. Smiley said there is a question of whether the counties will have to pay for it out of their public health preparedness budgets, or whether the state will divvy up the money they originally had for the alliances. The counties are committed, even if they have to pay themselves.

Mr. Meyer requested to be a co-sponsor.

A motion was made by Mr. Meyer, seconded by Ms. Mulroy to approve this item. A vote was taken and passed unanimously. MOTION CARRIED.

Mr. Warner asked Ms. Smiley if she has heard that the state is considering the formation of a coalition regarding the price of prescription drugs; if passed, all drug companies would have to sign on to the state's program and would be paid a state rate, dramatically reducing the costs. Ms. Smiley said she hasn't seen anything official. **Mr. Warner requested Ms. Smiley to keep the committee posted concerning this issue.**

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

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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PUBLIC SAFETY COMMITTEE MINUTES

July 13, 2006

MARTHA E. MULROY, CHAIR

MEMBERS PRESENT: Mr. Holmquist, Mr. DiBlasi, Mr. Kinne, Mr. Warner, *Mr. Kinne, **Mr. Ryan

ALSO PRESENT: *see attached list*

Chair Mulroy called the meeting to order at 9:00 a.m.

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

1. SHERIFF: Chief Peverly

a. Amending the 2006 County Budget to authorize the Onondaga County Sheriff's Office to receive grant funds from the Bureau of Justice Assistance in support of local law enforcement, and authorizing the County Executive to enter into contracts to implement this resolution (\$52,473)

This will be used to fund 2 projects: Project Retrieve--a part-time clerk that works with detectives to recovery firearms from deceased; Project Equipment--will purchase a polygraph (\$10,500), some firearms, and possibly replacement laptops for patrol cars. Polygraphs are used for pre-employment and in investigations. The results are not admissible in court but can eliminate a suspect or continue to pursue a suspect.

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

b. Amending the 2006 County Budget and authorizing the Sheriff's Office to accept funds for the purchase of automated external defibrillators (AED) (\$5,400)

Donation from Excellus Blue Cross/Blue Shield for AEDs installed in patrol cars. They are in some patrol cars now and are effective, as they frequently arrive at a scene prior to the ambulance.

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

c. Authorizing the Sheriff's Office to accept donation of a personal watercraft (R. C. Congel)

Donation from R.C. Congel to replace a 1996 personal watercraft that was purchased; will send the old one to surplus property auction.

**Mr. Kinne arrived at the meeting.*

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

Mr. Warner asked for a copy of the written policy on use of cell phones in patrol vehicles.

2. HISCOCK LEGAL AID: Mr. Joe Mareane, Ms. Susan Horn

a. Amending the 2006 County Budget to provide additional funds for the Hiscock Legal Aid Parole Revocation Defense Program and authorizing the County Executive to enter into contracts to implement this resolution (\$51,981)

In 2004 there was a restructuring of legal aid and Hiscock Legal Aid became responsible for the defense of the people charged with parole violations. In 2004 the estimated number of these cases was 325/year. Since the transition, the State implemented a new program, Project Impact--zero tolerance toward parole violators, which had significant effect on caseload. The current estimate is 650-700 cases/year; last year it was 530 cases.

***Mr. Ryan arrived at the meeting.*

The additional funding request would to allow Hiscock to handle the new level of cases. County is mandated to provide legal aid for parole violators. Hiscock has made an effort to get State aid, including member-item money from Senator DeFrancisco. The effort is ongoing and in the meantime the County is obligated to provide the defense. If State aid is received, will not spend County money first. The new aid from State is going to be higher in 2006; budgeted \$800,000 and it is looking that it may exceed \$1 million. The proposal is to take a portion of that money for this funding. If it is not spent, it will go into general fund. This will fund one attorney and one support person.

Mr. Warner said that the State has studied the assigned council statewide; a final report that came out last week and he asked Ms. Horn to give a brief summery. Ms. Horn stated that the basic recommendations were that they completely take over of the indigent defense system. There would be a creation of a statewide commission that would appoint a state public defender. The state public defender would be authorized to appoint regional defender offices. The regional defender would have the option of creating local offices or contracting with existing providers, i.e. Hiscock Legal Aid Society. County funding would be phased out

over a 3-year period and completed funded by the State. This is the recommendation of the Commission, but it has to be turned into a bill and then go to State legislature.

Mr. Warner said that if it 20 years down the road, then the question still remains if we examine a public defenders office locally vs. an assigned council program.

Mr. Mareane said that when the numbers were prepared, they thought it would begin in June. The earliest they can get this implemented is August and therefore would like to amend the resolution to \$40,000.

Mr. Warner made a motion to approve the resolution with amending the amount to \$40,000; seconded by Mr. Ryan.

Mr. Ryan stated that the judicial system denies themselves nothing, make a lot of money for 30 hrs/week, has the best accommodations, cars, staff, and we pay for it. Is concerned with the judicial system trying to encompass everything. It is very difficult to think that this won't cost a lot more if we let the judges control it; need to take a long look before the county turns the reigns over.

Chair Mulroy took exception to some of Mr. Ryan's comments.

Vote was taken on the motion to approve as amended. AYES: 7 (Mr. Holmquist, Mr. Rhinehart, Mr. DiBlasi, Mr. Warner, Mr. Ryan, Ms. Mulroy) NOES: 0; ABSTAINING: 1 (Mr. Kinne). MOTION CARRIED.

3. EMERGENCY COMMUNICATIONS: Mr. John Balloni

a. Amending the 2006 County Budget to accept a donation from Wal-Mart and authorizing the County Executive to enter into contracts to implement this resolution (\$2,000)

This is an annual donation from Wal-Mart, utilized for things not in the budget. In the past, they have bought a refrigerator, a microwave, and used for awards ceremonies.

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

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature

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COUNTY FACILITIES COMMITTEE MINUTES

JULY 13, 2006

JAMES W. FARRELL, CHAIRMAN

MEMBERS PRESENT: Mr. Rhinehart, Mr. Kraft, Mr. Holmquist, Mr. Whelan, Mr. Kinne, Mr. Laguzza

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

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

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

1. TRANSPORTATION: Mr. Mark Lynch, Commissioner

a. Authorizing the acquisition of real property necessary for the reconstruction of the Syracuse Cedarvale Road (Grand Avenue/Fay Road) CR 39 in the Towns of Onondaga and Geddes, County of Onondaga (\$23,000)

Mr. Lynch said the initial appraisals came in higher than expected; they reworked some of the takings and have been able to reduce the amounts; added one property and added a contingency of \$2,300. Mr. Lynch said the amounts listed are appraisal

numbers; they cannot talk to the property owners until they have the authorization from the Legislature. Mr. Lynch displayed a map showing the project (has two bridges and mostly small strip takings that are spread throughout the project).

Mr. Whelan asked if the County maintains the strip in front of the Stackiewicz property, and Mr. Lynch replied no; the County owns a ten-foot strip in front of Mr. Stackiewicz's store, and may want to trade with him; do not have an appraisal on that property at this time. Mr. Whelan suggested that they do before they consummate this.

Mr. Kraft said the appraised values are based on what professionals say is the amount that the County should pay for the property; rather than have a contingency, it ought to come back to the Legislature if the owner and County cannot agree on the amount.

Mr. Kinne agreed with Mr. Kraft in general, but does not have a problem with a small contingency. Mr. Laguzza said a contingency is needed; have to have faith in those in the position of responsibility to use their expertise; give them a limit; futile to have them coming back to the Legislature for another \$100; the Law Department uses caps on settlements.

Mr. Farrell agreed with Mr. Kraft; understands Mr. Laguzza's wanting the flexibility for the people to do their jobs efficiently; but the piece that is different from the Law Department settlements is that evaluations of property were done by a professional, it is not simply a negotiation. Regarding the appraisals, Mr. Farrell said the County is suppose to pay the fair market value, and that is where it should be; could probably cost another two months on the project, but the differences between a professionally provided opinion and an owner should be addressed by the Legislature.

Mr. Kraft believes that 80% - 90% have been settled for the appraised value in the past; the exceptions came back to the Legislature, and he likes it that way. Mr. Lynch said the Transportation Department did not have contingencies in the past; in some cases, they had to go to condemnation or come back to the Legislature.

Mr. Lynch noted that time is a problem to come back and ask for another \$100 - \$200; could add two months. Mr. Mareane said they are obligated to offer the appraised value when they talk to the owner; with no contingency, there is no flexibility, no good faith allowed; thinks the legislature would want County representative to be able to sit down with the property owner to see if they can come to agreement about what is fair, within a reasonable range; talking about a ten percent swing. Mr. Farrell said he would be more interested in a government being efficient and effective as possible in spending taxpayers' money.

Mr. Whelan asked for Ms. Tarolli's opinion. Ms. Tarolli said what she thinks Mr. Lynch is addressing that with the added flexibility (contingency), the owner would not be inclined to hire a lawyer to fight it for a little extra money.

Mr. Whelan agreed with Mr. Farrell that government should be fine-tuned, but, expressed concern about the costs of automatically moving to condemnation, if the owner does not accept the offer for the property. Mr. Lynch said the reason is scheduling; they would probably start the process of condemnation (long process of 3-4 months); in the meantime, come back to the legislature concerning the additional money wanted by the owner. If the owner wants too much, they waste about two months if they don't start condemnation proceedings. Mr. Lynch said Ninety-five percent of the time it does not go to condemnation, but only takes one to hold up a project. Mr. Lynch said they can proceed with project and file, but have to wait about three to four months before they could go on that property; litigation concerning worth of property can go on for years. Mr. Mareane said when you commence condemnation, the owner is going to have his own appraisal done, and bets it will be a lot higher than the County's; would pay a price in middle of two appraisals, and that is why a little flexibility is needed. Mr. Mareane said DOT put in a number they felt was a reasonable level of flexibility; once they exceed the \$2,300 overage, they must come back to the Legislature. Mr. Kinne said one property could get the \$2,300.

Mr. Whelan said he sees the inclusion of some contingency amount as being a practical solution to the issue; the reality is that people don't always agree with the appraisals; does see some room for haggling with \$2,300 against 23,000.

Mr. Whelan mentioned the dollar amounts for the properties changing three times between May and July. Mr. Lynch said they made significant effort to reduce some of the initial numbers; in doing that, they changed acreages, reviewed their takings (reducing the square footage of some of the takings), in some cases, changed from a PT to a PE.

Mr. Farrell suggested that they modify this resolution without the contingency to allow DOT to proceed, and then resolve this question of having contingencies or not through discussions with the Budget, DOT, any other departments and the Legislature.

Mr. Laguzza said he does not agree with establishing new policy and procedure; a 10% contingency, that may not be used, is nothing compared to shutting down a project for a month or two. Mr. Laguzza added that the opportunity to use a contingency could save time and money and possible court action. Mr. Laguzza said they should have a contingency in the future with a standard, for example, 10%.

Concerning a potential delay, Mr. Farrell asked Mr. Lynch when he would need access to the properties. Mr. Lynch said he is prepared to let the contract very shortly, construction would probably be done next spring, but they would try to get utilities working there this fall; these properties could affect that. Mr. Lynch is not willing to let the project until he has some resolution.

Mr. Kraft said he hasn't heard of a shutdown in twenty-three years; the vast majority goes through as provided. Mr. Kraft said once people find out about the contingencies, they will be negotiating to get a piece of that pot. Mr. Kraft said there has been flexibility all along; it involved coming back to the Legislature.

A motion was made by Mr. Kraft, seconded by Mr. Holmquist to approve this item without the contingency.

Mr. Whelan said he sees this as precedent setting; would rather have the amount modified; the Legislature has approved, time and time again, the inclusion of a contingency number in just about everything because they don't want to delay items. Mr. Whelan added that the response time for utility relocation is bad. **Mr. Whelan requested information concerning the history of the last five jobs, as to what they spent and what was taken out of contingency.**

A vote was taken on Mr. Kraft's motion to remove the contingency. Ayes: 3 (Mr. Kraft, Mr. Holmquist, Mr. Farrell); Noes: 4 (Mr. Rhinehart, Mr. Whelan, Mr. Laguzza, Mr. Kinne). MOTION FAILED.

Mr. Kraft left the room.

A motion was made by Mr. Kinne to reduce the contingency aggregate amount from \$2,300 to five percent of that amount; there was no second. MOTION FAILED.

A motion was made by Mr. Laguzza to reduce the \$2,300 to ten percent of the aggregate amount of the individual line items, seconded by Mr. Rhinehart.

Mr. Kraft returned to the meeting.

A vote was taken on the motion. Ayes: 2 (Mr. Laguzza, Mr. Rhinehart); Noes: 5 (Mr. Kraft, Mr. Holmquist, Mr. Whelan, Mr. Kinne, Mr. Farrell). MOTION FAILED.

A motion was made by Mr. Whelan to approve amending the \$2,300 contingency to \$2,270 with the understanding that no one item receive more than an additional 10 percent, seconded by Mr. Holmquist. Ayes: 3 (Mr. Whelan, Mr. Holmquist, Mr. Farrell); Noes: 4 (Mr. Kraft, Mr. Rhinehart, Mr. Kinne, Mr. Laguzza). MOTION FAILED.

A motion was made by Mr. Kraft, seconded by Mr. Whelan to move the original resolution to Ways and Means without a vote. Ayes: 5 (Mr. Kraft, Mr. Holmquist, Mr. Whelan, Mr. Laguzza, Mr. Farrell); Noes: 1 (Mr. Kinne); Abstained 1 (Mr. Rhinehart). MOTION CARRIED

Mr. Laguzza left the room.

b. Authorizing the County Executive to enter into an agreement for costs associated with the replacement of the Manlius Pompey Center Road (Pompey Center Road) bridge over Limestone Creek, C.R. No. 10, C-97, BIN 3312650, PIN 3754.33

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

Mr. Lynch said two fire trucks would be moved to a barn on the other side of the bridge. Mr. Farrell said that Mr. Sweetland has reviewed this and supports it as it has been presented.

A vote was taken on this item. Ayes: 6 (Mr. Farrell, Mr. Kraft, Mr. Rhinehart, Mr. Holmquist, Mr. Whelan, Mr. Kinne); Out of room: 1 (Mr. Laguzza). MOTION CARRIED.

2. PARKS: Mr. Jon Cooley, Director of Recreation & Public Programs

Chairman Farrell took the agenda out of order.

Mr. Laguzza returned to the meeting.

b. Approving program improvements to Highland Forest County Park to be funded from the Onondaga County Parks Department Special Events (\$18,000)

Mr. Cooley said they are requesting to reinvest proceeds from the Highland Forest Cross Country Ski Rental Program to purchase trail-grooming equipment that would improve the experience and, hopefully, business at Highland Forest Park.

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

Mr. Farrell asked about the equipment. Mr. Cooley said it is a customized wide-track snowmobile unit, so that they can groom on a regular basis. Mr. Cooley said a survey was done, and 80% said they would use the park more if conditions were better; it

would extend the season, people would have a safer experience and should pump revenue slightly. Mr. Rhinehart said it is a huge difference to have groomed trails; it is a good investment. Mr. Laguzza asked how it would improve revenue if the only fee is the honor system for parking. Mr. Cooley said most people pay on the honor system, and they expect more to come; there will be advertising to inform public that they have groomed trails. Mr. Cooley said \$15,000 would come from the Ski Rental Account, the balance from Contingency Special Events dollars. Mr. Rhinehart asked if they sell season passes, and Mr. Cooley replied yes, \$10 per vehicle.

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

e. Discussion: Interagency Marketing

Mr. Cooley said Interagency Marketing is focusing on Ste. Marie Among the Iroquois; have added graphics about the Ste. Marie facility to the Griffin Visitor Center facility at Onondaga Lake Park.

Mr. Cooley said the Bass Masters Elite was the most successful major event they have ever done. The fishing was world-class, media coverage was three-day print and there will be a one-hour special showcasing Syracuse and best weather ever across America on ESPN2. There are serious negotiations going on for a return to Oneida Lake soon. Mr. Cooley said they would have follow-up reports in August on both budget and economic impact. They are working with Baldwinsville regarding the Carp program; will be using Onondaga Lake shoreline.

a. Amending Resolution No. 287-2000 regarding a loan to the Onondaga County Industrial Development Agency for partial funding and construction of the Rosamond Gifford Zoo Education Center (\$1,852,102) (Informational)

Mr. Mareane distributed a memo regarding a consolidation of all the pledges and commitments and a schedule of payments for the Friends of the Zoo (*on file with Clerk*). Mr. Mareane said the Friends of the Zoo has been very generous with commitments to capital projects at the Zoo. The three most recent ones: the Conservation Education Center (\$3.5 million), the Tiger Exhibit (\$442,000) and the Penguin Exhibit (\$250,000). Concerning the Tiger and Penguin exhibits, the commitments have not been formalized and there has not been a formal schedule of payments established. Concerning the Conservation Education Center: in 1999, the Friends took about \$2 million that they had in hand and combined it with an OCIDA loan of about \$1.45 million to complete the project. Subject to the approval of the Legislature, Mr. Mareane said they have come to an agreement with the Friends to consolidate all three commitments and create a structured payment. Over the next five years, the IDA loan to the Friends will become an interest only loan (interest rate 3%). During that five-year period, they will fully pay their commitments to Tigers and Penguins in five equal annual installments of \$138,000. In the sixth year, the existing loan will be restructured; the main principal will be spread over ten years and paid off at 3% interest. Mr. Mareane said they think this is reasonable, affordable for Friends and gives them and the County both certainty and predictability.

Chairman Farrell noted that this is on as informational, and deserves a reasonable period of time to consider; it will come back to the committee next month.

Mr. Kinne left the room.

Mr. Whelan asked about the 5% interest going down to 3% interest. Mr. Mareane said it is restructured in a way that accomplishes a couple of things; a level that is affordable to the Friends, and also gives them the capacity to make good very quickly on their commitments to Penguin and Tiger exhibits. Without this restructure, Mr. Mareane does not think they had the financial capacity to make good on these other commitments until the eleventh year. Mr. Whelan asked if the Friends would have the cash flow to allow for continued opportunities of growth at the Zoo. Mr. Mareane replied that this would help them do that; this would give them an understanding of what their baseline costs will be every year. The Friends of the Zoo Board officers have negotiated this restructure; after approval by the Legislature, will give stamp of approval.

Mr. Farrell said he fundamentally supports what has been created; if reduced to 3%, the County is supplementing the cost, and it should be clearly line-itemed; Mr. Farrell questioned if there is a means to budget within the Zoo budget the cost of that money.

Mr. Kraft asked who initiated this effort. Mr. Mareane said it was from three directions, in discussing the Friends situation, the Legislature noted that there were a couple of large items hanging, the Comptroller has indicated, at least twice, a concern that the arrangements were not formalized and Management and Budget has a concern as well. In answer to Mr. Kraft, Mr. Mareane said he thinks the Friends are stretched; this is a little less than they would have paid under the old deal. Mr. Kraft suggested that maybe it is time to bring some of their programs under budget. Mr. Farrell said the committee would be shown an integrated budget for this coming budget year; a lot of the questions relating to cost should come out in that. Mr. Kraft asked if anything is available now to give him a picture of the Zoo and the Friends. Mr. Mareane replied yes. Mr. Farrell said they would have a presentation of those budgets updated through the second quarter at next months meeting. **Mr. Kraft would like to see them before the presentation.**

c. Discussion: Status of Friends Agreements - no discussion

d. Discussion: Plans for each park - no discussion

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

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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SOCIAL SERVICES COMMITTEE MINUTES - July 12, 2006

Chairman Robert D. Warner

MEMBERS PRESENT: Mr. Laguzza, Mr. Rhinehart, Mrs. Chaplin, Mr. Holmquist, Mr. Stanczyk, Mr. DiBlasi, Mrs. Chaplin

ALSO PRESENT: *see attached list*

Chairman Warner called the meeting to order at 10:32 a.m.

A motion was made by Mr. Warner, seconded by Mrs. Chaplin to waive the reading and approve the minutes of the proceedings of the previous committee minutes.

1. SOCIAL SERVICES: Ms. Sara Merrick, Program Coordinator, Mr. David Sutkowy, Commissioner

a. Amending the 2006 County Budget to accept additional funds in the Department of Social Services to support Youth Engagement Services and authorizing the County Executive to enter into contracts to implement this resolution (\$382,259).

* NYS Office of Temporary and Disability Assistance issued a local memo to commissioners seeking a partnership with DSS and area agencies for youth engagement services

* Youth engagement services are career exploration and employment services

* DSS worked with Boys & Girls Club of Syracuse, submitted application; granted \$382,259, 12 mos., no local share, 100% state dollars

* Program focuses on 150 at-risk youth, ages 14 -180

* Six elements to program: career and job explorations, job readiness, hiring 6 youth to work in club programs for 1 year, hiring 36 teens during summer and granting stipends, 2 educational components: academic enhancement and GED completion

Chairman Warner asked if any money goes to rural areas; Ms. Merrick replied that it does not-it is for 2 clubs in the city. Chairman Warner questioned if there is potential for it to go anywhere else. It was explained that the NYS application was based on proposals from community-based agency. It was targeted at kids 200% below poverty, part of Federal TANF dollars, Federal Welfare Reform Block Grant. Chairman Warner expressed concern that the program is not in other areas outside of the city.

There was discussion about the Shonnard facility being closed and Mr. Laguzza asked if there is opportunity to stimulate activity there and recommended that a satellite program be run out of Hamilton into that triangle. ***He asked that Ms. Merrick make the recommendation and report back to the committee.***

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

There was discussion regarding other clubs being awarded the grant; Ms. Merrick explained that if there is another opportunity and more State dollars become available, DSS would review and submit it; the State awards the grant. The entire grant goes to Boys & Girls Club; County is a pass through. County will provide oversight by visiting on a regular basis and receive monthly reports.

Chairman Warner asked about notification of this money. It was explained that the State announced it via their grant; not county driven. **Chairman Warner suggested that municipalities around the county be notified of these opportunities in the future.** Chairman Warner asked how much is going to the kids, and how much to administration. Ms. Merrick said that 20% is

for the stipends, the rest is for a director and 4 full-time staff that are case managers. **Mr. Stanczyk asked that the committee be provided with written details, including expenditure breakdown of the grant.**

A vote was taken on the motion to approve. Passed unanimously; MOTION CARRIED.

b. INFORMATIONAL: Medicaid Fraud Software--Mr. David Sutkowy, Commissioner; Mr. Steve Morgan, Executive Deputy Commissioner

Mr. Sutkowy said that Salient is a software company from Chemung County. Onondaga is the 2nd county to purchase it and it is on the open market. Chemung was the first; who is not using it for the purposes of Medicaid; they are using it for their Temporary Assistance Program.

Mr. Meyer said that the County Executive and this legislature initiate funding at budget time last year for this. Onondaga County is one of the original counties to plug interest into the State; NACO is now looking for counties to pilot. He is looking for this to go forward to make our case; are ahead of everyone else as far as being a national pilot.

Mr. Sutkowy stated that the Medicaid program is an enormous multi-billion dollar program, by far the largest program in NYS; could be the largest single public benefit program in the nation and very little information is accessible in terms of patterns of utilization and how vendors are providing services. A couple years ago the State made available some information through the Medicaid Data Warehouse. It is almost unusable; it is so enormous in terms of the fields that exist and ability to do calculations; takes an incredible amount of time to generate reports. Companies are now trying to make sense of it and make the information usable for counties.

Mr. Stanczyk asked if this is engaged already; what the cost is; one time cost or ongoing; how was the veracity and effectiveness of this system separated from the others. Mr. Sutkowy explained that this was part of the DSS budget presentation last year; \$200,000 was set aside for it; an RFP was done; received proposals, previewed vendors; and it was felt that Salient promised the most. The charge is a one-time cost of \$200,000 for 10 licenses, with an annual maintenance of \$30,000. Once developed and trained; they have 90 days to test--have until the end of September to decide if they want to buy it. The \$30,000 annual is a licensing fee.

Prior to giving the demonstration, Mr. Morgan explained that the demo would be somewhat limited because of sensitive data; not going to be able to drill into to data today. The ability is there, just can't show it.

Chairman Warner asked if doctors know that this is coming. Mr. Sutkowy said that they do not.

Mr. Morgan said that they have never been able to look at Medicaid in this way. Some of the features presented included:

- * Demographics of Medicaid recipients, ability to sort by a number of fields
- * Show all services to recipient, who the provider was, how much was paid, prescriptions written, filled
- * List of doctors with the prescriptions they have written
- * Types of drugs prescribed, total paid for drugs, number of prescriptions for specific drugs
- * Determine the expenses for the people on managed care and all related detail
- * Determine recipients receiving services outside of managed care and all related detail
- * Generic drugs, written, if available, vs. brand-name prescriptions, related cost savings
- * Unique prescriptions, unique pharmacies by recipient
- * Drugs prescribed after death, provider, dates rendered, etc.

Mr. Stanczyk said that this will only be effective if there is fraud. Mr. Morgan disagreed; they can also look at the area of managed care. Can ask for waivers of certain things; can ask to have a waiver for mandated enrollment of certain populations in managed care. It can be used to identify those that are going to the emergency room every weekend, shopping doctors, etc. and to identify population for managed care. The main goal is to improve the health of individuals and save cost at the same time. DSS does have the right to mandate individuals in managed care presently.

Mr. Sutkowy said that the 3 issues are: *1. fraud; 2. disease management*-- may help the Health Dept. more the DSS in fashioning intervention that includes health outcomes, i.e. can look at asthma by zip code; identify a particular geographic area and may be able to target an intervention that is focused to that area and hopefully will improve overall health status; *3. care management* - in Medicaid field some populations are required to participate in Managed Care Program, some are exempt, some participate on a volunteer basis; some individuals receive care very haphazardly (he gave an example). The public is paying a lot

of money for unnecessary use of medical resources. Right now there is no capacity to understand who is using services in an inefficient and inappropriate way. This software program will allow him to do that.

Mr. Stanczyk would like a formal presentation on paper before it goes ahead--show costs and anticipated savings. Mr. Morgan stated that is it important to understand that with the Medicaid cap in place, for any additional expense in Medicaid, there is no local share. Ultimately, any savings are not there unless the county is under the Medicaid cap. **Mr. Stanczyk said to explain that on paper also.**

Mr. Morgan explained that the data is being provided by NYS; have pulled out just Onondaga County Data from the warehouse and put it on their own server. Mr. Sutkowy said that all the basic demographics are keyed into our system; the provider bills through MMIS, and this software ties that information together. When the pharmacist bills, it goes into the warehouse and then DSS pulls it out.

Mr. Stanczyk asked what mechanism is used to improve the generic drug issue. Mr. Morgan said that they have to start talking about what the intervention is - send letters to doctors, call doctors, education, etc. This will be a challenge, as DSS has not been built to do this.

They are working with the District Attorney's office on fraud issues related to unique prescriptions, going to a number of different doctors, identifying prescriptions that have street value, etc.

Mr. Morgan concluded and reiterated that the ability of this software is limited in presentation in this forum.

Chairman Warner asked when hard data would be available on this. Mr. Morgan stated that they will be working with Salient more, getting more technical assistance from them; they need to have a plan in place to focus on and project potential savings. At this time, he cannot give a time frame. Chairman Warner stated that this is the biggest thing he has seen in DSS; has tremendous potential.

Mr. Laguzza said that they would need something by next month's committee meeting. Mr. Sutkowy said that they may not be able to put in dollar figures by next month. They are putting together a list of queries.

Mr. Rhinehart questioned the legal aspect, liability, and security issues; has county ever been challenges. Mrs. Tarolli did not know of any challenge and stated that the County has to take reasonable steps for compliance and safeguard. Mr. Sutkowy stated that they have signed, dated agreements with the State Department of Health, as does Salient. Mrs. Tarolli stated that IT has developed confidently guidelines, policy, and rules. The data is not on a laptop; it is on a server in DSS.

Mr. Sweetland asked how long will the price hold given the 90-day test period. Mr. Morgan stated that if DSS does not notify in writing by Sept. 20th, then they are obligated to buy it.

Mr. Meyer said that the real cost is \$30,000/year and staff time. Mr. Sutkowy said that in looking at cost from a local perspective, there is no cost; are over the cap now. If decision is not to go forward, there is no impact on the budget. It is administration and attention time, taking staff out of line function and administrative costs.

Mr. Stanczyk said that he wants to have the explanation, so that a year from now it is know the amount of staff time spent and what the County got from it. Chairman Warner said that in year from now, they would have it, but anything earlier than that is expectation. There is real merit to this program. Mr. Stanczyk said that he wants to know what we will get for research and development in black and white. Mr. Warner said that they aren't able to provide that now. Discussion continued.

Mr. Rhinehart said that he doesn't need that information now; this is a matter of \$30,000/year and reassigning staff; agreed with Chairman Warner that the program has merit and will get the information when available.

Mr. Laguzza said it is not a challenge to charting time investment of the personnel using it.

The meeting was adjourned at 11:46 a.m.

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature

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WAYS AND MEANS COMMITTEE MINUTES

July 14, 2006

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

ALSO PRESENT: Mr. Sweetland, *see attached list*

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

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

1. OCPL: Ms. Kate McCaffrey, Deputy Director

a. Transfer of funds from Acct. 101 Reg. Employee Salaries in the amount of \$10,000 to Acct. 408 Fees for Services to cover costs of a contract with a public relations firm to provide a higher level of promotional and advertising service (\$10,000)

The person retired at the end of May; rather than hire someone for the balance of the year, they would like to contract with a public relations firm to do advertising and promotions. The position will be filled next year.

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

Mr. Kraft asked that the Library report back to committee on this process.

Mr. Ryan asked about the possibility of tying in with other departments, i.e. the Parks Dept.; if it behooves the County to have someone on staff with advertising credentials to work with all depts.

** Mr. Stanczyk arrived at the meeting.*

Vote was taken on the motion; AYES: 7 (Mrs. Baker, Mr. Corbett, Mrs. Rapp, Mr. Kraft, Mr. Ryan, Mr. Meyer) NOES: 0 ABSTAINING: 1 (Mr. Stanczyk). MOTION CARRIED.

b. Amending 2006 County Budget to accept CNY Community Foundation Funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts (\$25,000)

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

Money will be used to hire a firm to conduct a community survey of users and non-users for all county libraries.

Chairman Meyer said that he is interested how this will be set up. He pointed out the differences in the various libraries: summer hours, reading programs, handicapped accessibility, etc. Ms. McCaffrey said that they had 3 proposals, have focus groups set up, a telephone survey will be conducted. The work will be done in August and will have the results in the fall.

A vote was taken on the motion; passed unanimously; MOTION CARRIED.

c. Amending the 2006 County Budget to accept Gates Staying Connected Grant Funds for the Onondaga County Public Library and authorizing the County Executive to enter into contracts (\$7,768)

The funding will allow sending one representative from each library for training on web page design.

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

2. COUNTY CLERK: Mrs. Anne Ciarpelli, County Clerk

a. Amending the 2006 County Budget to accept funds from the NYS Education Department Local Government Records Management Improvement Fund and authorizing the County Executive to enter into contracts (\$29,951)

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

3. MENTAL HEALTH: Mr. Robert Long

a. Abolish Student Assistance Counselor, Gr. 12 @ \$43,904 - \$48,678 effective September 4, 2006

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

Mr. Long said that Solvay School discontinued service; there will be a minimal impact on the budget; 50% is State aid.

4. HEALTH: Mrs. Jean Smiley, Deputy Commissioner

a. **Authorizing the County Executive to enter into contracts with Jefferson, Lewis, Oswego, Cortland, Cayuga, Madison and Tompkins Counties to provide regional consultation for public health preparedness**

Mr. Meyer and Mrs. Baker asked to be co-sponsors of this resolution.

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

Ms. Smiley said that they are requesting to add Jefferson and Lewis Counties to the existing alliance regarding public health preparedness. It makes sense to have a regional entity; Onondaga Co. has a lot more expertise than these other counties. Each county received a grant from NYS Dept of Health. There is no impact on County budget.

A vote was taken on the motion to approve. Passed unanimously; MOTION CARRIED.

5. WATER ENVIRONMENT PROTECTION: Mr. Richard Elander, Commissioner

a. **Appropriating \$2,440,000 of the proceeds of the bonds authorized to be issued pursuant to Bond Resolution No. 231 dated September 7, 1999 to provide funds for property acquisition and other related expenses of the Clinton Street Conveyances and Regional Treatment Facility Projects**

b. **Adopting a determination and findings pursuant to Article 2 of the New York Eminent Domain Procedure Law and authorizing the acquisition of property for the Clinton St. Sewer Improvement Proj.**

Prior to the August session, there will be a public hearing regarding public acquisition of properties. They will present the project and take public comments. Following the public hearing, there would be a resolution adopting the determination and findings and authorizing the acquisition for the properties. The first resolution appropriates money for the acquisition of the Clinton properties. At the committee meeting, \$2.44 million was approved; the actual cost is not known, the appraisal value is \$2,239,100. The \$2.44 million allows a little bit of negotiation leeway, rather than having to pursue eminent domain.

Mrs. Baker asked if there has been any conversation with the business owners; Mr. Elander said that there has been nothing relating to money. They have all been notified that their property is needed, that there will be discussion regarding potential purchase price, and have been advised of the hearing on August 5th.

**Mr. Warner arrived at the meeting.*

Mr. Kraft made a motion to approve items 5a and 5b as amended to \$2,239,100.

Mr. Kraft said that the original amount was for \$3 million, which would have been an additional \$760,000 of contingency; it was backed down to \$2,440,000. At the Co. Facility Committee meeting, the Highway Dept. had a resolution that also included contingency funds in it. Contingency used like this is somewhat precedent setting; 80%-95% of things go through with the appraised value and do not include contingency fund. He does not want to include contingency funds today; wants to have future discussion on the matter.

Mr. Stanczyk seconded the motion.

Mrs. Rapp asked if the property owners are willing; Mr. Elander said that the City has not indicated that they are with them, particularly with the Trolley lot. A couple of property owners have registered concerns.

There was discussion about the appraisals, which were done by Pomeroy. Mr. Ryan said that the owners will come back and quadruple the amount. He asked Mr. Gamage for his opinion on this. Mr. Ryan said there is an ACJ, are getting pushed by the courts; do not need another fight and asked how to avoid it. Mr. Gamage said that in condemnations you go ahead and take the fee and the compensation is settled later, it is just a question of the dollars being set. Mr. Ryan said that if the minimal amount is appropriated, the rest will come out in the wash; it won't be lower than \$2.2 million--should be prepared for additional money to avoid condemnation. Mr. Elander said that may not be the case; may condemn it and work it out later; need the property now. Mr. Stanczyk said there is no reason to put more money into contingency for this.

Mr. Corbett asked that since there is no negotiation room, will it just go to condemnation. Mr. Elander said they need the property; wanted the extra money; have not condemned anyone's property other than the City for Midland. Would prefer not to condemn any property at all. Mr. Elander added that if they don't have the money, and someone wants \$10,000 more, he will

have to go back to committee, go through a process and it takes another 2 or 3 months. He understands that the last thing that they should do is to encourage people to hold out for another \$10,000; does not want to do that; was trying to find a happy medium.

A vote was taken on the motion to approve items 4a and 4b as amended. AYES: 5 (Mrs. Baker, Mr. Kraft, Mrs. Rapp, Mr. Warner, Mr. Meyer) NOES: 1 (Stanczyk) ABSTAINING: 2 (Mr. Ryan, Mr. Corbett). MOTION CARRIED.

6. SOCIAL SERVICES:

a. **Amending the 2006 County Budget to accept additional funds in the Department of Social Services to support Youth Engagement Services and authorizing the County Executive to enter into contracts (\$382,259).**

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

Mr. Stanczyk requested that DSS report back on this project. Mr. Warner expressed concern that areas around the county were not included and asked that the suburbs to be looked at in the future.

A vote was taken on the motion to approve. AYES: 7 (Mr. Warner, Mr. Corbett, Mrs. Baker, Mrs. Rapp, Mr. Stanczyk, Mr. Kraft, Mr. Meyer) NOES: 0 Out of Room: 1 (Mr. Ryan). MOTION CARRIED.

7. PARKS: Mr. John Cooley, Director, Recreation and Public Programs

a. **Approving program improvements to Highland Forest County Park to be funded from the Onondaga County Parks Department Special Events Account pursuant to Res. No. 354-99 (\$18,000).**

Mr. Cooley reported that the Bass Tour was a tremendous success; economic impact will be around \$1.5 million; he will report next month on it.

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

8. TRANSPORTATION: Mr. Mark Lynch, Commissioner

a. **Authorizing the acquisition of real property necessary for the reconstruction of the Syracuse Cedarvale Road (Grand Avenue/Fay Road) CR 39 in the Towns of Onondaga and Geddes, County of Onondaga (\$23,000).**

Mr. Kraft made a motion to amend the item to remove the contingency amount of \$2,300 and approve the resolution with a total of \$20,700; seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.

b. **Authorizing the County Executive to enter into an agreement for costs associated with the replacement of the Manlius Pompey Center Road (Pompey Center Road) bridge over Limestone Creek, C.R. No. 10, C-97, BIN 3312650, PIN 3754.33**

A motion was made by Mr. Stanczyk, seconded by Mr. Meyer, to approve this item. Mr. Meyer requested to be a co-sponsor.

Mr. Lynch explained that this is a federal pass-through project to replace a bridge on Pompey Center Road. Adjacent to the bridge is a village-owned fire station. A privately owned barn on the southside of the bridge will be improved; fire dept. will house 2 fire trucks while the bridge is closed. Have met with fire department and they will decide what equipment to put in there. The improvements to the barn are part of this resolution; local share is 5%; \$8,000 is county money paid to the village who will put in 2 overhead doors, a total of \$40,000 in improvements to the barn.

Mr. Ryan questioned spending money on a private entity; giving \$8,000 to a private barn to augment the fire department sets precedence and wonders where it will lead. Mr. Lynch explained that the firehouse is right next to the bridge. To his knowledge, he does not know of any other incidents like this; the State has done similar things. DOT worked with the fire department in an effort to avoid putting up a temporary structure; does not feel that they want to spend \$320,000 to put in a temporary bridge-- this is a compromise. They do not intend to accommodate a fire department every time they close a bridge.

There was discussion about having some obligation to the safety of the residents, the cost of Bailey bridges, and response from other fire departments. Mr. Sweetland said that there are fire departments to the south, but are 5 - 7 miles away.

A vote was taken on the motion to approve this item. Passed unanimously; MOTION CARRIED.

9. SHERIFF: Chief William Peverly

a. **Amending the 2006 County Budget to authorize the Onondaga County Sheriff's Office to receive grant funds from the Bureau of Justice Assistance in support of local law enforcement, and authorizing the County Executive to enter into contracts (\$52,473)**

b. **Amending the 2006 County Budget and authorizing the Sheriffs Office to accept funds for the purchase of automated external defibrillators (AED) (\$5,400)**

c. **Authorizing the Sheriff's Office to accept donation of a personal watercraft**

*A motion was made by Mr. Stanczyk to approve items 9a, 9b, and 9c, seconded by Mrs. Baker, *Passed unanimously; MOTION CARRIED. *Mr. Warner was out of room for items 9b, and 9c.*

10. EMERGENCY COMMUNICATIONS:

a. **Amending the 2006 County Budget to accept a donation from WalMart and authorizing the County Executive to enter into contracts (\$2,000)**

A motion was made by Mr. Kraft, seconded by Mr. Stanczyk to approve this item. AYES: 7 (Mr. Kraft, Mr. Stanczyk, Mr. Ryan, Mr. Corbett, Mrs. Rapp, Mrs. Baker, Mr. Meyer) NOES: 0 Out of room: 1 (Mr. Warner); MOTION CARRIED.

11. HISCOCK LEGAL AID: Mr. Joe Mareane Chief Fiscal Office, Ms. Susan Horn, Hiscock Legal Aid

a. **Amending the 2006 County Budget to provide additional funds for the Hiscock Legal Aid Parole Revocation Defense Program and authorizing the County Executive to enter into contracts (\$40,000)**

Mr. Mareane said that this is a \$40,000 transfer from revenues from State revenues for indigent defense. It is needed for parole violation, which is assigned to Hiscock. The volume of work has increased, cases nearly doubled since they took it over. A new State program, Project Impact, has had an effect on caseloads; last year there were about 500 cases; estimate this year is 650-700. The transfer provides funding to hire one attorney and one staff member. Hiscock is seeking funding from Sen. DeFrancisco, if that money comes through, the County will spend it first. Also, State aid for indigent defense will be better than budgeted, \$800,000, expect about \$1.1 million.

Mr. Warner said that the State is in the process of reviewing legal aid state wide, a final report is came out that suggest that state take over the entire system.

A motion was made by Mr. Stanczyk, seconded by Mr. Warner to approve this item. AYES: 7 (Mr. Stanczyk, Mr. Ryan, Mr. Warner, Mrs. Rapp, Mrs. Baker, Mr. Corbett, Mr. Meyer) NOES: 0 Out Of room: 1 (Mr. Kraft). MOTION CARRIED.

12. WAYS AND MEANS MISCELLANEOUS: Mr. Joe Mareane, Mr. Shelly Ashkin, Mr. John Gamage, Mr. Thomas Carnrite

a. **Amending Resolution No. 95-2006 to authorize the sale of certain County of Onondaga Tax Liens on real property located within the City of Syracuse to American Tax Funding Services, LLC through 2005 and authorizing the County Executive to execute agreements**

In March the legislature approved a tax lien sale, where the City sells delinquent tax liens to a single vendor; there are County liens within the city. The City proposes to sell another year and asked us to participate. It is an accelerated collection of delinquent taxes, would expect to get \$3.5 million.

A motion was made by Mr. Stanczyk, seconded by Mrs. Baker to approve this resolution.

Chairman Meyer asked why this was delayed. Mr. Gamage said the RFP was done prior to the 2005 liens rightly--perfecting the liens and being eligible for foreclosure. By the time they were ready to close, the vendor suggested that they look at another advance, same percentage, for an additional year. It would basically be a cash advance of \$.87 on the \$1.00. Chairman Meyer asked if there was a need to do it right away. Mr. Gamage said that the County's advance is \$1.6 million; City is under a time constraint for cash and accounting purposes.

The vendor handles foreclosure sales also; they retain local counsel when it gets to that phase. The auction process that the County does is only for properties outside the City of Syracuse. The 87% is of the total amount out there, which includes the interest penalty.

Chairman Sweetland asked how long people are given. Mr. Gamage said they get a letter saying that they are planning to do it in 30 days. The fiscal year ends June 30, have 60 days to do the accounting. This will drive in a significant amount of money. It

was indicated that this money will balance the City budget.

Mr. Stanczyk asked if property can be taken at any time by the city, as they are already 30 days delinquent. Mr. Gamage explained that the 2005 properties cannot be until the liens are perfected (advertised, letters have done out, etc). Once they sell them, all collections will be to the vendor; prior to that sale all goes to the City and County.

Mr. Kraft asked to be provided with a comparison between what will happen in this scenario, as we are also losing. If averaged out, we would have gotten a 12% penalty. Mr. Mareane agreed to provide all members with the comparison

Mr. Ryan the city will forego a percent to get the cash. Mr. Gamage said a lot of these liens are difficult to collect. The amount on 2005 liens is \$1.9 million. This is not all properties, keep out vacant land, properties that may need demolition, contaminated properties, etc.

There was discussion about the vendor examining the portfolio, which has already happened. Some of the properties that have been excluded, have been done so by the City for economic purposes, where they want to retain control. Mr. Warner asked if the vendor is forced to take any properties. Mr. Gamage said that they are not; have negotiated which ones they will take or not. Mr. Warner said that he would like to see that the vendor be forced to buy everything. Mr. Gamage said that they are buying everything with the 2003 transaction; there is still \$1.5 million in county taxes that they are being forced to try to collect. The proceeds of the first pool are coming in 2006; and will have to adjust 2007 numbers down; will receive about \$3.4 million within the next 60 days.

A vote was taken on the motion to approve. Passed unanimously; MOTION CARRIED.

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

Respectfully submitted,

DEBORAH L. FICHERA, Clerk

Onondaga County Legislature