

Office of the Onondaga County Legislature

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

0

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
CASEY E. JORDAN, CHAIRMAN
November 9, 2009

MEMBERS PRESENT: Mr. DeMore, Mr. Rhinehart, Mr. Laguzza, Mr. Stott,

MEMBERS ABSENT: Mr. Lesniak, Ms. Williams

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

Chairman Jordan called the meeting to order at 10:30 a.m. *A motion was made by Mr. Rhinehart, seconded by Mr. Laguzza to waive the reading of the minutes. A motion was made by Mr. Rhinehart, seconded by Mr. Laguzza to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

1. CHAMBER OF COMMERCE: Carol Eaton, Vice President of Marketing

a. Designating the Greater Syracuse Chamber of Commerce as the Agency Authorized to Make Application to the New York State Department of Economic Development and to Receive Matching Funds Therefrom Under the New York State Tourist Promotion Act of 1978

In reply to Mr. Rhinehart, Ms. Eaton stated they were approved for \$53,000. Per the guideline, funds will be used for advertising, promotion and marketing.

In reply to Mr. Laguzza, Ms. Eaton stated matching funds would come from their ROT (Room Occupancy Tax) account.

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

2. SOCPA :Don Jordan, Director

a. Reauthorizing Annual Agreements with the State of New York and the Central New York Regional Planning and Development Board relative to the Syracuse Metropolitan Transportation Council

Mr. Jordan stated SMTC is required under federal transportation law. It is a prerequisite to the allocation of federal capital monies (\$30,000,000 – 50,000,000) received each year by this region. The County is the host for the SMTC; contracts with Regional Planning to provide the administrative services.

Mr. Rhinehart asked what our contribution is. Mr. Jordan replied there are no dollars. Two staff members sit on a number of boards; low percentage of their time. The current SMTC budget is 1.2 million for the 5 County region.

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

b. Approving the Classification of an Unlisted Action and the Issuance of a Negative Declaration and Authorizing the County Executive to Accept Funds from the New York State Department of Agriculture & Markets for a Farmland Protection Implementation Grant for the Hourigan Farms of Elbridge in the Towns of Elbridge, Van Buren, and Skaneateles, and authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$2,156,432).

In reply to Mr. Laguzza, Mr. Jordan stated this would purchase the development rights for 1,258 acres.

Mr. Rhinehart commented that this was a new award. Mr. Jordan replied it was from the 2008 applications.

Mr. Rhinehart stated his concern about the length of time it takes to close; the state is way behind in paying out these funds. He asked if the Master's farm had closed. Mr. Jordan stated they were close to scheduling a closing date.

In reply to Mr. Laguzza, Mr. Jordan stated the Ireland farm closed in 2005. They are waiting for closings on the 2007 awards to the Master's and Eagle Point Farms.

Mr. Rhinehart questioned the States delay and obligation to pay out these funds. He supports this program and wants to see farmland protected forever. Mr. Jordan stated he does not know what causes these delays. From the County's perspective, he believes it makes sense to continue submitting these projects to the state. Applicants will need to be patient once awarded. Mr. Rhinehart stated this process costs each applicant thousands of dollars and they have to sit and wait for 3 years or more.

In reply to Mr. Rhinehart, Mr. Jordan stated this will be the third award for the Hourigan's. They have protected 937 acres.

Mr. Laguzza asked the years, acreage and dollars awarded to the Hourigan's. Mr. Jordan stated 663 acres protected for \$838,000 in 1999, 274 acres for \$406,000 in 2004 and the current 1258 acres for \$2,156,432 in 2008; total 2195 acres.

Mr. Laguzza questioned why the smaller farms were not participating and receiving awards. Mr. Jordan stated they are. The next item to discuss is if a 194 acre farm should be protected. New York State has a ranking system and the Hourigan Farm scored the highest in the state. The Burgett Farm scored fifth in the CNY Region.

In reply to Mr. Laguzza's request, Mr. Jordan will provide the following information: percentage of dollars awarded to Onondaga County, number of acres protected and what the CNY Region consists of. Chairman Jordan asked that the information be distributed to the entire committee. (See attachments #2 & 3)

In reply to Mr. DeMore, Mr. Jordan stated that 7 farms have completed this process.

Mr. DeMore asked if this could be used for a golf course. Mr. Jordan stated that he would check on this. The goal is to preserve farmland rather than open space. (See attachment #3)

Mr. Stott believes this item just makes common sense. The cost savings to the County for the infrastructure and maintenance of this land, if developed, are 10 times this amount.

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

Mr. Rhinehart stated that he is on the Farmland Protection Board and the liaison to the Legislature. The meetings for qualifying farms and submitting applications to the State go on for hours. Five applications were submitted in 2009. Chairman Reeves and Ms. Harrison do a great job. The board submits excellent applications every year. Our application process is pretty strict. Those applying attend a number of meetings; most are Hands On Workers and have to take time away from their businesses. He believes the quality of work being done in this County is the reason we are seeing big awards. He believes if the State is going to continue this program, there is no reason why he would be opposed to seeing the money come here.

A vote was taken. AYES: 4; NOES: 0; ABSTENTIONS: 1 (Laguzza). MOTION CARRIED.

c. Approving the Classification of an Unlisted Action and the Issuance of a Negative Declaration and Authorizing the County Executive to Accept Funds from the New York State Department of Agriculture & Markets for a Farmland Protection Implementation Grant for the Burgett Farm in the Town of Tully, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$630,150)

A motion was made by Mr. Rhinehart, seconded by Mr. Stott to approve this item. AYES: 4; NOES: 0; ABSTENTIONS: 1 (Laguzza). MOTION CARRIED.

d. Calling for Publication of the Notice of Eight Year Review of Agricultural District No. 1, Towns of Otisco, Onondaga, Lafayette, and Tully in Onondaga County

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

3. COMMUNITY DEVELOPMENT: Linda DeFichy, Administrator

a. Amending the 2009 County Budget to Accept a Home Improvement Program Grant from the N.Y.S. Housing Finance Agency for the Community Development Program, and Authorizing the County Executive to Enter into this Resolution (\$300,000)

Ms. DeFichy stated this grant will allow for 50 units to be completed. \$6,000 per unit matched with \$4,000 Community Development funds. If there is lead in the house there is an additional \$10,000 per unit.

Mr. Laguzza clarified that the \$4,000 match from Community Development and the lead removal funds have already been set aside in the 2009 budget and will carry forward into 2010. Ms. DeFichy agreed.

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

In response to Mr. Rhinehart, Ms. DeFichy stated that renters may call. Typically they deal with the homeowner. The renters' income must be verified and there has to be a child under the age of six. The lead removal is only done in the portion of the home relating to that family or the common areas.

Mr. Laguzza added that a care taker of a child under six is also eligible. Ms. DeFichy agreed.

In response to Mr. Laguzza, Ms. DeFichy agreed that the funds are used outside of the City of Syracuse.

Mr. Rhinehart asked if the landowner incurs any costs when the tenant calls in the request. Mr. DeFichy stated they do not. Chairman Jordan stated that it may cost more than the \$10,000 allotted for the removal, in this case the landowner would have to pay the difference. Ms. DeFichy stated that if the call comes in through them and there is not enough money to remove all the lead they will do the common areas and the landowner will not have to pay anything. If they are sited by the Health Department they would have to do the entire building and landowner would be responsible for the difference above and beyond the \$10,000.

Mr. Rhinehart asked if renters were afraid to call. Ms. DeFichy stated she did not know. They receive a high volume of calls. Mr. Laguzza stated he thought landowners would encourage tenants to call as it is a \$10,000 improvement to their property at no cost to them.

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

b. Amending the 2009 County Budget to Accept a Purchase-Rehab Program Grant from the N.Y.S. Housing Finance Agency for the Community Development Program, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$300,000)

In response to Chairman Jordan, Ms. DeFichy stated this was for 10 subsidies, \$30,000 each.

In response to Mr. Laguzza, Ms. DeFichy stated the funds are paid back on a graduated scale depending on the number of years. After 10 years it is complete.

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

4. Economic Development:Kim Hall, Management Analyst

a. A Local Law Designating a Regionally Significant Project Within the Onondaga County Empire Zone (Compressor Components Fabricating, LLC

Mr. Hall stated this is a new company with a non-related owner, developed as a result of an asset sale. They plan to create 53 new jobs in the next three years.

In response to Mr. Rhinehart, Mr. Hall stated that the company creates metal tubular parts for compressors in the air conditioning industry. Mr. Rhinehart asked if they would continue to produce the same products. Mr. Hall replied that they will expand on what they do now, staying in the same industry.

Mr. Laguzza questioned if this was merely a paperwork application. The old company closes then changes the name and reopens, hiring all the same people for the same jobs in the same location. Mr. Hall disagreed. The old company was ready to close. They had gone from 70 employees down to 30.

In response to Mr. Laguzza, Mr. Hall stated the former company name was RAM Fabricating. Mr. Laguzza stated if this was a good venture with or without these benefits, the new company would be created.

Mr. Rhinehart clarified that the County does not have any stake in this.

Mr. Laguzza questioned if this would change the locations of the Empire Zones. Chairman Jordan stated the company is qualifying as a regionally significant project within the Empire Zone. This does not change the current Empire Zones.

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

The meeting was adjourned at 11:06 a.m.

Respectfully submitted,
Katherine M. French
Assistant Clerk

COUNTY FACILITIES COMMITTEE MINUTES – November 9, 2009
CHAIRMAN ROBERT DEMORE

MEMBERS PRESENT: Mr. Jordan, Mrs. Rapp, *Mr. Masterpole, **Mrs. Winslow

MEMBERS ABSENT: Mr. Stanczyk, Mr. Lesniak

ALSO PRESENT: *see attached list*

Chairman DeMore called the meeting to order at 9:10 a.m. As there was no quorum present, Chairman DeMore stated that the items would be introduced and discussed only until a quorum was present to entertain motions.

1. FACILITIES MANAGEMENT: Manny Barbas, Deputy Commissioner

a. Transfer funds from Maint., Utilities & Rent Acct. 413 to Prov. for Cap. Proj. Acct. 960 (\$112,000)

The Erie Canal Museum is putting together a large exhibit project. The Weighlock Building is being redesigned on the first floor—part of this money is for floor finishes for it. The balance of the money is to change out all of the double hung windows in the Weighlock Building, a County facility. The project is scheduled to be bid in February and would like to include this work with that project and take advantage of having a contractor do all of the work. It was originally intended to be spent this year, but the exhibit project didn't get designed as hoped. Mrs. Rapp asked if this will act as a match for the grant. Mr. Barbas said that it probably could.

Mr. DeMore asked what kind of windows will be bought. Mr. Barbas said a very inexpensive window pack system was put in 18 -19 years ago; it didn't hold up. They are looking to get a more substantial replacement window; keep original frame, put a new frame within it; has to meet certain historic standards, they will be wood, insulated, and properly weather stripped.

Mrs. Rapp said that the Museum has applied for a \$50,000 grant to offset the cost of the windows.

2. TRANSPORTATION: Brian Donnelly, Commissioner

a. Amending Resolution No. 201-2008 to Increase the Authorization to Pay in the First Instance 100% of the Federal Aid Eligible Costs of \$285,000 for the Design (Scoping I-VI) and Right-Of-Way Incidentals of the Buckley Road Over the CSX Railroad, PIN 375425, to Include the Willis Avenue Bridge over the CSX Railroad Federal Aid Eligible Project

Amend a resolution from last year for Buckley Rd. Bridge; have another bridge that is similar on Willis Ave-- asking to combine them and do one design contract, one set of negotiations with CSX, combine the project into one federal PIN number. The local share has already been appropriated via the 2009 work plan. No additional funding--looking for authorization to pay in the first instance on these projects and then get reimbursed.

Mr. Jordan asked if this was already incorporated in to the 2010 budget. Mr. Donnelly said that it was part of the 2009 work plan brought over in May and he asked for \$80,000 in local share for the Willis Ave. project, knowing that they would advance it at some point. The money is already there; whenever a federal aid project is done, they need authorization from the legislature to pay up front and then be reimbursed on the back end.

Mrs. Rapp asked about the negotiations with CSX. Mr. Donnelly said that the County owns the deck and above, and CSX owns the piers and below. It is not expected that there is a significant amount of work there, but CSX has always participated in paid fees, non-federal and state share on those. A scope has to be done to let them know how much it will be.

3. PARKS: Bill Lansley, Commissioner

a. Amend 2010 Budget to Provide Funds for a Prev. Maint. Proj. at Alliance Bank Stadium (\$40,000)

This is to move \$40,000 from stadium infrastructure account to pay to have eight stadium lighting peers stripped and repainted for last another 15 years. In answer to Mr. DeMore, Mr. Lansley said that there is no structural damage. The cost is \$5,000 per tower. Mr. Lansley explained that each year the Chiefs donate \$25,000, and there is \$140,000 in the stadium infrastructure currently.

b. Amend 2009 Co. Budget to Accept Additional State Grant Funds for Snowmobile Trail Improvements and Authorize the Co. Exec. to Enter into Contracts to Implement this Res. (\$38,075)

The Parks Department allocates "X" amount of dollars every year; \$58,000 this year, in anticipation of a grant to establish a fund. When the money was received, it was for \$96,075; they are looking to accept another \$38,075 to make the account whole. It is a pass through grant to the Onondaga County Snowmobile Association for trail maintenance and development.

c. Amend 2010 Co. Budget to Provide Addl. Funding for Equipment for the Onon. Co. Veterans Memorial Cemetery and Authorize the Co. Exec. to Enter into Contracts to Implement this Res. (\$55,000)

This would purchase two vehicles to replace worn vehicles at the Veterans' Cemetery—one ton dump truck and a pickup truck. Part of the money for burial fees goes into an account and the interest goes into an account to be used for perpetual care of the cemetery; current balance is \$305,439 in the account.

Mr. Jordan said that he thought these vehicles were discussed as part of the 2010 budget review. Ms. Hahn explained that they were discussed at the Vehicle Review Board meeting. The money isn't factored into the budget. This account is not an operating account; it was established when the Veteran's

Cemetery was established as basically an endowment account. It is a trust and agency account--the principal is to stay there forever, and the interest is expendable for maintenance and whatever needs the cemetery has.

*Mr. Masterpole arrived at the meeting.

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

A motion was made by Mr. Jordan, seconded by Mr. Masterpole to approve item 1a. AYES: 3 (DeMore, Jordan, Masterpole); NOES: 0; ABSTENTIONS: 1 (Rapp). MOTION CARRIED.

** Mrs. Winslow arrived at the meeting.

A motion as made by Mrs. Rapp, seconded by Mr. Masterpole to approve item 2a. Passed unanimously; MOTION CARRIED.

A motion was made by Mrs. Rapp, seconded by Mr. Masterpole to approve item 3a. Passed unanimously; MOTION CARRIED.

A motion was made by Mrs. Rapp, seconded by Mr. Masterpole to approve item 3b. Passed unanimously; MOTION CARRIED.

A motion was made by Mrs. Rapp, seconded by Mr. Jordan to approve item 3c.

Mr. Masterpole said that he can't support this; people were laid off and new vehicles and equipment should be bought. Mr. DeMore said that this money can't be used for other things; cemeteries have perpetual care accounts -- where they do a burial and part of the money from the burial is set aside for future funding and maintenance. Mr. Masterpole said that people from Carpenters Brook take care of the Veterans Cemetery and one or two positions were lost there. He wants to see that it can't be used for personnel. Mrs. Tarolli said that she will look into it. Mr. Masterpole said that he would like to see if it can be used to keep a person at Carpenters Brook, who helps maintain the cemetery vs. spending it on trucks.

Mrs. Hahn said that these vehicles were requested from the operating budget originally. DMB instructed Parks Dept. to remove the expenditure from the operating budget and use these funds to pay for it instead--won't need to tax for it and it avoids another layoff. There is \$300K balance, the purpose of the perpetual care account is to build it out so that when there aren't any more burials, the cemetery can still be cared for. There is a certain amount of money received to bury and a small amount goes to the perpetual care account. Typically DMB discourages Parks from tapping into this account, because they know that a point will be reached where there won't be any more burials and the cemetery will need to be taken care of. Mr. Masterpole said asked if it is fair to say that it is being taken out of this account because if taken out of the operating, another person would have been lost. Mrs. Hahn agreed.

Mrs. Winslow said that she saw pictures of the existing equipment, which is rusted out.

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

The meeting was adjourned at 9:35 a.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk

**PUBLIC SAFETY COMMITTEE MINUTES – November 10, 2009
CHAIRMAN RICHARD LESNIAK**

MEMBERS PRESENT: Mr. Kinne, Mr. Holmquist, Mr. Warner

MEMBERS ABSENT: Mr. Rupprecht, Ms. Williams, Mr. Buckel

ALSO PRESENT: *see attached list*

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

1. EMERGENCY MANAGEMENT: Peter Albert, Commissioner

a. **Confirming Appointments to the Position of Deputy Coordinator and Authorizing Reimbursement for Expenses Incurred in the Performance of their Duties**

Mr. Albert explained that these individual work mainly with volunteer fire service, but also with other aspects of emergency management. They are volunteers; they are eligible for reimbursement of mileage and expenses. Changes include: Harold Smith, retired after 30 years; Robert Blaire, change in

status--formerly part-time.

Mr. Kinne questioned how a deputy coordinator would earn mileage reimbursement. Mr. Alberti said that they could request mileage which was accumulated in response to an emergency. He noted that most of the deputy coordinators don't even put in for it.

Mr. Warner asked if there are classes associated with this. Mr. Alberti said that there is minimal training needed. Mr. Warner asked if that compensates for some of the mileage; Mr. Alberti indicated that it does.

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

Mr. Kinne referred to articles in the newspaper regarding problems with the volunteer fire departments and asked about the status of consolidation and changes. Chairman Lesniak said that there are discussions going on in some departments. Mr. Alberti said the he knows that there are some discussions between individual departments on their own and some at the request of the towns or villages. His office is involved with some of them in trying to assist. Chairman Lesniak said that some will require State legislation, some are incorporated, some are districts; districts need to be dissolved through State legislation. It will take awhile.

2. HILLBROOK: Jackie DeNero, Director, Juvenile Justice/Detention Services

a. **Transfer of Funds from Regular Salaries Acct. 101 to All other Expenses Account 410 (\$10,000)**

This is for a janitorial service to clean in the evening hours for the rest of the year, as the sole custodian resigned. In answer to Mr. Kinne, Ms. DeNero said that they are working with the Purchasing Dept. to contract for the service for next year. If that works out, they will come back to committee with a budget resolution. Because an immediate cleaner was needed for health and safety reasons, the Purchasing Dept. went with a firm that was already working for the County (R&R Janitorial). It is a short term purchase while they do a formal bid.

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

Chairman Lesniak asked to be provided with a cost breakdown of a new contract vs. replacement of the employee, when the department comes back to committee.

Passed unanimously; MOTION CARRIED.

3. PROBATION: Al Giacchi, Commissioner

a. **Amending the 2009 County Budget to Provide Additional State Funds to the Probation Department for the Supervision of Rockefeller Drug Law Reform Cases and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$248,000)**

This provides funds to assist with supervision of cases that would not have been previously eligible for probation but now are. It is \$124k per year for two years; they hope to use it to save a couple of the scheduled layoffs.

In answer to Mr. Warner, Mr. Giacchi said that it would be for B felony drug related charges that were not eligible previously for supervision--new probationers. Because of modifications to the Rockefeller Drug Law, they are now eligible. There were about 34 cases last year that would fall into this category in Onondaga County.

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

4. SHERIFF: Chief William Peverly

a. **Amend 2009 Budget to Accept State Homeland Security Funds for the Onondaga Co. Sheriff's Office and Authorizing the County Executive to Enter into Contracts to Implement this Res. (\$116,000)**

This is \$116K of Homeland Security funds to be used for training equipment and partial funding of an incident response vehicle for the Hazardous Device Explosive Team. Purchases will include: computers to be installed in the response vehicles, special bomb tools, hazardous device training, and partial funding for a vehicle. The remaining funds for the vehicle will come from another homeland security grant of \$120,000. The Hazardous Devices Explosive Team currently uses a 1990 van and a 20' trailer, which has over 130,000 miles on it. They haul a lot of equipment to the scenes. The incident response vehicle will be a totally self-contained unit, capable of hauling all of the equipment and the team. Under the current set up with the van and trailer, they have a total containment vessel, which is used when there is an actual device. It is put into the vessel so that if it were to detonate, it would be contained in there. With the incident response vehicle everything would be contained in the vehicle, including the robot, and it can tow the total containment vehicle on the back. It is also set up so that they can monitor the scene with cameras, do x-rays at the scene, and look at x-rays within the vehicle.

Chairman Lesniak asked if the containment vehicle was received through a grant; Chief Peverly said it was, and funding is shared with the City of Syracuse for it.

In answer to Mr. Kinne, Chief Peverly said that it is a specially designed vehicle especially for this purpose. The maintenance will be done internally, but it will be a low maintenance piece of equipment because it won't be moved that much. It will be stored at WEP and will be moved when required. This will replace a van and 20' trailer – it has a walk through from the back, two side seats on the back, two seats in front.

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

Chairman Lesniak stated that there will be an informational presentation by the ACT group regarding the CHAIRS system at the December committee meeting.

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

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

**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – November 12, 2009
CHAIRMAN JAMES CORBETT**

MEMBERS PRESENT: Mr. Rhinehart, Mr. Jordan, Mr. Masterpole, *Mr. Corbett

MEMBERS ABSENT: Mrs. Winslow, Ms. Williams, Mr. Rupprecht

ALSO PRESENT: *see attached list*

Vice Chairman Jordan called the meeting to order at 10:10 a.m.

1. LAKE IMPROVEMENT: Patty Pastella, Commissioner

a. ACJ Update

CSO 051

- Essentially completed – remaining of final pavement and restoration

Harbor Brook Interceptor

- 3 bids received on Nov. 2nd – lowest was J.J. Lane \$12.2 million; Delaney \$18.7 million; C.O. Falter \$20.9 million
- Met with J.J. Lane because of discrepancy in amounts. J.J. Lane is comfortable; plans to do project in one season

Mr. Masterpole asked if they will have cost overruns or hidden costs – is concerned because the bids are \$8 million apart. Mr. Rhinehart said that they are a local company and completed CSO 051. Mr. Jordan asked if they completed CSO 051 on budget; Ms. Pastella indicated that they did. They did the construction in one year. Mr. Masterpole asked if the Harbor Brook Interceptor is 100% stimulus. Ms. Pastella explained that it is Federal stimulus. It was budgeted for \$20 million: \$10 million grant, \$10 million loan. Mr. Masterpole said it seems that millions are being left on the table – can other work tie into this. He asked if an attempt should be made to use all \$20 million, or is it only applicable for this project. Ms. Pastella said that they are going to investigate that to see how much leeway they have to utilize the current money.

Mr. Jordan said that this was budgeted long before the stimulus package came into existence. Ms. Pastella agreed; they took advantage of stimulus monies, as the project was shovel ready. Mr. Masterpole said it was budgeted for and then came off the table with the RTF. When the stimulus money was made available, the project was put back in because it was shovel ready. Ms. Pastella said that it was a project that needed to be done whether or not RTFs were built. Mr. Jordan said that originally \$20 million was budgeted, of which a portion was going to be funded through other federal monies and now stimulus money is available. It seems that it should be costing local taxpayers less money. Ms. Pastella said that the original financing would have been through EFC, not necessarily grants. Mr. Jordan said that outside sources would have funded or partially funded this project and assumes that those sources are still available. Ms. Pastella agreed. Mr. Jordan said that the stimulus money should be above and beyond what was originally budgeted for in terms of outside financial resources to fund the project. Ms. Pastella said that the project is on the EFC list for funding; they have not gotten a resolution for the big project yet. Nothing has been requested for the Harbor Brook project other than this. In answer to Mr. Jordan, Ms. Pastella said that it is 50% grant and 50% loan--they will give 50% of project cost. Mr. Jordan said that the project is \$12 million, stimulus will fund half of that – is that contingent upon the County putting in local dollars for the other half. Ms. Pastella said that it would be \$6 million from stimulus. She will have to ask EFC how they would look at if the County can get another grant to offset the remaining \$6 million. Right now there are no other grants for Harbor Brook interceptor. In answer to Mr. Masterpole, Ms. Pastella said that the County pays all of it and then is reimbursed.

ACJ

- Fourth stipulation has been approved by the Legislature for the County Executive to sign
- Proceeding with lining up projects: preparing RFPs, getting consultants for the required work via revised ACJ
- Not yet signed by Judge Scullin

In answer to Mr. Masterpole, Ms. Pastella did not have a date as to when Judge Scullin would sign.

- Billboards up throughout the City – most prominent from Rts. 690 and 81.

Skimmer Board

- Operational through November

In answer to Mr. Rhinehart, Ms. Pastella said that Midland is working well. Mr. Rhinehart was concerned about the amount of money being spent on it, \$128 million--will be interesting to see how many times it kicks in.

Mr. Masterpole said that with the green initiatives we look to get 7% -10% reduction in infiltration into the system--is there a plan as to how to get the other 70%– 80%. Ms. Pastella said that the goal is not 100%; the goal is 95%, which is part of the ACJ. Right now it is about 83%–84% because of everything that has been done. There are gray projects in the ACJ to be done: Clinton Storage, Trolley Lot, Harbor Brook storage--these projects will get them to a percentage and then there is green to year 2018. Mr. Rhinehart said that green infrastructure is all brand new. If we get 7% from it, it would be a huge number. Other communities have found a low percentage with the technology that is out there. Mr. Jordan said that it is subject to the level of participation. Mr. Masterpole agreed and said that he has been told that a lot the roofs downtown, an area where the biggest "roof prints" are that we want to collect, can't hold a green roof as the infrastructure wasn't built properly.

Mr. Jordan asked when there will be plans/proposals as to what type of green infrastructure will be implemented. Ms. Pastella said that they will be doing a plan within the next year, which will have target areas. Some things are already being worked on – green at zoo; porous pavement in CSO 051, etc. There is a list of projects included in the ACJ handout, not all have been designed. With green, not everything is done at once; it is a progression.

* Mr. Corbett arrived at the meeting.

Mr. Jordan referred to Harbor Brook short term EFC loan, \$20 million, and asked if it is new money. Ms. Pastella said "yes". She explained that if it were based on the current bids, it would read \$12 million—broken down \$6 million grants and \$6 million low interest loan.

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

2. WEP: Patty Pastella, Commissioner

a. **Transfer Funds from Maint., Utilities & Rent Acct. 413 to Supplies & Matls. Acct. 300 (\$375,000)**

This is a result of increased chemical costs--an increase in the unit cost for chemicals over what was originally budgeted. There was a shortfall in the chemical cost of \$577,000; it is offset by other chemicals that were discontinued and savings that were as a result of cost decreases in 2009--bringing the total to \$375,000.

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

Mr. Rhinehart asked how it can be off by so much. Ms. Pastella said that the unit cost changed from the time the budget was prepared. Approximately \$4,370,000 is spent over the entire year. Mr. Rhinehart asked why the projection for utilities was so far off, a \$2 million balance—the budget projects \$12 million/year and asked if there will be a shortfall. Ms. Pastella said that the projections were analyzed through the end of December.

Passed unanimously; MOTION CARRIED.

b. **Authorize the Execution of Agreements to Accept Grant Funds from the U.S. Army Corps of Engineers for the Construction of Sewer Separation Improvements Required by the ACJ (\$3,090,000)**

Mr. Coburn explained that this is stimulus money; there is a match--- 30% non-federal share.

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

c. **A Resolution Calling a Public Hearing in Connection with Proposed CSO Improvements for the Onondaga County Sanitary District of the County of Onondaga, New York**

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

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk

CHAIRMAN JAMES RHINEHART

MEMBERS PRESENT: Mr. Corbett, Mrs. Rapp, Mr. Stanczyk, Mr. Holmquist, Mr. DeMore

MEMBERS ABSENT: Mr. Warner, Mr. Kinne, Mr. Kilmartin

ALSO PRESENT: *see attached list*

Chairman Rhinehart called the meeting to order at 11:30 a.m. ***A motion was made by Mr. Corbett, seconded by Mrs. Rapp, to waive the reading and approve the minutes of proceedings of the previous meeting. MOTION CARRIED.***

1. MANAGEMENT AND BUDGET: James Rowley, CFO

a. 3rd Quarter Update (*attachment #1 – copy on file with Clerk*)

Mr. Rowley read the following:

I'm here to provide the members of the Fiscal Ways & Means committee with an update on the 2009 budget. The numbers are in from the third calendar quarter of the year and we've completed the work of updating our forecasts for 2009 based on the results through September 30.

The gap that we need to close in the 2009 budget is now \$9.7 million. When I came before this committee in August, I told you that we were looking at a tax lien sale to close this gap. Since that time, we have come up with a better way to close this gap that addresses some of the shortcomings of the tax lien sale approach that have been identified by this legislature.

My office, working closely with the Executive office and the Law department, has completed work on a proposal to close the 2009 budget gap by selling tax sale certificates through a passive trust. This will allow us to book revenues from this asset sale in 2009, while avoiding the need to turn over the tax liens to a third party. I will speak to this proposal at the end of my quarterly Fiscal Update.

During the quarter ending September 30, our revenue picture was strengthened by prior year tax collections, including interest and penalties. We had a successful October tax auction which netted us 621K through the sale of 44 properties. Additionally we are recognizing \$400K in revenue from the 800 mhz rebanding at E911 for the radio project. We were able to negotiate this revenue with cell phone companies because our actions, while necessary for the radio project, corrected an expensive problem for cell carriers for which they were willing to compensate the County.

Sales tax collections from January 1 to October 31 are down 6.6% from 2008 levels. This decline, combined with the need to pay \$7.5 million to other municipalities from the "hold harmless" provision of the current sales tax sharing agreement, will produce a shortfall in County sales tax revenues of \$29.7 million in 2009 compared to budget.

Continued austerity measures are substantially alleviating increased costs in our human service areas due to increased caseloads. A prime example is in salary savings where budget savings have increased from \$800K in Q1, to \$2.2M in Q2, to \$2.7M in Q3. Sheriff and Corrections OT are much improved. We have saved money in contracts, vehicles; pay as go capital, supplies and energy. Working with the Division of Purchase, my office has imposed new spending restrictions aimed at making sure that departments do not spend discretionary funds merely because they have the money in their 2009 budget. All in all, we are continuing to monitor spending very closely.

We have made the assumption, based on conversations with the State, that Medicaid rates will not be set in time to accrue funds for IGT in 2009– the Van Duyn Federal subsidy. Accordingly we have reduced our IGT expense \$600 K from the second quarter.

Caseloads are up in most human service areas as is the average cost per case. Local dollar costs are under budget in Family Assistance due to a change in funding from state to federal dollars; Foster Care as a result of a reduced number of kids being placed in institutional care; and Purchased Services in DSS because of a reduction in contract services. It is important to remember that the County had to absorb \$8.5M in state budget cuts that directly affected either general fund local dollars, general fund contracted services or other funds such as Van Duyn and our insurance fund. These cuts exacerbated the effects of the recession and we are all waiting for the next shoe to drop in Albany. With the Governor calling the Senate and Assembly back into session to make mid-year State Budget cuts in excess of \$3 billion, we are watching and waiting anxiously.

Chairman Rhinehart referred to absorbing \$8.5 million in State Aid reductions. Mr. Rowley explained that general fund effects were around \$3 million that were absorbed – big cuts were Van Duyn, cost in insurance fund, surcharges, and a few other things. He will provide more detail to Chairman Rhinehart. In answer to Chairman Rhinehart, Mr. Rowley said that this is through the 3rd quarter, they don't know what else will happen in Albany; there could be additional cuts.

Mr. Stanczyk asked if much difference is anticipated between the 3rd quarter report and the end of the year. Mr. Rowley said that \$9.7 million is the best estimate of what the gap is that needs to be filled.

In answer to Mrs. Rapp. Mr. Rowley said that total austerity measures produced in excess of \$10 million.

Chairman Rhinehart noted that the Lis Pendens number is down from last year and asked if it correct. Mr. Rowley said that it is the first notice in the foreclosure proceedings—Aug. 2008 there were 1,041 filings and Aug. 2009 there were 1,013. It is a measure of mortgage foreclosings, whether mortgages were satisfied through an auction and sale process or if people got caught up on existing mortgages.

Chairman Rhinehart asked if there is a chance that the Medicaid cap could be lifted. Mr. Rowley said that there are discussions going on, but nothing was proposed in the Governor's budget and he has not heard anything in the Governor's deficit reduction plan or from the Legislature.

Mr. Stanczyk said that he was not in control of the sales tax process 10 years about, but there were guarantees made for a base for the towns and villages so that they would never go lower. The County would suffer the vagaries of the up and down. For years the County benefited from the vagaries because sales tax was up. This past year, not only was sales tax down, but because of the guarantees made, the County was down significantly more than it would have been. He suggested that when the 10-year plan is structured going forward that Onondaga County should be guaranteed and the ones suffering the vagaries are the people that had benefited from some of the distribution. Mr. Corbett stated that it should include the City; Mr. Stanczyk agreed. Mrs. Rapp said that the County should be the first recipient. Mr. Stanczyk said that years ago it was decided that the tax collection was guaranteed by the County, rather than for the County by the towns. Westchester County is no better off in terms of their finances, but is credit worthy because they have the opposite of what Onondaga County has in place. This government should be in a position to secure its own financing. He compared buildings that the County has with the buildings that the towns and villages have and noted that something is awry.

Mr. Rowley referred to the austerity dollars year to date – there is an \$8 million+ plan in place. Indications in the 3rd quarter are that it will be met. There are additional savings in salary savings alone.

Chairman Rhinehart said that he represents 4 towns, 3 villages, and 4 school districts. Everyone that is sharing in sales tax, has it included in their budget. He is concerned that when the number changes, it will get directly passed on to the taxpayer. He is not sure if it is our business to be involved in their business, but ultimately we are all taxpayers--need to find some middle ground.

In answer to Mrs. Rapp, Mr. Rowley said that sales tax is down 6.6% from 2008 actual. It is actual cash collections through October. There are 4 more payments to go and the last four of the year are fairly significant--accounts for about 15% of the overall collections.

Mr. Stanczyk said that the budget estimate for 2010 is that it will be better than the base set for 2009 and asked if Mr. Rowley is comfortable with that. Mr. Rowley said that he is. He is not an economist, but from a budget perspective, it is conservative. He noted that the Comptroller has looked at it and agrees that it is fairly conservative.

Mr. Corbett said that there will be some large projects coming into the county – over \$100 million+ in expansion at the Veterans' Hospital, work at St. Joseph's Hospital – it will generate something extra just with people coming in to work. Mr. Rowley said that it has to help, but was not sure how to quantify it.

b. Discussion – Use of Passive Trust to Sell Tax Sale Certificates

This is not a tax lien sale in the true sense – not giving up any pieces, parts of delinquencies--will collect everything that is due the County. It is estimated to cost \$600,000.

Mr. Stanczyk asked why the County would we get involved in this scheme to book in 2009 and pay \$600,000, rather than take money from fund balance and square up for 2009. No one looks good in 2009; Onondaga Co. looks horribly worse because of our flawed distribution pattern for our sales tax, which put us in the hole significantly. With austerity measures and stimulus money, we would be square--it doesn't make sense to go through a schema. If the County is in desperate shape next year, this option is still available. Once it is booked for 2009, money has been spent on a schema to look good for now. Mr. Rowley said that the environment for putting forth this transaction is very favorable now; rates are at historic lows. It may or may not be the case next year. He feels the County needs to focus on conserving as much fund balance as possible going forward. There are a lot of structural problems in 2011 that could take down fund balance quickly: almost \$8 million was used in 2010 budget, \$15 million in FMAP money goes away in 2011, built in labor cost increases of \$6 -\$7 million, pension cost increases could go up to 24% of payroll. This proposal, if borrowing \$13 million short term under are RAN or TAN, would probably exceed the \$600,000. Mr. Stanczyk disagreed, as interest rates are low and we are not borrowing. If the money is taken from fund balance, is there cash flow to operate – he feels we will have the cash flow to operate so that concern is taken away. He questioned why an option would be taken away that should be kept available for next year by cashing it out this year. Mr. Rowley said that cash flows are declining. In answer to Mr. Stanczyk about having enough cash flow, Mr. Rowley said that it is getting very close. If this transaction is not done, they very well could borrow for cash flow in January or February. Mr. Stanczyk said that the fund balance is \$63 million; Mr. Rowley said that is book balance, but not the cash in the bank.

Mr. Rowley reviewed cash flow history:

June 2009 = \$54 million
June 2008 = \$78 million
Sept 2009 = \$33.6 million
Sept 2008 = \$72 million
Oct 2009 = \$38 million

Oct 2008 = \$58 million

Averaging \$27 million lower in general fund cash

In answer to Mr. Stanczyk, Mr. Rowley said that \$30 million is needed for cash flow. Mr. Stanczyk said that heavy sales tax is coming in for the next four months. Mr. Corbett questions if this should be done with just barely a skim coat to cover it. Mr. Rowley said that he is nervous about closing 2009 out with fund balance.

Mr. DeMore asked if other counties have done this. Mr. Rowley said "yes". There are only a handful of counties that are allowed to do it. Onondaga is a charter county and have a special tax act which authorizes sale of these certificates in the County's best interest.

Mr. Rowley explained that the County will sell certificates to a passive trust, a bank. The trust will issue securities and they will be paid back with normal collections of delinquent taxes. The County holds the liens and maintains the collection process. It will be transparent to the property owner. The County is basically securitizing its liens – selling an asset – 3 years 2007, 2008 and 2009. These 3 years are focused on because of our tax act and our ability to foreclose – a 3 year process. Older liens shouldn't be sold, because the County may have to take them back right away and foreclose on them. The value of those delinquencies is \$15.3 million. Cash collection over the next 3 years is projected to be \$13.6 million; net proceeds of \$13 million.

Mr. Stanczyk asked if the projected value of the delinquencies is the actual taxes owed--\$15.3 million. Mr. Rowley said that it is. Mr. Stanczyk said that if \$15.3 million is owed to the County, there is interest and penalties of 1% per month. If the County did nothing, it would get back \$13.6 million, but would also have another remainder of about \$7 million. Mr. Rowley said that the \$15.3 million is the value of delinquencies including interest and penalties as of Jan, 1, 2010. Mr. Stanczyk said that if none of that money came in, one year later the \$15.3 million would be \$16.9 million because of interest. Mr. Rowley said that would still be collected. The cash flows of the 3 year period of delinquencies is estimated to be \$13.6 million. In those cash flows it is assumed that there are interest and penalties that will continue to accrue and collect on. Mr. Stanczyk asked what the remainder of the \$15.3 is when \$13.6 is collected; Mr. Rowley said \$1.7 million. Mr. Rowley said that that they are selling the cash flows over the next 3 years from those particular delinquencies at a point in time – over 3 years it is assumed that they will generate interest and penalties will generate \$13.6 million. The investors are buying the \$13.6 million. They take out underwriting and interest cost; County gets proceeds of \$13 million and close the gap for 2009. In answer to Mr. Stanczyk, the County pays the interest on the \$13 million; it is included in the \$13.6 million. On the \$13 million, the taxable rate is about 2.5%, about \$500,000 over 3 years. The County is not out of pocket any interest or principal on the delinquencies; the balance of the \$15.3 is collected over time, not paying cash up front out of pocket; the underwriting and interest cost is deducted upfront, County continues to earn interest, which is reflected in the cash flows, County controls all collections. This is a tax sale certificate; the County guarantees it. Mr. Stanczyk said that this is a cash stream, a revenue bond, and backed up by a guaranteed general obligation of the County. Mr. Rowley said that it is not a cash flow financing, is sale of an asset where they can book revenue.

Mr. Stanczyk asked about the taxable rate and a tax free rate for a 3 year obligation; Mr. Rowley said it is less than a percent. **Mr. Stanczyk requested a comparison of the County borrowing for a 3-year term.** Mr. Rowley said it would do any good as the proceeds couldn't be booked as revenue. He wants to book it as revenue because there is a hole in 2009 and tremendous pressure going forward. There is enough pressure on fund balance right now. Mr. Stanczyk asked if the economy is still poor, and there is the same pressure next year, how will interest rates change in the year. Mr. Rowley said that he doesn't know what will happen in the future. The rates are very good now; there is a gap that needs to be closed, there is tremendous pressure on fund balance and this is a way to save fund balance in a low cost manner and close the gap for 2009.

Mr. DeMore asked if there is any downside to doing this; Mr. Rowley said only the \$600,000.

Mr. Stanczyk said that his concern is the cash flow position – spending money to book in 2009. Mr. Rowley said that he is concerned about booking revenue to close the balance, concerned about cash flow for operations; concerned about ultimate credit rating. There is a cost benefit of not doing it – it will potentially affect the rating, based on some assumptions, from an AA to an A, which will cost the County more to borrow. Mr. Stanczyk said it takes away an option for next year. Mr. Rowley said that it could be done year after year. His strategy is to close the 2009 gap, provide enough cash flow so that we don't have to borrow at the beginning of 2010; get to the end of 2010 with a good sales tax sharing agreement to help close the gap in 2011 and beyond; take pressure off of 2011 and beyond by not consuming \$13 million more in fund balance.

Mr. Holmquist felt this is very prudent; if things are bad next year, this will be the least of our problems.

Mr. Rhinehart said that going into next year the state is in a budget crisis; the County depends tremendously on state aid to pass through to our budget. Is conserving our fund balance and keeping the county extremely healthy, will the state look at Onondaga County and it give less and give more to the needy counties. Mr. Rowley said that he has never seen state and federal aid disseminated on a need basis; it is formula driven.

Mrs. Rapp said that she is concerned about the \$17 million in one shots in the 2010 budget and concerned about taking more out – how will it be made up next year. Mr. Rowley agreed and said he desperately wants to preserve fund balance. Mr. Stanczyk said that when this tax lien sale is done, a good portion of the monies listed on the forecast -- deferred and uncollected taxes, prior year taxes, interest and penalties – are significantly diminished for next year and the years following. Mr. Rowley explained that those numbers are based on all prior delinquencies.

Mr. Stanczyk referred to the last page of the handout and asked where the \$1.8 million in 2008 excess over 10% is found in the budget. Mr. Rowley said that it is in the CAFR for 2008. It has been part of fund balance, in the \$62 million fund balance. Mr. Stanczyk asked what happens in 2011; Mr. Rowley

said that it is not a \$5 million hit in 2011. Mr. Stanczyk said that it is a significant number; this is in essence a one shot because this will short us for 2011, 2012, 2013, 214. Mr. Rowley said that it will significantly diminish, because in the first 3 years of a delinquency, 85% is collected. **Mr. Stanczyk requested the numbers for 2011 – 2014.**

Mr. Rowley said that he would like to come back to Ways and Means with a resolution.

Mr. DeMore asked if the \$15 million is a projection as of today. Mr. Rowley said that is their best estimate for December.

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

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

WAYS AND MEANS COMMITTEEMINUTES – NOVEMBER 24, 2009
JAMES M. RHINEHART, CHAIRMAN

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

ALSO PRESENT: *see attached list*

The meeting was called to order at 9:30 a.m.

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

1. HILLBROOK: Jackie DeNero, Director, Juvenile Justice/Detention Services

a. **2009 Transfer of funds from Acct. 101 Regular Employee Salaries to Acct. 410 All Other Expenses in the amount of \$10,000 to cover costs associated with janitorial services (\$10,000)**

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

2. PROBATION: Al Giacchi, Commissioner

a. **Amend '09 Budget to Provide Additional State Funds to the Probation Dept. for the Supervision of Rockefeller Drug Law Reform cases and Authorize the Co. Exec. to enter into contracts (\$248,000)**

This will provide funding to handle cases that are now probation eligible under the revised Rockefeller Drug Laws; 2 year grant - \$248,000. In answer to Mr. Warner, Mr. Giacchi said that there is new legislation, revised Rockefeller Drug Law—makes more drug offenders probation eligible for supervision instead of mandated incarceration—there are over 30 cases in Onondaga County that will be eligible. The intent is to involve treatment to drug offenders and stop recidivism. Mr. Warner asked when a report would be available regarding the effectiveness. Mr. Giacchi said that they should know the number of cases and involvement by June. Mr. Warner said that these are B felonies--chargers as serious as murders. Mr. Giacchi confirmed that there are no statistics on effectiveness of recidivism, as it is a brand new program.

Chairman Rhinehart referred to the program paying for one and a quarter full-time employees and asked what happens after the grant is over. Mr. Giacchi explained that the money will be used to hopefully avoid one person getting laid off and retain a partial amount for another person; one investigator and one supervisory person. It is understood that if the funding runs out, at the end of the two years the person would be laid off. If it is really successful, hopefully the State will continue to fund it.

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

3. SHERIFF: Roy Graiten, Captain

a. **Amending the 2009 County Budget to accept State Homeland Security Funds for the Onondaga County Sheriff's Office and authorizing the County Executive to enter into contracts (\$116,000)**

The funds would be used for training, equipment, and partial funding of an incident response vehicle for the hazardous device disposal team. The equipment includes computers to be put into the response vehicle, bomb tool kits, and riggings. The remaining funding for the response vehicle is in place.

In answer to Chairman Rhinehart, Mr. Graiten said that it is anticipated that the incident responsive vehicle may be used less than 20 times per year.

Mr. Kinne said that it has to be maintained, which cost money, need to reinvest in it, and it will be paid for out of local dollars. In answer to Mr. Stanczyk, Mr. Graiten did not know where the Peace Keeper is kept. Chairman Rhinehart said it is at the Heliport.

Mr. Kilmartin asked if it will be used for counties outside of Onondaga County. Mr. Graiten said that it will be—per the grant, it has to be available regionally. The squad would be one of the 13 FBI certified squads in the state. In answer to Mr. Kilmartin, Mr. Graiten said that the grant funds coming to Onondaga County are for the initial equipment. Bomb Squad funding has been consistent for a few years; it is a priority; expects the funding to continue. He doesn't expect maintenance cost to be that great, as it is not something that is driven every day. Mr. Kilmartin asked if in the past Onondaga County has received reimbursement for services conducted outside of Onondaga County. Mr. Graiten said that there isn't reimbursement; it is under mutual aid. For example, if the Sheriff needs help in Onondaga County, he would be able to draw in the resources of other counties and it works the other way-- Onondaga County provides services to other counties. Mr. Kilmartin asked if it has been contemplated to seek some type of reimbursement if it is used in the future for outside counties. Mr. Graiten said that he didn't think it would be allowed; in order to qualify for the funding, it has to be made available to other counties.

Chairman Rhinehart said that there is a warehouse full of stuff and the county is putting the team together; when the other counties need this kind of support, Onondaga County supplies it and is not getting reimbursed. Equipment keeps piling up at the heliport and questioned when or if it will come to an end.

A motion was made by Mrs. Rapp, seconded by Mr. Holmquist to approve this item. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Rhinehart).

4. COMMUNITY DEVELOPMENT: Linda Deity, Administrator

a. **Amend '09 Budget to Accept a Home Improvement Prog. Grant from the NYS Housing Finance Agency for the Community Dev. Prog. and Authorize the Co. Exec. to enter into Contracts (\$300,000)**

This will serve 50 houses -- \$6,000 of this funding/house will be matched with \$4,000 of Community Dev. Funding. If there is lead, there will be a \$10,000 match – a total of \$20,000 per house. Eligibility is based on 80% below median income – a family of 4 is approximately \$50,000.

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

Mr. Warner asked if the homeowners have to pay it back. Ms. DeFichy said that they do if they sell the housing within 5 years; it is forgiven after 5 years.

Passed unanimously; CARRIED.

b. **Amend 09 Budget to Accept a Purchase-Rehab Program Grant from the NYS Housing Finance Agency for the Community Dev. Prog. and Authorize the Co. Exec. to enter into Contracts (\$300,000)**

This provides \$30,000 subsidies for 10 first-time homeowners; it has to be paid back if sold within 10 years.

Mrs. Rapp asked if this is the entire grant. Ms. DeFichy said that it is from this agency, but there is other funding from other agencies.

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

5. FACILITIES MANAGEMENT: Manny Barbas, Deputy Commissioner

a. **2009 Transfer of funds from Acct. 413 Maint., Utilities & Rents to Acct. 960 Prov. for Capital Proj. in the Amount of \$112,000 to Replace Existing Deteriorated Double Hung Windows and Some Floor Finishes for the Weighlock Building (\$112,000)**

Mr. Barbas explained that the \$112,000 is currently in the 2009 operating budget, which was earmarked to replace windows on the Weighlock Bldg., and floor finishes at the Visitors Center. The request is to move the money to provision for capital so the money is there for next year when the new display and visitors center will be designed and put out to bid and include the window replacement in that bid.

In answer to Chairman Rhinehart, Mr. Barbas said that if this isn't approved, the money goes back to the general fund and the work isn't done.

Mr. Stanczyk said that this building has been a money pit and asked if the museum pays any rent or utilities to the County. Mr. Barbas said that he didn't think they pay rent, but may pay for utilities. Mr. Stanczyk said that a number of people will be laid off Jan. 1st; this is \$112,000 and doesn't know how long these things can continue going forward. The relationship with some of the organizations is entirely one sided. How the County bought the building is fraught with all types of concerns and problems; the County continues to put money into it without getting anything out of it. Mr. Barbas said that is it an historic structure, County owned and this is for the exterior windows, which really should have been replaced this year. They will struggle through another winter with them, but have an obligation to keep County buildings in reasonable condition, especially historic structures. Mr. Stanczyk noted that it was not built on solid foundation, and there have been all types of problems with it in the past – has a concern with people getting laid off and the County replacing windows.

In answer to Mr. DeMore, Mr. Barbas said that the current windows were a quick fix, done about 20 years ago. They had removed the old, rotted sashes and replaced with an inexpensive window pack. There are several leaks; they are wood, double glazed system, which has failed in many cases. They are not a tight window. There is energy to be saved.

Mrs. Rapp said that the State gave the building to the County and told the County that it was its responsibility to keep the building in perpetuity because of the historical nature; it is the only Weighlock Building in world. It was vended out to a 5013-C to run the museum portion; never to own the building. The museum is doing the County a service – they run the entire operation on \$330,000; have 4 full time staff that works 7 days a week. It is also the Syracuse

Visitors Center. Regarding the quality of the windows, last year during a snow storm there was snow coming through the windows. The doors are nailed shut because they don't work. It is bare bones maintenance there.

Mr. Warner asked if there is any grant money involved. Mr. Barbas said that there are grant funds being spent on the building and on the Visitors Center, but none included in this \$112,000. Mrs. Rapp said that the Museum applied for a \$50,000 Restore New York grant for the windows. If they get it, it will supplant some of this cost. Mr. Warner asked if the building is registered as historical. Mr. Barbas said that it is; the windows will be replaced in accordance with the historic preservation guidelines.

Mr. Kinne said that the building was taken over by the County many years ago and in all that time a strategy was never developed – how do we take care of it; what money should be put into it. Then the Museum bought another building, so they obviously had money. The County is stuck with the building; there is no global plan as to how to treat museums in this county; no forward thinking; no looking at larger picture.

Mr. Corbett said that this money was appropriated previously and nothing is being added for cost--basically allocating it to be used in the future. Mr. Barbas agreed; it is reserving it to be spent in 2010.

Chairman Rhinehart asked about the work being incorporated into a more comprehensive package. Mr. Barbas explained that the bulk of the project is for an exhibit in the Visitors Center; they would like to incorporate the window replacements and floor finishes into the bid documents – a more holistic project; get the best cost value.

Mr. Stanczyk said that the project loses credibility for energy savings, as the money was in the 2009 budget to do it and it wasn't done. A summation of 32 side deals doesn't make a policy of how we deal with authorized agencies; which is more and more what the County has. He wants to know why an organization doesn't pay for rent, heat, lights, water, etc., or if the County pays for it because it owns the building. It is absurd to give the \$112,000 that was decided not to be spent and spill into next year, when the legislature went through torture to set a budget for next year and people were laid off. There should be a plan for some of these organizations to stand on their own--the County had to lay off its own people to stand on its own.

Mrs. Rapp said that for the last 5 or 6 years the Museum has been in the process of raising \$600,000 to refresh all exhibits on the 1st floor of the Weighlock Bldg to make it more interactive and more of a destination. All of that money is in place. From the administration side, to get the biggest bang for the buck it made sense to not piece meal but to do it all at once—to pair the County money with money that the Museum raised to create a better, more inclusive attraction. There was every sense that it would be done this year; but it was a smart decision to wait and do it all at one time rather than ripping it apart twice. Mr. Stanczyk asked when it will be known if the Museums is getting the \$50,000 grant. Mrs. Rapp said maybe by the end of the year; it is a State grant. Chairman Rhinehart recommended that there be an outline or long-term vision on what is being done at the Canal Museum at the next Co. Facilities Committee meeting. Mr. Barbas said that in the last 2 years the roof was replaced on the Weighlock Building and serious brick problems have been repaired—it was a 2-yr. project. Contractually the County has an obligation to keep the building up; working on exterior; doing exterior doors this year; roof and masonry is done; windows are the critical piece, and felt to be more valuable as part of a larger package.

Mr. Warner asked what the attendance is at the Museum annually; Mrs. Rapp said approximately 20,000, noting that every 4th and 7th grades study the Erie Canal as part of history education; almost all City schools visit, many county schools, now part of Say Yes to Education Program; OCC is teaching courses there, and S.U. School of Museum Science meets there.

A motion by Mr. Corbett, seconded by Mr. DeMore to approve this item. AYES: 5 (Rhinehart, Corbett, DeMore, Holmquist, Kilmartin); NOES: 0; ABSTENTIONS: 4 (Kinne, Stanczyk, Warner, Rapp). CARRIED.

Mr. Kinne asked to be provided with a report on what bills the County pays for the building; wants to know who pays for the water and energy.

6. TRANSPORTATION: Brian Donnelly, Commissioner

a. **Amend Res. No. 201-2008 to Increase the Authorization to Pay in the First Instance 100% of the Federal Aid Eligible Costs of \$285,000 for the Design (Scoping I-VI) and Right-of-Way Incidentals of the Buckley Road Over the CSX Railroad, PIN 375425, to Include the Willis Avenue Bridge Over the CSK Railroad Federal Aid Eligible Project (\$285,000).**

Mr. Corbett asked if one lane will always be open; Mr. Donnelly said that is the intention, but can't commit until the design report is back.

A motion by Mr. Kinne, seconded by Mr. Stanczyk - Passed unanimously; CARRIED.

7. PARKS: Bill Lansley, Commissioner

a. **Amend '10 Budget to Provide Funds for a Prevent. Maint. Proj. at Alliance Bank Stadium (\$40,000)**

This is for painting the light towers at Alliance Bank Stadium; infrastructure account balance is \$140,305 – asking to release \$40,000 for this project.

A motion was made by Mrs. Rapp, seconded by Chairman Rhinehart to approve this item. AYES: 8; NOES: 0; OUT OF ROOM: 1 (Kilmartin). MOTION CARRIED.

b. **Amending the 2009 County Budget to accept additional State Grant funds for Snowmobile Trail Improvements and Authorizing the County Executive to Enter into Contracts (\$38,075).**

This is a pass through grant to the Onondaga County Snowmobile Association--receiving an additional amount of \$38,075 to be used for trail maintenance and development.

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

Chairman Meyer said that many other counties give the legislature an opportunity for the second installment to go through automatically and asked that County Facilities Committee look into it for Onondaga County. The benefit is that the volunteer organizations get the money quicker for the trail maintenance. Mr. Corbett said that there are two large snowmobile groups in his district and they have had the same concern--it takes a long time for our County to transfer the funds; other counties it is almost instantaneous.

Passed unanimously; CARRIED.

c. Amend 2010 Budget to Provide Additional Funding for Equipment for the Onondaga County Veterans Memorial Cemetery and Authorize the County Executive to Enter into Contracts (\$55,000)

This would purchase two vehicles for the Veterans Memorial Cemetery. The T-95 account balance is \$305,439. The funding was originally in the department's budget for 3 vehicles, \$90,000. They pulled it out and decided to use the funds in the perpetual care account. Two current vehicles are in bad condition and rusted out; not a lot of mileage, but they get a lot of heavy duty use. It was explained that the fund results from interest that accumulates from burial charges and can solely be used for the Veteran's Cemetery and perpetual care of it.

Mr. Corbett asked if the dump truck will be used anywhere else besides the Veteran's Cemetery. Mr. Lansley said that these vehicles will be used exclusively for the Veteran's Cemetery.

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

Mr. Kinne estimated that there were at least 3,000 people in attendance at the walk of Lights on the Lake. He did not know anything about it--found out about it through his daughter. It was a great event, but thinks it was poorly advertised. Mr. Lansley explained that it was printed in the newspaper, on the news, and on the radio.

8. SOCPA: Don Jordan, Director

a. Approve the Classification of an Unlisted Action and the Issuance of a Negative Declaration and Authorize Co. Exec. to accept funds from the NYS Department of Agriculture & Markets for a Farmland Protection Implementation Grant for the Hourigan Farms of Elbridge in the Towns of Elbridge, Van Buren and Skaneateles and Authorizing the County Executive to enter into contracts (\$2,156,432)

Mr. Jordan said that the County's adopted Farmland Protection Plan recognizes purchase of development rights as a valuable tool for protecting agricultural resources in the County. This award protects over 1,200 acres of farmland in Elbridge, VanBuren, and Skaneateles.

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

Chairman Rhinehart said that this is the largest grant that this County has ever received; it was the number one pick by the State Dept. of Ag. & Markets. Mr. Jordan said that the Hourigan Farm was rated the highest in the state.

In answer to Mr. Stanczyk, Mr. Jordan said that this will be the third award for the Hourigan Farm. Mr. Stanczyk said that it would be a better system if more people could participate instead of less. Mr. Jordan said that participation in the program is increasing; this year 14 applications were submitted by farmers; Farmland Protection Bd. reviewed and rated them and sent 5 on to the State. Mr. Stanczyk asked if there was a rating decrease for having received monies in the past. Mr. Jordan said "no"; they look exclusively at farmland, soils, and development pressures. Mr. Stanczyk felt that there is less development pressure this year than last and the year before and asked about the procedure. Mr. Jordan said that they look at development over time, proximity to infrastructure development in that area. The farmer has a cursory appraisal done and submits the application; the State comes up with an award amount. The amount in this resolution is 20% higher than the State's award to accommodate contingencies down the road. If a farm is awarded, an appraisal is done; there is a survey that details the property. There is a 25% match by the farmer. In the case of the Hourigan's, they are donating 322 additional acres to development rights instead of taking a lesser amount of award. Mr. Stanczyk asked how more money ends up in the State's pot. Mr. Jordan said that it could be that farms that were awarded elect not to participate in the program. Chairman Rhinehart added that tax implications weigh in at closing time; there are two outstanding that haven't closed in the last 3 years; these people are taxed on this money. Mr. Stanczyk asked if a resolution was ever passed aborting the State award; Mr. Jordan said that he believes they all have reflected the 20% mechanism. Mr. Stanczyk disagreed. Mr. Jordan said that there was a project in the County and when it was awarded, the farmer elected to not go through the process. The money was put back into the pot and re-awarded to another farm.

Mr. Corbett gave an example of development pressure in the last two years--from Route 31, Route 11 to Rt. 57, which was all farmland and is now hundreds of homes. Recently a turning lane was put in between Morgan and Waterhouse Roads; it used to be farmland on both sides.

A vote was taken on the motion; AYES: 7; NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

b. Approving the Classification of an Unlisted Action and the Issuance of a Negative Declaration and Authorizing the County Executive to Accept Funds from the NYS Dept. of Agriculture & Markets for a Farmland Protection Implementation Grant for the Burgett Farm in the Town of Tully, and Authorizing the County Executive to Enter into Contracts (\$630,150)

This is for a 194 acre farm, Town of Tully, Rt. 81 valley, first farm in our county selected in that area.

A motion was made by Mr. Corbett, seconded by Mr. DeMore, to approve this item. AYES: 7; NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

9. WEP: Patty Pastella, Commissioner

a. 2009 Transfer of Funds from Acct. 413 Maintenance, Utilities & Rents to Acct. 300 Supplies & Materials in the Amount of \$375,000 to Cover Increased Prices of Chemicals (\$375,000)

This will cover increased costs of chemicals. Mrs. Rapp asked why there was such an increase. Ms. Pastella said that the change is based on the actual unit cost; it is not quantities that changed. Chemicals are bid out; costs come in and then the budget is adjusted accordingly. Chairman Rhinehart asked if there are generic brands; Ms. Pastella said there are. In answer to Mr. Stanczyk, Ms. Pastella said that they are bid with other County departments; did not think they were State bids. He noted that the price of many things is volatile and asked if these are timed. Ms. Pastella said that they try to – the sodium hypochlorite cost was just rebid and they received a little lower price. It was bid with the Water Board, who has someone who tracks it.

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

b. Authorizing the Execution of Agreements to Accept Grant Funds from the US Army Corps of Engineers for the Construction of Sewer Separation Improvements Required by the ACJ (\$3,098,000)

This is nos. 051 (Colvin and South Ave) and 045--Midland sewer shed. Mr. Kinne asked to be provided with details of where these projects are located.

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

10. COUNTY CLERK: Ann Ciarpelli, County Clerk

a. Mortgage Tax Apportionment

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

Mr. Kilmartin asked about the past 10-11 months of tax receipts and speculation for next year. Mrs. Ciarpelli said that it is up approximately \$160,000 from 2008; in 2007 it was down \$200,000 from 2006.

Passed unanimously; CARRIED.

b. Create Clerk 1, Gr. 02 (\$25,725-\$28,376) effective January 1, 2010; Create Clerk 1, Gr. 02 (\$25,725-\$28,376) effective January 1, 2010; Delete Recording Clerk, Gr. 05 (\$30,238 - \$33,389) effective January 1, 2010; Delete Clerk 2, Gr. 05 (\$30,238 - \$33,389) effective January 1, 2010

Mrs. Ciarpelli said that this will allow her to show cost savings next year and run the office, as she is very short staffed. There are people in the Clerk 1 positions; they were abolished in the budget process. Three positions were abolished--in moving around funds, she was able to refund two of them. The positions being deleted are funded but vacant.

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

11. WAYS AND MEANS MISCELLANEOUS:

a. Amend '09 Budget to Accept American Recovery Reinvestment Act of 2009 (ARRA) Funding for the Admin. of the Early Intervention Prog. and Authorize Co. Exec. to Execute Agreements (\$218,204)

Ms. Karmen explained that this funding has been allocated for administrative expenses at the local level. It is being used to introduce a new state-wide data system, staffing, consultants, equipment (laptops).

In answer to Mr. Warner, Ms. Karmen said that Early Intervention is for children with disabilities.

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

b. Confirming Re-appointments to the OCPL Board of Trustees (Ms. Suddaby, Mr. Kianka, Ms. O'Neill)

Ms. Dailey said that the OCPL Bd. members can serve two 5-year terms, appointed by County Executive. These three individuals would be going into their 2nd 5 year term. They are all dedicated and hardworking.

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

c. Amending the 2009 County Budget to accept reimbursements for Deferred Compensation Plan Audits from Onondaga County's Providers (\$15,616)

Ms. Hahn said that the County has to audit its deferred compensation plans and the providers reimburse the County for the expense of the audits.

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

d. Calling for a Public Hearing on the Assessment Roll for Southwood-Jamesville Water District

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

e. Calling for a Public Hearing on the Assessment Roll for Warners Water District

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

f. Providing for Various Personnel Changes, Including Restoration of Three Positions to Full Time, Correcting the Effective Date for Various Positions, the Transfer of Function of the Dir. of Emergency Medical Svcs. Pursuant to Sec. 70.2 of the Civil Service Law and Reclassification of Various Positions

Mrs. Walter said that there were a lot of last minute changes the day of the budget vote. There were typographical errors and some things didn't get into the resolutions. This resolution is a "clean up" resolution to make sure everything is the way it was intended to be voted on. She reviewed the RESOLVED clauses:

- Print Shop - put back in the budget for a 6-month time, the language included the part time salaries instead of full time salaries, and the Legislature had already intended to make everything fulltime

Mrs. Rapp asked about the progress with the print shop operation. Mrs. Walter said that Michelle Mignano is working on it; there is an audit going on.

- Student Assistance Program - when the positions were recreated, the resolution stated January 30, 2010 – it was supposed to be January 1, 2010.
- Social Services – 3 positions were intended to be part of the abolishments, they were told that they were going to be laid off
- Emergency Management - to approve the Director of Emergency Service into Emergency Management Dept. from Health Dept, is technically a transfer of function under Civil Service Law. In order to protect the incumbent's rights, the resolution needs to say that it is a transfer--the incumbent moves from Health to Emergency Management without any change in status or Civil Service
- Facilities Management – several Custodial Worker I's were abolished and made Custodial Worker II's and III's. Three of them were actually reclassifications – had been doing the higher level of work for a period of months. They had grieved it and given out of title work adjustments. In order to assure those 3 people are the ones that move into the new positions, the resolution needs to state it as a reclassification.

Chairman Rhinehart asked if the 3 individuals were made whole financially. Mrs. Walter said that they have been getting out of title work adjustments and will move into the new title on Jan. 1st.

A motion was made by Chairman Rhinehart, seconded by Mr. DeMore to approve this item. AYES: 8; NOES: 1 (Kinne); ABSTENTIONS: 0. MOTION CARRIED.

g. Meadowbrook Drainage District Tax – Town of DeWitt Apportionment

h. Meadowbrook Drainage District Tax General Apportionment

i. Harbor Brook Drainage District Tax – Town of Geddes Apportionment

j. Authorizing General Apportionment of Harbor Brook Drainage District Tax

k. Bear Trap – Ley Creek Drainage District Tax – Town of Salina Apportionment

l. Bear Trap – Ley Creek Drainage District Tax – Town of DeWitt Apportionment

m. Bear Trap – Ley Creek Drainage District Tax – Town of Clay Apportionment

n. Bear Trap – Ley Creek Drainage District Tax – General Apportionment

o. Bloody Brook Drainage District Tax – Town of Salina Apportionment

p. Bloody Brook Drainage District Tax – Town of Clay Apportionment

q. Bloody Brook Drainage District Tax – General Apportionment

r. 2010 City Drainage District Abstract

s. Onondaga County Sanitary District, 2010 City Abstract

t. Onondaga County Sanitary District General Apportionment

u. Onondaga County Water District, 2010 City Abstract

v. Allocation of 2010 Onondaga Co. Water Dist. Special Assessment Among Zones of Assessment and fixing composite rates for the several Towns and the City of Syracuse within said District

A motion was made by Mr. Kinne, seconded by Mr. Warner to approve items 11g – 11v. Passed unanimously; MOTION CARRIED.

w. A Resolution Authorizing the Sale of Tax Liens by the County of Onondaga, New York

Mr. Rowley said that this allows the County to do a transaction that would close the 2009 gap, supply a much needed cushion for the 2010 & 2011, to guard against an environment where fund balance is under attack. There is a \$20 million in structural problem to overcome between FMAP and the fund balance being used in 2010, that does not include cost increased that will have to be faced regarding salary benefits and pension.

The strategy anticipates the sales tax negotiations going on in 2010, which puts the County in a better position to negotiate because we are preserving fund balance when we get to 2010. He urged the legislature to spend later as opposed to spend sooner, reserve cash flow, preserve fund balance going forward so that we have time to not only negotiate the sales tax and let the economy get better.

Chairman Rhinehart asked if the driving force behind this is to close the gap in 2009, and if it will be done over the next few weeks. Mr. Rowley explained that it might not close until January, or as late as February, and can still accrue the revenue in 2009. The Legislature was heard regarding the problems with a true tax sale, i.e. a portion given up on the principal and interest, giving up control to a 3rd party vendor. None of that happens under this model. The County continues to control the collection process, continues to earn interest and penalties on delinquencies.

Mr. Stanczyk noted that this is better than what was originally proposed, but takes a credit for 2009 and diminishes revenue that would be seen for 2010, 2011, 2012. Mr. Rowley agreed and explained that this is acceleration revenue. It can be a measured approach to a structural problem and spread it out over 2010, 2011 & 2012 or create a bigger structural problem up front--use fund balance to close 2010, another \$10 million, on top of the structural problems that are known going into 2011. If that is all added up, it is a \$30 million gap going into 2011 before salary & benefit increases are even discussed.

Mr. Stanczyk asked what will be foregone. Mr. Rowley said that the value of the liens are \$15.3 million; the cash flows will be sold from those liens over the next 3 years; it includes interest and penalties. The proposal is to take the first 3 years and book it in 2009 to close the gap (value of tax sale certificates, \$13.6 million). The bottom line is that the same is being collected over the course of the delinquencies; not giving up anything to a 3rd party. The revenue foregone is the cash flow, which will be given up in 2010, 2011, 2012 budgets. He estimates in 2010 that there will be an offset--the excess fund balance over the 10% policy goal. At the end of 2008 there was \$1.8 million in excess over the 10% policy goal. In 2009 there is a \$13 million windfall from selling these certificates, and there is \$9.7 million gap -- will get another \$3.3 million cushion. He will come back to the legislature and ask that the excess over 10%, after closing the books in 2009, be appropriated in 2010 to offset revenue budgeted in prior year tax collections. While revenue is foregone in 2011, 2012, in the intervening time there is a sales tax sharing agreement that will give relief and hopefully an economy that will turn around, and two more budget cycles to go through to hopefully minimize the effects of the revenue. Mr. Stanczyk said that it is taking \$13.6 million stream of income that will come in 2010, 2011, 2012, lose \$600,000 to book it at \$13 million in 2009. Mr. Stanczyk asked if the \$1.8 million excess in 2008 is part of the fund balance. Mr. Rowley said that it is; he is trying to maintain the policy goal of 10% of net revenues. There is a cost to having the credit rating drop. Mr. Stanczyk said that it is not know that the credit rating would drop. Mr. Rowley said that they are going through the rating process right now for the refunding and will know today about the County's credit worthiness -- the outlook for the rating will probably change. Mr. Stanczyk said that this create a \$6 million hole next year, \$4.8 million hole in 2011, and \$2.8 million hole in 2012. Mr. Rowley sai that the cost of doing this is more than offset by the cost of not doing it.

Mr. DeMore asked about the fund balance offset for 2010, \$5.1 million and asked how that figure was determined. Mr. Rowley explained that there was \$1.8 million over 10% policy goal in 2008, and he is projecting \$3.3 million cushion in 2009 if everything works out. Mr. DeMore asked if it could happen again, Mr. Rowley said there are no offsets at this time--if it works out perfectly and maintain 10% fund balance policy goal, then there won't be any excess; 2010 will go below the 10% policy. It is one shot, but it buys time.

Mrs. Rapp asked why only the 2009 liens are being sold. Mr. Rowley said that it is a moving target, have settled on 3 years because of how the tax law is structured -- it is a 3 year foreclosure process. Also 85% of delinquencies are secured within 3 years. In answer to Mrs. Rapp, Mr. Rowley said that it could be done for a one year cycle, but wants to make sure there is more than enough money available to close the gap in 2009.

Mr. Warner referred to sales tax negotiations and asked when the process will take place. Mr. Rowley said that when the legislature is ready to form the commission, it will kick things off. The Executive side would like an opportunity to provides its view of what is needed in terms of a new sharing agreement. Mrs. Tarolli said that the last time it was done was in 2000. Mrs. Stanczyk added that it consisted of the members of the Mayor's Association, school boards, town supervisors, legislators, and representatives from the Co. Executive's office. Mrs. Tarolli said that the agreement was adopted at a special session in June 2000. Mr. Warner asked if some of the municipalities will be going through their budget process earlier than June and need to know the apportionment. It was explained that it wouldn't take place until 2011.

Chairman Rhinehart made a motion to approve this item.

Mr. Stanczyk questioned how \$1.8 million can be taken from fund balance just because it was over the 10% fund balance in 2008. Mr. Rowley said that he is taking the \$3.9 million available at the end of 2009. Mr. Kilmartin clarified that it is known that at the end of 2008 there was \$1.8 million over the 10%. Based on the proposed sales, there is a net excess revenue projection that will be added to the \$1.8 million to bring it to \$5.1 million. Mr. Rowley agreed and said that it is an estimate--does not know exactly how the revenues will end up in 2009. Mr. Stanczyk asked how maintaining the fund balance will put the County in a better position when the sales tax issues are renegotiated. Mr. Rowley said that it is his opinion that if going into the sales tax agreement with a known \$30 million structural problem going into 2011 vs. a known \$20 million structural problem, will give more room to negotiate with the parties. Mr. Holmquist said that all the parties would be told that we had to do this to get to the \$20 million -- it is quite dramatic action to achieve the \$20 million. Mr. Stanczyk said that something like this doesn't have to be done unless desperate. Mr. Rowley feels it is a very prudent move.

Mr. Corbett seconded the motion. AYES: 7 (Rhinehart, Corbett, Warner, DeMore, Rapp, Holmquist, Kilmartin); NOES: 0; ABSTENTIONS: 2 (Kinne, Stanczyk). CARRIED.

12. LAW DEPARTMENT: Gordon Cuffy, County Attorney

a. **2009 Transfer of funds from Acct. 101 Regular Employee Salaries to Acct. 410 All Other Expenses in the Amount of \$7,500 to Cover Special Prosecutor and Court fees (\$7,500).**

Mr. Cuffy explained that the primary reason for the transfer is to cover expenses for a special prosecutor who handled a case for the DA's office.

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

** Mr. Stanczyk left the meeting.

b. **Settlement of Claim**

Mr. Corbett made a motion to go into executive session to discuss the following pending lawsuits:

Corina Ineich and Steven Mike, Sr., as parents and natural guardian of Cassandra Mike, Jessica Mika and Steven Mika, Jr. all minors under the age of 14 plaintiff vs. County of Onondaga, defendant.

Angela Campbell, Plaintiff v. County of Onondaga, Jamesville Correctional Facility, Defendants

Audra A. Harmon, Plaintiff vs. County of Onondaga, Onondaga County Sheriff's Department, Kevin Walsh, Onondaga County Sheriff, in his official capacity, Deputy Sean Andrews, individually and in his official capacity, defendants.

Mrs. Rapp seconded the motion. Passed unanimously; MOTION CARRIED.

*** Mr. Holmquist left the meeting.

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

The following resolution was introduced:

Authorizing the Settlement of the Supreme Court Action of Corina Ineich, as Parent and Natural Guardian of Cassandra Mika, Jessica Mika and Steven Mika, Jr., all Minors under the Age of 14

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

The meeting was adjourned at 11:20 a.m.

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