

*Office of the Onondaga County Legislature*

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ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - October 16, 2007

CHAIRMAN JAMES A. CORBETT

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

**ALSO PRESENT:** *see attached list*

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

1. **LAKE IMPROVEMENT:** Mrs. Sue Miller

a. **ACJ Update**

- o **Midland** - 20,500 cubic yards of concrete--same as last month, will only have minor amounts of concrete to pour.
- o Anti-graffiti coating was put on whole exterior-2 coats. If graffiti occurs, it can be power washed off up to 100 times
  - **Biosolids** - Co-Generation system has arrived and is being installed; piping and connection made; hope to commence in a couple of months. It takes the digester gas and generates power from it.
  - **Sewer Separation Project** - finished Rockland and the portion of South Ave.; now into Parkway; street restoration has begun at Rockland
  - **Clinton Phase I** - have crossed Adams Street and Onondaga Street and are over to Gifford Street. They are working on pipe jacking at West and Fayette; installing shafts for micro tunneling.
  - **Midland Phase II and Harbor Brook Phase II** - building demolition bids received, awarded contract to low bidder (Titan Wrecking & Environmental, Buffalo)
- o **Clinton RTF** - bids received and under review

The Annual Progress meeting of Lake Partnership will be October 22<sup>nd</sup> at Genesee Grand Hotel. There will be a session on hazardous waste, the latest on Honeywell, and on recreational use. Chairman Corbett said that Honeywell has partnered with ESF and are planting the last 50-60 trees for the Willow Project. Mrs. Miller said that the Willow Project is another way of generating alternative fuel.

Mr. Rhinehart asked about change orders and the Falter contract amended amount of \$25,900--asked why the engineers aren't more accurate the first time. Mrs. Miller said that they would hope that their engineers would get it right the first time on the design, but some things come up as it goes along. Change orders are thoroughly reviewed--have to go through quite a few people to determine if they are understandable and reasonable to do.

Mr. Rhinehart asked about the fall electro fishing. Mrs. Miller said that they water is electro shocked; it is a sampling technique, which does not hurt the fish. The fish are tagged; the types are counted and sized.

Mrs. Chaplin asked about the redevelopment dollars for Midland area; has it been passed to the City. Mrs. Miller said that the money does not go into the City until the City comes to the County with a plan. The Committee started during the summer. Chairman Corbett said that the intermunicipal agreement includes that the money not go to the City until a viable plan has come forth from the residents. Mrs. Miller said that she does not believe they have come up with a package.

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

a. **Authorizing the Co. Exec. to enter into a contract with the U.S. of America, Dept. of the Interior, for the operation and maintenance of stream gauging stations in the Co. of Onon. (\$115,690)**

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

Mr. Ott said that this is the annual agreement with USGS, County's share is \$67,500. Mr. Kraft said that he would like the U.S. government to pay more. Mr. Ott said the formula has been established for years. One gauging station was deleted, so there is \$3,500 less this year. Mr. Kraft asked if the formula can be changed. Mr. Ott agreed to look into it.

***Passed unanimously; MOTION CARRIED.***

b. **Approving the increased cost of certain improvements for the Wetzel Rd. Wastewater Treatment Plant and the Sawmill Creek Pump Station facilities of the County of Onondaga, New York (\$2,798,598)**

Mr. Ott said that last month they asked for a public hearing to be held in November for an increase in authorization to the Wetzel Road upgrade and Sawmill Creek Pump Station replacement for an additional \$2.7 million. He provided a projection information package (*on file with Clerk*).

- o Approx. \$1 million--services/issues not identified such as legal support, claims consultant, loan issuance for debt funding costs with EFC, insurance costs
- o Approx. \$708,000--higher than previously project modification costs related to unforeseen field conditions and project enhancements
- o Approx. \$790,000 amount of claims in dispute submitted by contractors
- o Approx. \$244,000 unidentified potential change orders/claims associated with construction contracts related to extension of the construction duration.

\*Mrs. Winslow arrived at the meeting.

Mr. Jordan asked why the costs weren't anticipated previously. Mr. Ott said that legal support, claims specialists, geotechnical support, were all technical expertise that needed to be hired because of issues with the project and the general contractor on the job. Some significant claims have been filed by the contractor, that are not included in this request. Mr. Jordan asked if there are provisions in the agreement with the contractor where there is some way of recouping litigation costs. Mrs. Tarolli said that she has not worked on these contracts. Mr. Ott said that he did not know the answer. The bigger costs are the dollars in the claims. Mr. Jordan asked what is meant by legal support. Mr. Ott said it is outside counsel to assist in reviewing legal documents.

Mr. Farrell said that in the '08 budget review process funds were included for an attorney to be employed by the County to be dedicated solely to the litigation and claims associated with WEP projects. He asked if the \$100,000 listed for Melvin and Melvin has been spent or if it assumes someone would not be in place and an inability to use in-house counsel. Mr. Ott said that some of that money has been spent. Mr. Farrell questioned when the person from the Law Dept. will come on board; the money is in there. Mrs. Tarolli said that the position is for the 2008 budget. Mr. Farrell said that it might be the most cost effective way to move forward with it now vs. waited 2.5 months. Chairman Corbett said it is not in the 2007 budget. Mr. Farrell said that it is simply paper work and questioned why this should wait until next year. Mrs. Tarolli said that she will talk to the County Attorney and see what the person's availability is.

Mr. Farrell referred to the current Wetzel Rd. Construction Project funding budget and asked what the original budget was. Mr. Ott said \$36 million was a facilities plan estimate from 2001. Mr. Farrell asked if an additional column could be added that states the original budget--all on one page with the break out. Mr. Farrell asked if it is assumed that the county will spend well beyond this, i.e. greater than \$1 million. Mr. Ott said "yes". Mr. Farrell asked what the liquidated damages consist of. Mrs. Tarolli asked if he is referring to the disputed contract; Mr. Farrell said he is asking what the contract says. Mr. Ott said in general terms it is about \$1,000/day liquidated damages. It was contemplated on completion and operation of the project by Aug. of this year. Mr. Ott said that there were 2 intermediate milestones--Headworks Facility and Sawmill Creek Pump Station were required to be done in the first year.

Mr. Kraft referred to loan issuance; it is about 1.5%; asked if paying those kinds of fees on ACJ projects as well. Mr. Ott said that he will find out. Mr. Albanese said that Mr. Mareane will address those questions at Ways and Means Committee.

Mr. Rhinehart asked how many residents will be serviced by this facility. Mr. Ott said that they are expanded and upgrading the facility from 3.5 million gallons/day to 7 million gallons/day. It includes a lot of the Town of Clay and some of the Town of Salina. Mr. Rhinehart asked if this project is needed because of growth. Mr. Ott said it needs to be done because the treatment

plant is 40 years old and falling apart. They also needed to upgrade because of a new speedies permit. Mr. Rhinehart asked if it was ever considered to eliminate this plant and build a new one. Mr. Ott said that is essentially what is being done; a new facility is being built on the same footprint. They are trying to reuse structures where they can to save some costs, but 75% is brand new. Mr. Rhinehart asked if the facilities plan estimates are done in house. Mr. Ott said that a consultant was hired to draft a facility conceptual plan for this upgrade. Mr. Rhinehart questioned the unforeseen expenses. Mr. Ott said that a lot of them are due to what was encountered either in ground conditions or in structures that they were not able to see at the time. This is like a retrofit job; they are trying to build in and around an existing treatment plant and keep that existing treatment plant in service. Mr. Albanese said that part of the question is how far do you take the facilities plan estimate; is it being taken far enough. To invest more up front to eliminate some of these surprises, is not a cheap venture. They are constantly reviewing it. Mr. Rhinehart asked if the County was committed to this site. Mr. Ott said that several different options were looked at; it became the most cost effective solution to upgrade on the current site. Chairman Corbett added that he has been involved in retrofit type projects; to continue working and gut at the same time is a very difficult project to do.

Mr. Farrell said the projects is pushing a 100% increase; asked what was learned from this; should it be examined by a 3<sup>rd</sup> party and be part of the preparation for litigation. Mr. Albanese cautioned that the questions not be answered. Mr. Farrell suggested that it should be examined very thoroughly. Mr. Farrell asked what the timing is on authorizing this money; Mr. Ott said that it is now. Mr. Farrell said that if it isn't approved today, will it delay the project. Mr. Ott said that there may not be enough money to pay the bills. Mr. Farrell asked that the legal aspect regarding the in-house position be examined. Mr. Ott said that \$60,000 was spent and asked for another \$30,000-\$40,000. There is some value in maintaining the individual that they have.

Mr. Kraft asked if the plant is operational with the new equipment. Mr. Ott said that nothing has been started up yet; most of it is scheduled for November and December.

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

c. **Authorize issuance of an additional \$2,798,598 bonds of the Co. of Onon. to pay the increased cost of certain improvements for the Wetzel Rd. Wastewater Treatment Plant and for the Sawmill Creek Pump Station in and for said county**

***A motion was made by Chairman Corbett, seconded by Mrs. Chaplin to approve this item. Passed unanimously; CARRIED.***

d. **Local Law Authorize Lease of Co. Property for the Operation of a Biosolids Management Facility**

Mr. Ott provided a summary (*on file with Clerk*) and reviewed the original 10-yr contract in 2004; the contract was extended 3 years and then this year it was extended 6 months to the end of this year. The current vendor is Waste Stream Environmental, using the N-Viro Soil process. A new process was started in 2005. A draft RFP was issued in Jun 2005; final RFP in November. Three proposals were received: 1. DeMario and Riccelli Environmental Svcs., to construct a composting facility in Madison Co. and market their compost product for topsoil and topsoil product; 2. Waste Stream Environmental Inc, to utilize the N-Viro Soil process that they have been doing at Metro and provide upgrades to that facility; proposed an alternative technology to incorporate a dryer into that process; 3. New England Organics, alkaline stabilization at Metro; proposed an alternative to landfill biosolids at Casella Waste Systems, Ontario Co., to enhance landfill gas generation. Extensive interviews were conducted, held clarifications sessions, made site visits; had an 8-person review committee. R.W. Beck, an independent financial consultant, did a net present value based on the proposed costs received from the vendors (see pages 1-3 of summary on file). They went through an extensive evaluation and selected Waste Stream Environmental. They were notified in February that they were the selected vendor. Have asked the Legislature to hold a public hearing on Nov. 7<sup>th</sup>; today are asking for approval of 2 resolutions and a local law. The local law is to lease property on which the current facility is located, a resolution for type I SEQR action, and a resolution approving/entering in to a service contract with WSE for another 10 years.

Chairman Corbett question if the cogeneration system would make the alternative moot if all the methane were taken out. Mr. Ott said that their proposal was to take the biosolids to their landfill--claim that by putting biosolids in their landfill they would generate more biogas there. The goal was to try to continue with a beneficial use.

Mr. Kraft said that dewatering was recently done. Mr. Ott explained that they changed from a belt filter to centrifuges; now drying the material to 30% solid. They were only drying it to 22% or 23% in the past. Mr. Kraft said that the cost is down incrementally per ton and tonnage is down. Mr. Ott agreed noting there are savings at both ends.

Mr. Jordan said that the net present value from WSE is about \$400,000 more than DRES, but the average cost per ton is less for WSE with guaranteed revenue of \$60,000. He questioned how the net present value is higher if the average cost per ton is higher. Mr. Ott said that the analysis done by the consultant had DRES coming out a little bit lower over the 10-year period.

Primarily it is because the service cost for the first 30,000 tons is \$3 less than WSE. If you take the numbers that were provided by the proposers and multiplied them by 48,000 tons in the first year, WSE's tons come out slightly lower in the first year's costs.

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

e. **Authorize the award of a Service Agreement for Biosolids Management Services to Waste Stream Environmental, Inc.**

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

f. **Approve classification of a Type I Action under the SEQRA; Declare Lead Agency Status; Accept the Long Environmental Assessment Form; and Making and Declaring a Negative Declaration for the Award of the Biosolids Management Svcs Agreement to Waste Stream Environmental, Inc.**

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

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk

Onondaga County Legislature

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**EDUCATION & LIBRARIES COMMITTEE MINUTES - October 16, 2007**

**JAMES DIBLASI, CHAIRMAN**

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

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

Chairman DiBlasi called the meeting to order at 11:06 a.m.

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

**1. OCC:**

a. **Confirming reappointment to the Onondaga Community College Board of Trustees (Dr. Gary Livent)**

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

**2. OCPL: Ms. Kate McCaffrey, Deputy Director; Ms. Deb Bendig, Systems Librarian**

Ms. McCaffrey provided OCPL's annual Report to the Community. (*on file with Clerk*).

a. **Update on Polaris System**

Ms. Bendig reviewed an information sheet provided to the committee concerning the status of OCPL Polaris ILS Migration (*Attachment 2*).

Regarding notices about books and materials, Ms. Bendig said they are delivered by e-mail, telephone or postcards (have gone from 37.5 cent double mailers down to 3.7 cent postcards). With e-mail, they will be able to tell people that items are coming due, people will also have options of receiving notifications about new books, movies, and retaining a reading list on line. They expect to improve public interface and public service, streamline operations and provide faster reports. Mr. DiBlasi asked about reading lists for children. Ms. Bendig said teachers could send lists in and they would set them up.

At the end of the meeting, Mr. Kinne noted that the County should not be paying to pick up garbage and recyclables at the city branch libraries, they are not businesses; the City ought to be doing it. Mr. Kinne asked about incentives to entice young children to read throughout the year, such as collaborating with a store to give coupons for a free donut or ice cream to children who read so many books within a certain time period. Ms. McCaffrey said they have a committee that works on incentives during the summer months; she will mention it.

The meeting was adjourned.

Respectfully submitted,

Johanna Robb

Deputy Clerk

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#### HEALTH COMMITTEE MINUTES - October 17, 2007

KATHLEEN A. RAPP, CHAIR

**MEMBERS PRESENT: Mr. Warner, Mr. Meyer, Mr. Kilmartin, Mr. Laguzza**

**MEMBERS ABSENT: Mr. Lesniak, Mrs. Winslow**

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

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

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

#### **1. HEALTH: Dr. Morrow, Commissioner**

Dr. Morrow provided and reviewed a handout entitled A fact sheet for Children's Health Insurance, Fall 2007 (Attachment 2).

Mr. Warner asked how much New York State receives for SCHIP; Dr. Morrow will try to find out. Mrs. Rapp asked what level of poverty New York State supports; Dr. Morrow said 250% of federal poverty level (Medicaid covers up to 100% and then SCHIP kicks in up to 200%). Dr. Morrow noted that President Bush vetoed the Senate and House compromise bill, H.R. 976, which would have expanded the SCHIP program and increased coverage by 4 million children. With SCHIP they were able to decrease the number of uninsured; fewer employers are offering health insurance, the pool of uninsured is growing; if they stay at level funding, the number of children covered would dramatically decrease, the costs are increasing and more and more children will become uninsured; in 2006 alone there were 600,000 more uninsured than there were in 2005.

In answer to Mrs. Rapp, Dr. Morrow said Child Health Plus and Family Health Plus are the SCHIP equivalent in New York. Dr. Morrow said we have about 110,000 children below the age of 18 in Onondaga County; of those, there are between 20,000 and 22,000 that are living below federal poverty level and about 19,000 that are living in that 100% - 200% of federal poverty level. In Onondaga County there are roughly 40,000 children who fall under 200% federal poverty level; most of these children are covered thru Medicaid or Child Health Plus. On average, they have about 8,000 enrolled in their Child Health Plus, Dr. Morrow couldn't give the number for Medicaid because it changes; Health Department is working with Social Services to get a better handle on this. They are working with a graduate student at SU to get a better idea of what they can do locally to increase those individuals who are currently eligible under the 250%, but are not yet enrolled.

Mr. Meyer asked how many children fall within the gap who are not insured, Dr. Morrow guessed between 5,000 to 8,000; many of those are probably eligible but don't know they are or are not able to navigate all the paperwork. Mr. Meyer noted that often those who are unemployed get a job, but the health benefits don't kick in right away, asked how many of those are included in the number. Dr. Morrow said she doesn't know, thinks the waiting period of three months for insurance is fairly standard.

In answer to Mr. Laguzza, Dr. Morrow said she thinks they do a good job locally trying to get health care coverage; if a person comes into the Health Department for an immunization or to go to a clinic, they are asked if they have health care coverage; if they don't, they are referred. **Mr. Laguzza asked if they know how many households these 5,000 to 8,000 children are from and the demographics,** said we need to be proactive so that we know where the biggest needs and concerns are; we may not be able to identify them, but they may be coming into the churches and community centers which would be an opportunity to ID them.

In answer to Mr. Kilmartin's question concerning Medicaid and SCHIP payments, Dr. Morrow said they cover the same services, just a different population. A study was done in 2000 about who falls into SCHIP, 70% are working families. In general, the people who are eligible, but not enrolled, who are falling through the cracks, are working families who may not understand that they are eligible or who may think it is similar to or part of Welfare. In answer to Mr. Kilmartin, Dr. Morrow said SCHIP is federal and Child Health Plus or Family Health Plus is the New York application of those funds.

Ms. Rapp asked if we would continue to have Family and Child Health Plus funds. Dr. Morrow said right now it is status quo; \$5 billion per year is in place nationwide. From what she understands, the compromise would maintain coverage for 6 million children (currently there are about that number across the country); that will include the children on Child Health Plus in New York; it is an ever-increasing number, the bill that was vetoed would have doubled the number.

Mr. Kilmartin asked if there would be increased economic straps on our local hospitals for having to provide services for those children who are completely uninsured. Dr. Morrow said "yes"; currently children who are uninsured tend to show up in the ED's, it costs a lot more than if they had access to a health care provider. Mr. Kilmartin asked if it is mandatory that hospitals provide emergency care and other forms of care to people even though they don't have any insurance. Dr. Morrow said they have to treat anyone who shows up in the ED.

Mr. Warner mentioned the long rang implications of all these children with no insurance, asked if it is going to cost a ton of money later on if we neglect to do something with this issue now. Dr. Morrow said it is going to cost in terms of dollars, but also those children who don't have access to a provider are going to get sick when they don't need to, we will see avoidable, preventable outcomes in children that we should not have allowed to happen. Mr. Warner said it is discouraging to see a veto on something like this, but it sounds like our County is on the right track.

Mrs. Rapp asked if there is something we could be doing on the local level. Dr. Morrow said at this point, she is trying to do a needs assessment in our community; we can be doing better as a community, to insure that those who are currently eligible are enrolled, would like to do whatever she can to decrease the number of eligible, but not enrolled, so that we come as close to 100% of people who have a right to this health care to get the health care access that they need - they are working with DSS and SU.

## **2. MENTAL HEALTH: Mr. David Brownell, Commissioner**

### **a. Amending the 2007 County Budget to accept funds from the New York State Office of Mental Health and the New York State Office of Alcoholism and Substance Abuse Services and authorizing the County Executive to enter into contracts to implement this resolution (\$570,274).**

Mr. Brownell said it is a yearlong process of settling, figuring, refiguring, contesting figures; they are dealing with 56 separate funding streams, cost of living increases, compartmentalized funding. This is not new money, it is all money that has been allocated to Onondaga County, and they need to increase their appropriation in order to amend the contracts so that they can distribute the State Aid to the agencies.

Mr. Meyer asked if the contracts with the agencies have already been issued and services provided during 2007. Mr. Brownell said this is State Aid that the State has approved for Onondaga County for 2007; when they contracted with the agencies, the state budget had not been passed; the agencies haven't been paid yet for services, they need to have the appropriation to pay it out. Mr. Meyer asked if they would have to go through and adjust all the contracts; Mr. Brownell said yes; there are 65 funding streams for \$10 million, funding streams range from \$8,000 to \$2.3 million. Mr. Meyer asked if the estimated revenue was close to this appropriation; Mr. Brownell said exactly.

Mr. Warner asked which agencies are provided a cost of living increase. Mr. Brownell said they include all providers of mental health services and all providers of Chemical Dependency Services; it is a statewide cost of living increase adopted in the past year by the State Legislature. Mr. Warner asked if the same is true for residential providers to include rent allowance increases. Mr. Brownell said it is a different type of funding; the State breaks out the housing cost as apposed to the service cost for these agencies that provide residential services, they figure that separately. In answer to Mr. Warner, Mr. Brownell said they are in the second year of a three-year cost of living increase passed by the State legislature.

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

## **3. Van Duyn:**

### **a. Berger Commission Update - Lynn Shepard Scott, Administrator - Human Services, Roberta Sprague, Commissioner**

Ms. Shepard Scott provided a handout entitled Update on the Berger commission Mandates for Van Duyn Home and Hospital (Attachment 3). Ms. Shepard Scott gave a brief synopsis of where the County is now. On September 28, 2007 the County was

notified that a HEAL NY grant was awarded to Van Duyn and Community General of up to \$12.8 million with language that also says the dollar amount could go lower. The award letter had no details in terms of what the funding could be used for. The State requested that the County put forward two scenarios with the HEAL NY grant application. Scenario A: Contract model - Onondaga county retains ownership of Van Duyn Home and Hospital, Scenario B: "Active Parent" model - Community General Hospital owns Van Duyn (made it clear that they didn't feel they could comply legally with Berger under Scenario B). Subsequent to submitting the grant application, they had phone conversations and one meeting, three days prior to the day they released the grant application, to discuss with the State their proposals; their primary focus was clearly on the contract model. In the final meeting with the state, they were given a strong indication that the State recognizes the contract model really went as far as the County could go and was in the spirit of Berger, but did not say they were going with that. In the notification of the grant award, it said they would be sending a letter; at that point, the County would have thirty days to respond with the time schedule and additional details as to how they will spend the money. Their hope is that the letter will say they are going with the contract model and will provide details in terms how they make that work.

Mr. Laguzza asked if they have a backup plan if the State says no to Scenario A; Ms. Shepard Scott said they have a law suit on the table, they don't think they can do Scenario B and the State is aware of that. Mr. Laguzza asked what their comfort level is on the lawsuit; Ms. Sprague said she thinks they have a good shot; Mr. Mack and Mr. Rivizzigno have made a very good statement of what they believe to be fact. Mr. Laguzza said it is a game of chess, the State knows we are going to sue and they have their next moves on the board, not comfortable with lawsuit. Ms. Shepard Scott said that is why they have many hours logged with the State trying to work with them, thinks the state has a recognition of the issues we have; the fact that the grant award is \$55,000 different than the dollar amount they suggested to make Scenario A work gives her a lot of comfort. Mr. Laguzza said there has to be a plan for whether we win or lose the lawsuit. Mr. Mack said the thing to keep in mind is that we are going along two tracks; with one we are trying our best to legally comply with the mandates, but at the same time we are not giving up our prerogatives to have this tested in court on November 1, 2007. Ms. Shepard Scott said the grant application was signed jointly by Van Duyn and Community General; it was made very clear that either scenario A or B only worked if sufficiently funded, their estimate for Scenario B was about \$149,000,000. Ms. Shepard Scott believes there would be other legal action taken if Community General were told they have to take over Van Duyn.

In answer to Mr. Kilmartin, Mr. Mack said they have named Community General as a permissive party defendant in their lawsuit. Mr. Kilmartin reviewed that there are three options - one to win the law suit, if that is the case the law would probably have to be held unconstitutional; two, we lose the lawsuit and we would have to go down the path of a merger with Community General that would bring about additional lawsuits; three, this negotiated proposed settlement, the County is running the proposed settlement and litigation parallel.

Regarding Scenario A, Mr. Warner asked if the County maintains ownership, would we find ourselves in the same financial position five years down the road without a change in reimbursements for the private and public nursing homes. Ms. Shepard Scott said she has no way of anticipating what the reimbursements will be at that point; right now they have sufficient reimbursement under the current plan. Ms. Shepard Scott said with the current funding that is in place, they will break even in three years; there are other things they can do with Community General to bring in additional revenue. The \$12.8 million includes funding to do studies. They are looking at sub acute services (pays much more, wouldn't require additional staff, but staff would have to be trained differently); this could bring in additional revenue, beds would turn over, patients would be there for a short period of time. They are looking at areas that would help keep them financially solvent, but continue to meet the critical needs of the community.

Mr. Meyer asked if with the current funding stream they are still looking for other subsidies. Ms. Shepard Scott said "yes". Mr. Meyer asked is there has been any thought regarding incentives to County employees or retirees to use the facility for rehab after surgery. Ms. Sprague said their numbers have been up, for the last four months they have been running about 503, maximum they can take is 513.

In terms of the proposed allocation of the \$12.8 million, Mr. Kilmartin asked if they have proposed detail analysis on the three areas - planning studies, transitional costs and capital renovations. Ms. Shepard Scott said roughly \$2.3 million would be coming toward the County; of that, \$2 million has been slated for renovation of the nursing stations (one of the items specifically stated in Berger), \$300,000 includes funding for consultants they have been using and for connecting electronically the medical records system of Van Duyn to Community General. \$1 million has been slated for Community General to assist in the loss they will take as they close down their nursing home beds (they will begin to lose money immediately, start to lose patients and revenue, but still have all the expenses of staff, etc.). Community General would also have significant funding for capital renovations of the floor that is currently being used as a nursing home to convert it to acute care beds. There is also funding for studies of about \$1 million - acute care services study, Mechanical, Electric & Plumbing study (need to address the boiler at Van Duyn), operational plans at Van Duyn to see what can be done more efficiently more effectively (includes dietary, staffing). Mr. Kilmartin asked if the allocation for digital medical records is consistent with the presentation made a number of months ago. Ms. Sprague said yes, to make it interoperable between the two facilities, all will be done with the electronic medical records.

Mr. Meyer asked for the current number of beds filled today; Ms. Sprague said 506 (there are also people in the hospital who will return). Mr. Meyer asked what percentage of the market in the community Van Duyn has; Ms. Sprague said 20 - 25 percent. Ms. Shepard Scott said in their proposal, the bed count is reduced by 63 (13 at Van Duyn and 15 at Community General) will make it a significantly tighter market for beds.

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

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

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**PUBLIC SAFETY COMMITTEE MINUTES - October 18, 2007**

**VICE CHAIRMAN ROBERT D. WARNER**

**MEMBERS PRESENT: Mr. Lesniak, Mr. Kilmartin, Mr. Kinne, \*Mr. DiBlasi**

**MEMBERS ABSENT: Mr. Holmquist, Mr. Ryan**

**ALSO PRESENT: *see attached list***

***A motion was made by Mr. Kilmartin, seconded by Mr. Lesniak to waive the reading and approve the proceedings of the previous meeting. MOTION CARRIED.***

**1. DISTRICT ATTORNEY: Mr. William Fitzpatrick, District Attorney**

a. **Amend '07 Budget to provide the Office of the District Attorney with addl. funds for Operation Impact beyond the estimated dollars appropriated in the '07 Budget and authorize Co Exec to enter into contracts to implement this res. (\$821,243).**

IMPACT is coordinated through the DA's office; they meet on a regular basis and respond to needs. In 12 months there have been 1,725 arrests, 3,600 charges.

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

Mr. Lesniak asked what the \$257,000 portion for the Sheriff's Dept. will be used for. Mr. Fitzpatrick indicated that it is usually for detail and overtime.

Mr. Kilmartin asked how this will evolve over time. Mr. Fitzpatrick indicated that it should become part of the way business is done. Crime has been steady in the last year; there has been an increase in the number of shots fired in the last 4 months; statewide there is an increase in juvenile crime. Mr. Kilmartin asked if there have been discussions with the State regarding expansion to other areas in the county. Mr. Fitzpatrick indicated that he had not heard of any--they have to concentrate on IMPACT areas for financial reasons, which accounts for about 83% of crime in the State.

\*Mr. DiBlasi arrived at the meeting.

Mr. Lesniak asked if the State Police are now involved. Mr. Fitzpatrick said that they are; there was friction in the beginning. When the people get in the same room, they understand that common goal.

***Passed unanimously; MOTION CARRIED.***

b. **Amend 2007 Budget to provide the Office of the District Attorney with additional funds for Video and Audio Recording Equipment Beyond the Estimated Dollars Appropriated in the 2007 Co. Budget and Authorize the Co. Exec. to enter into contracts to implement this res. (\$50,000).**

Mr. Fitzpatrick said the acceptance of \$50,000 does not involve any local money. There is a significant trend statewide and nationally for video taping defendants' statements. They have applied for a grant to set up 6 satellite areas where defendants can be interrogated on videotape: Syracuse Police, Co. Sheriff, Dewitt, Clay, Cicero, and Camillus. It will cut down on hearings. There is resistance from the upper echelon in some police agencies and tremendous acceptance from rank and file. This will start out with a video recap; it will be a recap of the defendant's statement, an acknowledgement of his/her rights, an acknowledgement of what they have to say. In the near future, they will be recorded from A - Z. They do not want the defendant know that they are being taped or playing to the camera.

Mr. Warner asked about guidelines. Mr. Fitzpatrick said that there is a written set of protocol. Timeframes will vary from case to case. Mr. Kilmartin asked if there will be back up systems; Mr. Fitzpatrick said "absolutely."

Mr. Lesniak asked if any other locations are presently using this. Mr. Trunfio said that the Sheriff has been doing the recap; Mr. Fitzpatrick said that they have antiquated technology. The State Police are not using it.

***A motion was moved by Mr. Lesniak, seconded by Mr. Warner to approve this item. Passed unanimously. CARRIED.***

### **3. Discussion: Mr. Walter Sturick**

Mr. Sturick said that there is a problem as Jamesville Correctional Facility with keeping young people working there--they leave to go to the Justice Center or other agencies. The two main concerns are pay and schedule. They can go to the Justice Center with the same training and after a year, are paid \$10,000 more than at Jamesville. The schedule is an issue because young people have different expectations--would like weekends off and stay home with their families more. Management doesn't like a 4 - 2 schedule because they feel it is not cost effective, but it is a good schedule for law enforcement. Retention is a problem. If there is a class of 20, they are lucky to get 3 or 4 people stay. He would like the committee to look at it.

Mr. Warner asked where the union stands on this. Mr. Sturick said that he is president of the local, and most of the union members are in favor of a 4-2 schedule. They feel a raise should be given. Mr. Warner said that most of these issues are originated from the executive side, and asked if Mr. Sturick has spoken to them. Mr. Sturick said that he started at the Legislature. Mr. Warner asked what the starting pay is; Mr. Sturick said it is about \$35,000.

Mr. Kinne asked about the rationale for the difference in pay from the Sheriff's Dept. Mrs. Walter said that they are two separate unions--Sheriff's are represented by DSBA; Correction officers are represented by CSEA. About a year ago, the Correction officers petitioned to be de-certified out of CSEA and have their own union. It has been in PERB for over a year; the Correction officers' petition has not been ruled on. In the meantime, they are precluded from receiving benefits of the CSEA adjustment that everyone else got--they are really 3 years behind. Mr. Kinne asked if they are denied by PERB, will they get backup pay. Mrs. Walter said that they will have to figure out how to get them back into the schedule. If they are accepted, they can start their own union and will start over. Mr. Sturick said that he attended the hearings, and the hearings looked better for CSEA. He said that Mrs. Walter eluded that they are behind on the schedule, but there is still a gap of \$10,000 between Correction Officers and Sheriffs. A long time ago there was a question of who had the right to the prisoners; the County lost. Part of the settlement from PERB was that each deputy received \$5,000. Since then, Sheriff's have received about 3%/year vs. the 2% at Correction and each have the same training.

Mr. Kilmartin asked how long the retention problem has existed. Mr. Sturick said it has gotten worse; it has been coming on because there are people ready to retire and there is nothing keeping the younger people there. Mr. Kilmartin asked what the incremental increase for the last 3 years would have been if the Correction officers would have retained with CSEA. Mrs. Walter said that the percentage adjustments would have been 2%, 2%, and then 1% and 2% in the third year.

**Mr. Lesniak asked Mrs. Walter to provide the turnover ratios and the number that has gone to the Justice Center in the last 3 years. Mr. Kinne asked for the number of employees at Correction and the projected number of retirements. Mr. Lesniak requested the number of academies that are run and if there is ability to fill the vacancies.**

Mr. Cowin said that there is no question that the rate is different. Parity is always an issue with recruiting. Right now they are recruiting and just hired 16. At the same time, the Sheriff is recruiting and hiring about the same amount. It is always a battle; it is the same individuals off of the same list. There are 17 vacancies, one has already said that they don't want the job.

**Mr. Lesniak requested a salary comparable to Broome and Oneida Counties.**

### **3. EMERGENCY COMMUNICATIONS: Mr. John Balloni, Commissioner**

#### **a. Authorizing the County Executive to enter into agreements relating to the creation of the Central New York Interoperable Communication Consortium CNYICC**

Mr. Balloni said that they are looking to join with Cayuga, Cortland, Oswego and Madison Counties, the counties that are interoperated most with, to try to build a regional radio communication system.

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

The purpose is to allow interoperable communications. Over the long run there will be some monetary savings for all the counties involved. It looks like the best potential for grant monies to assist in projects that will come on a regional basis.

Mr. Warner asked if Onondaga is a pilot project in the state. Mr. Balloni said that he is unaware of any other areas that are looking at a regional-type system like this. Most are looking at county-wide systems or becoming part of SWN (State-wide Wireless Network). Mr. Warner asked if by Onondaga County joining a regional area, and other counties staying within their own county, would minimize the effects of the whole system. Mr. Balloni said that it does, which is why rather than regulate, the federal government is encouraging by giving money to regionalization. Mr. Warner would think that the State would demand it for projects as big as this.

Mr. Albanese said that part of the mandate comes in the guidelines for a lot of this funding. He said that a particular program has been identified right now. Mr. Gabriel said that Congress has put \$1 billion on the table for interoperable communications nationwide. NYS has an allocation of \$23 million that has to go to local governments. Part of the caveat for the funding of an interoperable communication program is on a 5-county basis. Once Onondaga County signs it, the other 4 counties will sign. When the paperwork is started for the grant, the memorandum of understanding of all 5 counties will be part of the submittal. This will be the first of its kind in New York State. Mr. Balloni said that they want to be in the best position to get that money.

Mr. Gabriel said the SWN is still the prototype; it was tested in Buffalo and in Chautauqua County six weeks ago. It failed the test; they will have to reschedule and test again. Two or three of the agencies that were planning to participate, have withdrawn from it. They are finding out that it is costly to the local government. SWN is now backpedaling software engineering, and do not have enough sites--they are behind schedule. It does not conflict with the memorandum of understanding that states that Onondaga County will provide an interface gateway to the statewide wireless network when it becomes operational.

Mr. Warner asked if the other counties that are doing this alone will eventually be able to sign into the statewide system and be brought up to speed. Mr. Gabriel said that all 5 counties have been brought up to speed with a Level II agreement, which states they will become partners with the SWN network as a gateway. The state will eventually get a system up, and the County wants to be partners with them. The State is not ready. In the meantime, Onondaga County is pursuing its own plan, as well as the other 4 counties. Mr. Warner asked if the State does come up with a plan, will it cover everything that Onondaga Co. is doing now. Mr. Gabriel said it will embrace the interfacing. Mr. Albanese said that SWN is not being designed to meet the same objectives. It is not a system that would serve well with the needs in local government unless additional monies are spent.

Mr. Kilmartin asked if there is any chance of conflict between our system and SWN; Mr. Albanese said "no." Mr. Kilmartin asked which agencies will be involved; Mr. Gabriel stated it would be all first responders. Mr. Kilmartin asked if it is the same saturation with the other counties in the consortium. Mr. Gabriel said it would be their choice, but they should follow Onondaga County's model because it deals with a complete interoperable network. Mr. Kilmartin asked if the purpose of the consortium is primarily dedicated to regional problems/disasters. Mr. Gabriel said "yes". Mr. Balloni added that they deal with these counties on a daily basis. Currently, they interoperate with them daily. Mr. Albanese said that there are some civilian operations that are also part of the Phase I implementation. Some civilian entities put their existing radio frequencies into the county pool which includes: Village of East Syracuse, Town of Onondaga, Village of Minoa, Fabius Highway, Fabius School District, Lafayette Town Highway, Lafayette School, County of Onondaga Department of Parks, Correction, District Attorney, Hillbrook, Facilities Management, etc. Phase II will be more of the County department, i.e. DOT. Mr. Warner asked if the schools will be part of the radio communications. Mr. Albanese said that they will be in Phase I. Mr. Balloni said that the interoperability is a critical piece when it is necessary; it is life saving technology.

Mr. Lesniak asked about the status at SUNY. Mr. Gabriel said that they understand the needs and requirements and assuming the process gets off the ground, they will be dealing with them with a gateway into the SUNY system and other peace officer groups to talk on the network. Mr. Lesniak is concerned that they have a more than a gateway because they are police officers, not peace officers. Mr. Gabriel said that they have frequencies with the City right now--that relationship will stay the same. Mr. Lesniak asked if the other counties in the consortium are putting in their own 911 system upgrades. Mr. Balloni said that Madison has money for a new radio system; Oswego is discussing a new system. Interoperability can be the same frequencies; it can be gateways; it can be done a number of different ways. The important thing is that they work together as a group to achieve that interoperability in one way or another. Mr. Lesniak asked if any of the 5 counties are looking to use the State system. Mr. Balloni said "no."

Mr. Lesniak asked what the make up of the consortium will be. Mr. Gabriel said that there is a piece called governance in the study that they will apply for. Planning money is needed to deal with specific things. The first step is to get the template, then they can apply for the grant. Once in place, they can put together an investment justification grant, wherein they will ask for funds to undertake the study and address the issues that will deal with 5 county legislative bodies. Mr. Balloni said that the initial consortium has been a group of 911 directors around a table saying which direction they would like to head in and looking at other systems. At some point in the future they need to move formal organization. Mr. Lesniak asked what power the consortium would have. Mr. Gabriel said that there is no power whatsoever; it is a piece of paper that says that the 5 counties will work together. Mr. Balloni said that it will give the power to apply for grants on a regional basis, but ultimately legislators have power over what grant money is accepted. Mr. Lesniak asked if what happens in not all 5 county legislators agree on something; Mr. Gabriel said it would not hold up the process. Onondaga County will still go forward on its own; but when there is an opportunity to do something regionally, it gives them the vehicle to accomplish that.

Mr. Warner asked if all the other counties are on board; Mr. Gabriel said that they are waiting for Onondaga County. Mr. Warner asked if the list can grow to other counties. Mr. Gabriel said that they don't want to go beyond 5 counties; it would take them out the regional system. Mr. Lesniak asked if minutes will be taken at the consortium meetings and if they can be shared with the Public Safety Committee. Mr. Albanese said that they will probably be back next month with the next step of the major project.

**Passed unanimously. MOTION CARRIED.**

Respectfully submitted,

DEBORAH L. MATURO, Clerk

Onondaga County Legislature

\* \* \*

**COUNTY FACILITIES COMMITTEE MINUTES - October 18, 2007**

**JAMES W. FARRELL, CHAIRMAN**

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

**MEMBERS ABSENT: Mr. Holmquist**

**ALSO PRESENT: 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. Lesniak , seconded by Mr. Jordan to waive the reading and approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.***

**1. Informational: Thompson Road/South Bay Road - Legislator Bill Meyer**

Mr. Meyer reviewed that on April 19, 2007 the Transportation Department briefed the committee concerning highway projects for this year; one of those was the Thompson Road/South Bay Road project in the Town of Cicero. The Legislature authorized \$2.4 million for the work on that intersection (had previously authorized \$240,000 for design). Since that meeting, SMTC has concluded a technical report on that area, and the work is going forward. Mr. Meyer said this area is in the middle of the hottest commercial and residential real estate area in the County; adjacent to it, the State of New York is trying to deal with a very complex problem from Rt. 81 to Rt. 31 with an inadequate intersection at Rt. 31 and Rt. 81. Mr. Meyer noted that there is a chip site on Rt. 31, and transportation in that area is a key component to having that site go forward. In answer to Mr. Jordan's questions about the proposed State work, Mr. Meyer said, according to SMTC, the State has over \$11 million worth of construction in the planning stage, it is set up in phases because it is so complex and expensive; SMTC site has it all broken down.

In answer to Mr. Lesniak, Mr. Meyer said the County should be going to the right of way phase of the project at this time next year. Mr. Lesniak asked if people living in that area will be notified concerning when construction will begin; Mr. Meyer said they would have the information once the engineers complete their work.

**2. TRANSPORTATION: Mr. Mark Lynch, Commissioner**

**a. Amending the 2007 County Budget and advancing 100% of the federal aid eligible costs at a maximum amount of \$240,000 and authorizing the County Executive to enter into agreements for the design (Scoping I-VI) and right-of-way incidentals of the Morgan Road (CR 47) / Liverpool Bypass (CR 88) paving project, PIN 375416**

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

Mr. Lynch said these are pass through projects - repaving for Morgan Road from the Thruway bridge to Buckley Road and repaving for the Liverpool Bypass. This money would provide the engineering, will be coming back in the future for construction money. Total cost for right of way and engineering is \$300,000, \$240,000 is reimbursable, County share would be \$60,000. Roads are on the Paving Plan; Morgan Road was last paved in 1991, Liverpool Bypass in 1993. In answer to Mr. Farrell, Mr. Lynch said construction cost is estimated at \$1.5 million.

Mr. Kinne asked why the cost is so high for repaving. Mr. Lynch said this is the normal percentage, will only spend what it comes in at. Mr. Kinne asked about the need to mill roads, Mr. Lynch said it depends on the road; they are using more and more

milling. Mr. Jordan asked what they do with the millings. Mr. Lynch said they stock pile them at their facilities and use them for driveways and for shoulder backup; all the millings are used.

**b. Amending the 2007 County Budget to accept grant funds for the Traffic Safety Program Grant and authorizing the County Executive to enter into contracts to implement this resolution (\$125,000)**

Mr. Lynch said they have one person who works under this grant, also includes money for a part-time person from the Health Department.

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

Mr. Kinne asked what the Health Department person does; Mr. Leo said she is a Health educator - teaches the proper way to put a car seat in the car, proper way to put an infant in the car, bicycle helmet programs, etc.

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

**3. PARKS: Mr. Robert Geraci, Commissioner**

**a. Accepting without condition a fence and related site work at Oneida Shores Park**

Mr. Geraci explained that there used to be a wild, natural area next to the park that is now a housing development; contractor has agreed to replace the old wire fence dividing the two properties at his expense.

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

Mr. Farrell asked for confirmation that the developer will do the work and give it to the County in finished form; Mr. Geraci said yes.

***A vote was taken and passed unanimously; MOTION CARRIED.***

**b. Discussion: Status of Friends Agreements** - no discussion

**c. Discussion: Plans for each park** - no discussion

**d. Discussion: Interagency Marketing** - no discussion

**e. Special Events Account Report** - no discussion

**4. Naming the Onondaga County Convention Center as the Nicholas J. Pirro Convention Center at OnCenter**

Mr. Laguzza requested to be a co-sponsor.

Mr. Farrell said this is something the Oncenter Board would like to do. Mr. Farrell suggested that the committee move it to the floor for full discussion, encouraged everybody to look at it and to become co-sponsors. Mr. Lesniak questioned whether it is legal to move this to the floor for a vote prior to Mr. Pirro leaving office. Ms. Tarolli read the following from the resolution passed by the Legislature in 2000 regarding criteria for naming of County buildings:

1. The building will be named for an individual who has had a long-term impact and service to the community;

2. The individual should be, or have been a resident of Onondaga County;

3. The naming of the building need not be done posthumously;

4. The cost of signage for the building(s) shall be the responsibility of Onondaga County;

5. After a recommendation had been made and passed through committee, it will be voted on by the full Legislature, and the affirmative vote of two-thirds of the whole Legislature shall be required to adopt said recommendation;

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

The meeting was adjourned at 11:22 a.m.

Respectfully submitted,

Johanna H. Robb

Deputy Clerk

## Related Documents

- [10-14-07 ED & LIB Attach](#)
- [10-17-07 HEALTH ATTACH 2](#)
- [10-17-07 HEALTH ATTACH 3](#)