

Office of the Onondaga County Legislature

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DEBORAH L. MATURO
Clerk

J. RYAN McMAHON, II
Chairman

KATHERINE FRENCH
Deputy Clerk

HUMAN SERVICES COMMITTEE MINUTES – JULY 10, 2018 THOMAS C. BUCKEL, JR., CHAIRMAN

MEMBERS PRESENT: Mr. Rowley, Dr. Chase, Mr. Bush

MEMBERS ABSENT: Mr. Jordan

ALSO ATTENDING: See attached list

Chairman Buckel called the meeting to order at 10:08 a.m. **A motion was made by Dr. Chase, seconded by Mr. Rowley to waive the reading and approve the minutes of the previous committee meeting; MOTION CARRIED.**

1. CHILDREN AND FAMILY SERVICES: Damian Pratt, Director of Juvenile Justice

a. BOND RESOLUTION - A Resolution Authorizing the Expansion and Rehabilitation of the Hillbrook Detention Center in and for the County of Onondaga, New York, At a Maximum Estimated Cost of \$5,000,000, and Authorizing the Issuance of \$5,000,000 Bonds of said County to Pay Costs Thereof (\$5,000,000)

- Capital improvements - expansion at Hillbrook; from Secure Facility to Dual Specialized Secure Detention Facility; Raise the Age legislation going into effect in October

Mr. Rowley asked if the State set aside \$100 million for this program. Mr. Pratt responded there is \$100 million set aside in the Governor's budget for incremental increases for Raise the Age. Mr. Pratt believes it is separate from the money set aside for capital improvement costs to upgrade facilities. Mr. Rowley asked if the capital improvement costs will be reimbursed over the bonded life, and Mr. Pratt said, "Correct." It is at 100%, and the money is set aside. Mr. Rowley asked what that means. Mr. Pratt replied:

- Not sure what amount is allocated for the capital projects, but money is available to existing and potential facilities
- Monroe County put together proposal with bond resolution; broke ground yesterday on 15 bed expansion
- Erie County, as of today, is not planning on any expansion; only detaining those in Erie County; not regional facility
- Talks and proposals of other facilities seeking a share of the money; at this time no one else has applied

Mr. Rowley is more concerned with the technical aspects of reimbursement, and the bonding over 20 or 25 years. Mr. Bush said he thinks its 25 years. Mr. Rowley asked if the reimbursement from the state is subject to future appropriations. Mr. Pratt's understanding is that the money was allocated in this year's budget specifically for the capital expansion. Chairman Buckel said they cannot specify if it is the full \$100 million or annual. Mr. Pratt said it is probably not the full \$100 million. Monroe's expansion was roughly costing \$3 - \$4 million. Mr. Rowley asked if there is a contract or application filed with the state, and Mr. Pratt nodded yes. Mr. Rowley asked if the County has to submit for this annually, or is this one and done. Mr. Pratt responded it is not annually; one time plan. It is already drafted, but it cannot be finalized until the whole scope of the project is created. The turnaround time for approval for Monroe County was less than two weeks. Monroe has been very helpful with sharing documents with the County. Ms. Rooney added that all monies tied to juvenile justice is something that is ongoing, and part of the routine reimbursement process with the state.

Mr. Bush asked why the County would bond for 25 years if the money is reimbursable. Why not a bond anticipation note, or something that is short term, since the state is promising 100% reimbursement. Mr. Pratt responded that the state set the bond structure to pay over that cycle. Ms. Rooney replied to Mr. Bush that the state probably wants the bonding for the same reasons the County does. Mr. Bush said what if the County bonds the \$5 million over a 25 year period, then within a year the state reimburses the \$5 million. Mr. Pratt said the state makes the payments, and Ms. Rooney added that the state covers the principle and interest.

Chairman Buckel asked if the state has issued final regulations for the program. Mr. Pratt responded that there are two sets of regulations including one from the Office of Children and Family Services, and a separate set from the State Commission of Corrections.

Chairman Buckel understands the time frame (for bonding) is troubling, but believes it is a state law, not a regulation; given the type of improvements.

Ms. Rooney commented that the County still receives reimbursement for the renovations at Hillbrook done years ago. Typical for the state to bundle it in with all juvenile justice reimbursement.

Chairman Buckel stated that the term will either be imposed by regulations or state law, and he understands the concerns with how this operates; especially in light of the State Comptroller's report saying the state finances are in trouble. Chairman Buckel said the County is taking a risk, but the County has to do this anyway. This is a state law, and the County made the choice to expand the facility to make the juvenile justice system work.

Mr. Bush commented that the state set aside money for reimbursement, which leads him to believe the County will get that money in due time once it is spent; but it is not true.

Mr. Pratt said this is similar to the last reimbursement for renovations in 2005, and at that time the reimbursement was 49%. When the bills come, the state pays the bills, including principle and interest. This is something Mr. Pratt is used to doing with them, and there has never been an issue. Ms. Rooney added that the typical reimbursement is 49%, and the state is saying this expansion money is at 100%. Chairman Buckel commented that it is possible the County will be left holding the bag, but he believes it is something they have to do as far as a policy standpoint.

Mr. Rowley agrees with Chairman Buckel that this is something they have to do, and thinks \$5 million for the expansion seems to be a bargain. Mr. Rowley is concerned from a financial standpoint for the state and the County, and wants to make sure to do due diligence with asking questions. Mr. Rowley asked if the interest rate is the County's interest rate or a fixed rate from the state. Ms. Rooney replied that it is the County's rate.

A motion was made by Mr. Rowley, seconded by Dr. Chase, to approve this item. Passed unanimously; MOTION CARRIED.

2. INFORMATIONAL: Workforce Development

Chairman Buckel:

- In his prior term, the Legislature took a more active and independent role in proposing, framing and assessing legislation
- Today tends to be a more reactive body; Legislature is presented things from a branch of government, do due diligence
- Capacity to do independent thinking remains to be seen
- President Crabill from OCC met with some Legislators to review issues related to college legal preceding and public disclosure of certain information
- Chairman Buckel asked Dr. Crabill if she was the Emperor of Onondaga County, what 3 things would she do to improve educational outcome of the County to fill in gaps that exist – each one dealt with workforce development
- Dr. Crabill - many programs; none which seem to be coordinated; oversight and goals important in developing workforce
- Capacity in committee (or whether County Executive has done it) in developing a more comprehensive workforce development program; especially having strong minority women business enterprise goal requirements
- City of Schenectady just did this a couple months ago (*reference handout below*)
- Would like thoughts on whether or not this is something the committee would like to try to grapple with working with the Executive; if did, how best to go about it; or have a resolution dropped and talk about it then



Gary R. McCarthy
Mayor

OFFICE OF THE MAYOR

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For Release: Immediate
Date: April 24, 2018

PRESS RELEASE

City of Schenectady and Local Partners Launch Economic Opportunity Plan

*New Public-Private Partnership to Include Job Training for Local
Residents and Construction Management Training for Small Firms*

SCHENECTADY – Mayor Gary McCarthy and City of Schenectady Affirmative Action Officer Ron Gardner announced a new multi-faceted public-private partnership that includes a certified job training program for local low income residents in addition to construction management training for small and emerging firms.

The City of Schenectady and the SUNY College and Career Counseling Center (SUNY CCCC) are currently seeking 30 local applicants interested in the construction industry for the job training program.

Job Training Program

To qualify for the program, residents must meet the requirements under Section 3 of the Housing and Urban Development (HUD) Act of 1968. Public housing residents and low income individuals that reside in the City or County of Schenectady may qualify under Section 3.

Low income is defined by HUD as 80% or below the median income of the area. According to the 2011-2015 American Community Survey 5-Year Estimates, 78% of those living below the poverty level in Schenectady County reside in the City of Schenectady.

"Creating jobs and economic opportunity for local residents is the true spirit of any public-private partnership," said Mayor McCarthy. "With all the positive ongoing economic development and infrastructure improvements in Schenectady, it is vital that we provide potentially life-changing opportunities for local residents while also helping businesses continue to grow and succeed."

The City of Schenectady Office of Affirmative Action will provide HUD funded Community Development Block Grants (CDBG) for SUNY CCCC to oversee applicant screening, recruitment, intake, ongoing monitoring, tracking, and data collection for the job training program. SUNY CCCC will be accepting applications on an ongoing basis. The training will be of no cost to the student.

[FAQS](#)

[Reports + Videos + Photos](#)

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2018: Join The Team

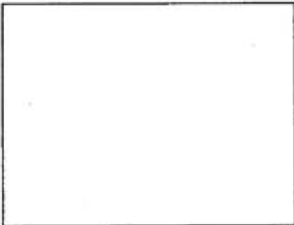


Welcome!

The Construction Industry Workforce Initiative (CIWI) is a partnership of private sector construction and real estate development companies committed to expanding opportunities and enhancing the diversity of the construction industry workforce with an emphasis in the following fields: Construction, Real Estate Development, Architecture and Engineering, Civic Engagement, and Urban Design.

CIWI is a program of Community Initiatives.

[Read More About CIWI](#)



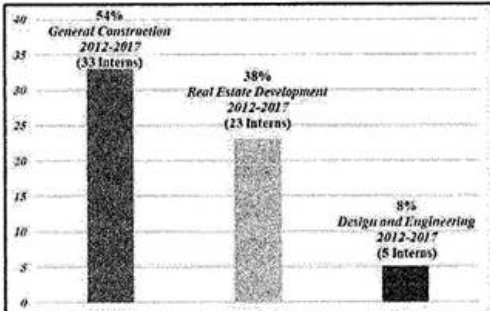
CIWI 2016 Program Impact Video

The following video highlights the CIWI program from the eyes and experience of the interns. Check it out!

CIWI Major Accomplishments

The 2017 CIWI Team included the following Sponsor Partners: Cahill Contractors, Tishman Speyer, Lendlease, Hanover Company, Gerding Edlen, Nautilus Group, Urban Design Consulting Engineers, Interstice Architects, and Merri Insurance Services.

In total, 11 sponsors participated in the CIWI program, representing a diverse mix of Contractors, Real Estate Development firms, and a growing participation by Engineering firms. Overall (2012-2017), our sponsors include the following:



Sector	Percentage	Number of Interns
General Construction	54%	33
Real Estate Development	38%	23
Design and Engineering	8%	5

CIWI 2017 was a remarkable year for the program - take a moment to check out our Accomplishments:

- CIWI Impact Video, 2017
- CIWI Impact Report, 2012-2017

With six years under our belt, CIWI continues to hold closely to our mission of providing exposure and opportunities for lower-income college students (majority first-generation) in Construction, Real Estate Development, A&E and Civic Engagement.

Mr. Rowley stated he is for any group that will try to increase workforce development opportunities in the County. There are a lot of partners out there that would want to play a role as well. There is a real big need for minority women owned businesses to be established and be good working partners with other firms. Anything the committee can do, Mr. Rowley will be in favor of; possibly a coffee meeting to discuss ideas.

Chairman Buckel asked Ms. Rooney to come back to the committee in the next month or two to give an overview of where the community is today. Ms. Rooney replied sure. Chairman Buckel said Dr. Crabill will be a great ally for knowledge. Ms. Rooney gave a brief overview:

- Several things going on; OCC sits on all of these with a number of partners
- Work Train – run out of Rob Simpson's office; focused on bringing industry and health jobs; moving into other industries
- Mandates from federal government between DSS, CNY Works and Jobs Plus - coordinate efforts through mandate
- Alliance for Economic Inclusion Monies - focused around not just workforce development, but having jobs at the end; not just training for training's sake
- Schenectady (handout) – a lot tied to the Empire State Poverty Reduction Initiative (ESPRI); Onondaga County also an ESPRI county; alliance between counties with workforce development; can come back and report
- Dr. Crabill is right, but there is a tremendous amount of coordination that goes on; not just those seeking employment but employers as well – synergy between them; not training individuals for jobs that do not exist
- Employers have to have skin in the game as well - they need employees; ensure training leads to actual jobs
- Committee would be impressed to hear from Work Train and other industries; not just entry level jobs, but career ladder

Mr. Bush stated the Legislature submitted the name Robert Gardino for the Human Rights Commission, and asked if it is sitting on someone's desk on the 14th floor. Currently the Commission cannot be filled. Ms. Rooney responded that there is a 45 day waiting period that comes with that, and it is within that period. Mr. Bush was under the impression it was submitted before that. Ms. Rooney said the appointment will go to August committee with a September vote.

A motion was made by Mr. Rowley, seconded by Dr. Chase, to adjourn the meeting. Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 10:29 a.m.

Respectfully submitted,



JAMIE McNAMARA, Assistant Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: HUMAN SERVICES

DATE: July 10, 2018

NAME	DEPARTMENT/AGENCY
PLEASE PRINT	
<i>Dan Pratt</i>	<i>DCFS</i>
<i>Sue Stanczyk</i>	<i>Leg</i>
<i>Jason Dean</i>	<i>DMP</i>
<i>Bill Kinne</i>	<i>LEC</i>
<i>Bob Durr</i>	<i>Law</i>
<i>Tim Frateschi</i>	<i>Leg.</i>
<i>Ann Rooney</i>	<i>C.E.</i>
<i>John Brunetti</i>	<i>Leg.</i>

* * *

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - JULY 11, 2018 MICHAEL E. PLOCHOCKI, CHAIRMAN

MEMBERS PRESENT: Mrs. Tassone, Dr. Chase, Ms. Cody

MEMBERS ABSENT: Mr. Burtis

ALSO ATTENDING: *See attached list*

Chairman Plochocki called the meeting to order at 9:07 a.m. ***A motion was made by Dr. Chase, seconded by Ms. Cody, to waive the reading of the proceedings from the previous committee. MOTION CARRIED. A motion was made by Dr. Chase, seconded by Ms. Cody, to approve the minutes from the previous committee. MOTION CARRIED.***

1. METROPOLITAN WATER BOARD:

a. Confirming Appointment of William J. Barlow as Chairman and Presiding Officer of the Onondaga County Metropolitan Water Board (Sponsored by Mr. McMahon)

Dr. Chase said she heard appointments proceed if nothing is done within 45 days and asked if this was correct. Mr. Durr said that the item must go to the committee and if the committee doesn't act within 45 days it is deemed to be approved. Chairman Plochocki added that this only pertains to County Executive department appointments. Mr. Durr agreed. Chairman Plochocki said that Dr. Chase was asking in general and that rule would not apply in this case. Mr. Durr said that Dr. Chase was asking in reference to Richard Gasiorowski.

Dr. Chase responded, No because he is an employee. Mr. Durr said that he was an appointment which went before the committee and was tabled. Dr. Chase agreed. Mr. Durr said that it should not be tabled. The 45 days starts from the day the letter is received and if the committee doesn't do anything it is deemed acceptable. Dr. Chase asked if it was the same rule for a volunteer appointment. Mr. Durr responded that any County Executive appointment that requires confirmation by the legislature is subject to this rule.

In answer to Dr. Chase, Mrs. Tassone confirmed that Mr. Barlow is the Mayor of Oswego.

A motion was made by Chairman Plochocki, seconded by Mrs. Tassone. Passed unanimously; MOTION CARRIED.

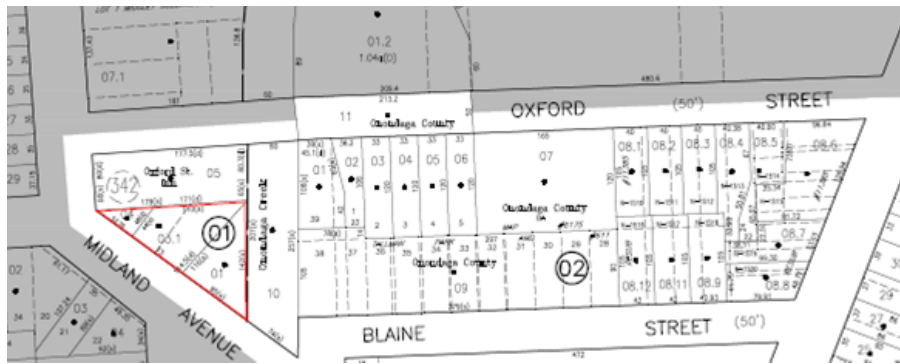
Chairman Plochocki said that he doesn't know Mr. Barlow personally but the idea of having the Mayor of Oswego on this board is a great idea as we interact extensively with the City Oswego for this.

2. WATER ENVIRONMENT PROTECTION: Tom Rhoads, P.E., Commissioner

a. Authorizing the Transfer of Real Property to the City of Syracuse, and Approving the Classification of an Unlisted Action under the State Environmental Quality Review Act; Accepting the Short Environmental Assessment Form; and Accepting and Adopting the Negative Declaration for the Transfer of Real Property

Mr. Rhoads:

- Property located in the Midland area – Martin Luther King West, Midland Avenue, and Hudson Street (*see maps next pg.*)
- Property acquired by the County for the Midland Treatment Facility; installed large pipes under property and crafted walking path as part of our work
- The City of Syracuse received a state grant and is working with NYSDOT to extend the Creekwalk towards Kirk Park, which will go across these parcels



- The City could take land by eminent domain, County would then retain ownership of meandering parcels and be responsible for routine maintenance, Law department coordinated with the City for an agreement which allows complete access to perform underground maintenance
- Propose deeding parcels back to the City for \$1 waived and approval of the SEQRA to transfer property; Midland project is complete, no further County purpose for the parcels, it is in the County's best interest to disposition the property

Chairman Plochocki said that he could not agree more and noted that the negative declaration is a standard document used whenever there is a transfer of properties.

A motion was made by Dr. Chase, seconded by Ms. Cody. Passed unanimously; MOTION CARRIED.

b. Authorizing the County of Onondaga to Grant a Permanent Easement to National Grid for the Construction, Operation and Maintenance of a Utility Pole/Line for the Transmission and Distribution of Electrical Power

- Thanked the Chairman and legislative team for adding this late item to the agenda
- Oneida Lake Pump Station project ran into complex soil field conditions, had to move the force main pipe, caused utility pole to be relocated from the highway right-of-way to County-owned property
- Propose \$1 waived for the permanent easement - pole serves us

Chairman Plochocki asked Mr. Rhoads to briefly explain, for the record, why it would be a problem if this item was not added to the agenda. Mr. Rhoads responded, "We have 7 different pump stations going on at the same time and the contractor work has been going on. When we need to relocate utilities because of a field condition all of a sudden that becomes quote, an owner responsibility. I am the owner, you all are part of the ownership team and if we have contractors out there digging and banging away and they have all their equipment on site and are twiddling their thumbs they get what they call delay payments. We end up paying them if they are not working and the cause of them not working is that we have not provided them with the power for them to connect their pumps and do the other work that remains. We asked for your expedited entry on this matter so that we would not have additional construction delays which would be potentially compensable to the contractors if they could show cause."

A motion was made by Mrs. Tassone, seconded by Dr. Chase. Passed unanimously; MOTION CARRIED.

Mr. Durr said Mr. Brunetti noticed an oversight in the grant of easement document, the name Niagara Mohawk Power Corporation should be changed to National Grid. Chairman Plochocki asked that this is noted in the record. Chairman Plochocki said that this is a minor change and an additional vote will not be required, especially if it is referenced in the record. Mr. Durr agreed.

3. **LAKE IMPROVEMENT:** Tom Rhoads, P.E., Commissioner
a. ACJ Update <http://savetherain.us/str-q1-2018/>

Report from the Commissioner

This quarter my report touches on several topics: current green infrastructure projects in construction and the phosphorus optimization construction ongoing at Metro.

Green Infrastructure Update:

Excellent collaboration with the City of Syracuse DPW continues to deliver a good working partnership, as evidenced with the greening of Comstock Avenue. The County's construction on Comstock Avenue created atypically wide road trenches that required some out of the box thinking and a smarter approach to roadway reconstruction. The County, along with the green design engineer, developed a restoration plan to include mill and pave work from the curb to the centerline of the road. The City is providing the asphalt material to pave the wider milled area. The end product will be enhanced stormwater capture to help improve water quality and the environment, and a new roadway with full lane restoration. A sharing of responsibilities has led to better results for each partner.

In similar fashion on Roney Lane, the County's green infrastructure work presented the opportunity for the City to replace one of its aging water mains. The City will be providing the water main materials and additional asphalt materials for the work. Roney Lane is another classic example of neighborhood-scale green infrastructure rebuilding the community (even below the surface of the road) rather than tearing down neighborhoods to build regional treatment plants.

Please "pardon our dust" as we proceed with green street projects in CSO 052. Work is beginning on South Avenue from Brighton Ave to Eastman Ave. DE Tarolli Construction will then work on Charnmouth Drive from Robineau Road to Summit Ave. Much more to follow: Elmhurst Avenue from Bishop Ave to Hunt Ave, then Hutchinson Avenue from Edgewood Ave to Russell Place, and Fletcher Ave at Edgewood. We are coordinating with our neighbors via public information; and our Save the Rain website always has the most recent updates.

More good news for Onondaga Lake:

The construction of the Metro Phosphorus Optimization project continues on schedule. This is a highly complex project which requires portions of the Metro Treatment Plant to be out of service to enable access to replace sludge pipes in desperate need of replacement. It is hard to imagine just how complex the project is – but as an aside, the Request for Proposal to concept the work was issued in February 2010! This project should be complete in May 2019 and it has already been under construction for over 240 days. The \$12.2 million project also includes a grant of \$3,760,566 from New York State via the EFC. Although parts of the treatment plant remain out of service, we already see the project's improvement in pathogen disinfection due to the process changes being implemented. Onondaga Lake has enjoyed a remarkable recovery,

but as you can read in this report, the County continues to do more to further restore this great community resource.

In closing, I'd like to thank our Save the Rain partners at the MOST for including Save the Rain and Connect the Drops in their "Science Minutes" and for providing exhibit space for our displays throughout the year. Also, Baltimore Woods has done an outstanding job working with elementary school students in the Syracuse City School District with our cooperative Nature in the City education program, and have created some great videos. Take a moment to view them on the Save the Rain website, Facebook page and Twitter.

Lastly, I would like to wish all a happy and healthy summer and encourage everyone to enjoy the summer festivities in our community, especially those events at Onondaga Lake.

Respectfully Submitted,



Tom Rhoads P.E.
Commissioner

- Much green infrastructure work, primarily infiltration trenches that remove stormwater from the combined sewer systems; McKinley Park work continues, park and pool remain open, much utility conflict in that area
- Notified last week of an additional \$122,000 in state grant funds for the Metro Phosphorus Optimization project, the project is required by the ACJ; we are all in this together and the state support for work around Onondaga Lake makes a difference for ratepayers in the sanitary system
- Great time to visit Metro, invite committee members to tour, tanks look much different when they are empty
- Encourage everyone to enjoy Onondaga Lake, much progress has been made

In answer to Chairman Plochocki, Mr. Rhoads confirmed that the Baltimore Woods Nature in the City education program has finished for this year. Chairman Plochocki said that the center does a lot more than just help Marcellus. It is one of the jewels of his district and the County contracts with them for an education program with the City Schools, which has received rave reviews over the years.

- Mr. Karpinski also received rave reviews for the Rain Barrel Workshop - http://savetherain.us/str_project/rain-barrel-program/
- Great opportunity to receive a rain barrel and learn how to properly put them in place, cutting edge part of the program, let's people know something tangible they can do - Connecting the Drops to remove litter is number one, also rain gardens, rain barrels, not using fertilizers on lawns or making sure there is no runoff getting into our waterbodies
- Continue to use social media; don't want to take up too much time, happy to answer any questions

Mrs. Tassone asked if those attending the workshop receive a rain barrel. Mr. Rhoads responded, "If they pass the test." In response to Dr. Chase, Mr. Rhoads confirmed that the rain barrels are plastic. Mrs. Tassone said that they are nice looking and Dr. Chase agreed. Chairman Plochocki stated recently while in a city neighborhood he saw a string of houses with rain barrels and it was nice to get good reviews. Mr. Rhoads said that this is part of the outreach effort.

As an update to the committee Chairman Plochocki stated that Dr. Chase and he attended the Skaneateles Lake Association annual meeting. In recent years, at his urging, the legislature has continued to support this association, which is a non-profit private group who does a great job fighting invasive species and other things. This year the legislature will reimburse them for the purchase of a used boat to expand their fleet and he appreciates the support for all environmental things.

A motion was made by Mrs. Tassone, seconded by Dr. Chase, to adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 9:32 a.m.

Respectfully submitted,



KATHERINE M. FRENCH, Deputy Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: ENVIRONMENTAL PROTECTION

DATE: July 11, 2018

NAME	DEPARTMENT/AGENCY
PLEASE PRINT	
Tom Rhoads	WEP
Arthur Karpinski	WEP
Darcie Lesniak	Leg
Glen Leir	Syracuse.com
Bob Durr	Law
John Brunetti	Leg

* * *

PUBLIC SAFETY COMMITTEE MINUTES – JULY 12, 2018 CHRISTOPHER J. RYAN, CHAIRMAN

MEMBERS PRESENT: Mr. Jordan, Mr. Bush, Mr. McBride, Mr. Rowley

ALSO ATTENDING: See attached list

Chairman Ryan called the meeting to order at 12:02 p.m. **A motion was made by Mr. Jordan, seconded by Mr. Rowley, to waive the reading of the proceedings from the previous committee. MOTION CARRIED. A motion was made by Mr. Jordan, seconded by Mr. Bush, to approve the minutes from the previous committee. MOTION CARRIED.**

1. **EMERGENCY COMMUNICATIONS:** William Bleyle, Commissioner
 - a. **A Local Law Authorizing a Lease Agreement with the New York Susquehanna and Western Railway Corporation for the use of the Onondaga County Pompey Radio Tower Site**

Mr. Bleyle:

- Railroad line passes through Onondaga County, has a tower in another area of the county which is not providing the desired radio coverage
- Local Law authorizes the lease of space for 1 antenna on the Pompey radio tower and involves coaxial cable going down to the legacy shelter building; \$8,500 per year for the first year, 3% escalator every year after
- No change to the ground or building, may utilize existing coax or take down and replace, will replace existing antenna; SEQRA completed, negative declaration

In answer to Mr. Bush, Mr. Bleyle said that the tower is located in the Town of Pompey near Channel 9. Mr. Bush asked if this would be the first non-municipal use for that tower. Mr. Bleyle responded yes for that tower, however we lease to various cellphone companies at other locations around the county. Mr. Bush asked if the town would have the ability to assess the tower for tax purposes for the non-municipal use. Mr. Bleyle responded that he did not believe so. Mr. Jordan said that it is a county-owned property and he does not think it could be taxed. Chairman Ryan added that the lease relates to public safety communication of the railroad. Mr. Bush said that they are going to be adding an antenna and would be responsible for it. Mr. Bleyle said that there is a lot of public safety equipment on the tower

and we are the landlord so to speak. Mr. Bush said that those facilities can be taxed because there is a value, i.e. the City of Syracuse receives a tax bill for water lines that run through a township if they are not exempt. Mr. Durr said that he understands what Mr. Bush is talking about in concept but in reality, he does not think there is a mechanism in place to delineate the proportion per tower. He does not believe there is a breakdown on taxes, it is county-owned property and the County has the exemption. It would probably not be worth the time to figure out an assessment for whatever minute monies might go to the town when you consider that it takes up very little space. Mr. Bush said that he would talk to the assessor.

In answer to Mr. Jordan, Mr. Bleyle said that Channel 9's tower is the largest tower on Pompey Hill, our tower is second. In answer to Mr. Bush, Mr. Bleyle said that the tower is on county property.

Mr. McBride asked how they arrived at the lease amount. Mr. Bleyle answered that it is the competitive price for leasing tower space. Mr. Sparks is their radio systems administrator and he is very aware of the pricing; also charge NYS for DOT use on that site, which largely reimburses us for the electric on that site. Mr. Bush said that it was better to co-locate than to put up another tower. Mr. Bleyle said that co-location is consistent with what the FCC encourages and what neighbors want. Mr. Bush said that towers are very profitable to landowners. Mr. Bleyle responded that it could be. We are very mindful and use the revenue to offset local dollars so it comes back to the taxpayers one way or another.

Mr. Rowley was impressed that it took twelve pages to consummate the lease for such a simple thing. Mr. Bleyle credited Mr. Sparks who worked closely with Mr. Murphy. The first priority is public safety. Every transmitter generates noise and we have to be very protective so that we can hear firefighters crawling on their hands and knees through burning buildings. We make sure that we adopt leases that don't cause any interference and put our priority first in the event that we need better space on the tower they would be directed to move and other things that you don't necessarily see in a commercial site lease.

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

Chairman Ryan said that Sheriff Conway reached out and will update the committee on his department at the September 10, 2018 meeting.

A motion was made by Mr. Jordan, seconded by Mr. McBride, to adjourn. Motion Carried.

The meeting adjourned at 12:15 p.m.

Respectfully submitted,



KATHERINE M. FRENCH, Deputy Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: PUBLIC SAFETY

DATE: July 12, 2018

NAME	DEPARTMENT/AGENCY
PLEASE PRINT	
Darcie Lesniak	Leg
Sean Sparks	911
Bill Bleyle	Eq11
Megan Grantz	DMB
Bill Kinne	LEG
Bob Durr	Leg.

* * *

WAYS AND MEANS COMMITTEE MINUTES JULY 26, 2018 BRIAN MAY, CHAIRMAN

MEMBERS PRESENT: Mr. Knapp, Mr. Ryan, Ms. Williams, Mrs. Ervin, Mr. Jordan, *Mr. Plochocki
ALSO PRESENT: Chairman McMahon, Dr. Chase, Ms. Cody

Chairman May called the meeting to order at 9:06 a.m. **A motion was made by Mr. Knapp, seconded by Mr. Ryan, to waive the reading of the minutes of the proceedings of the previous committee. MOTION CARRIED. A motion was made by Mr. Knapp, seconded by Mr. Ryan, to approve the minutes of the proceedings of the previous committee.**

- CHILDREN AND FAMILY SERVICES:** Ann Rooney, Deputy County Executive/Human Services
 - BOND RESOLUTION - A Resolution Authorizing the Expansion and Rehabilitation of the Hillbrook Detention Center in and for the County of Onondaga, New York, At a Maximum Estimated Cost of \$5,000,000, and Authorizing the Issuance of \$5,000,000 Bonds of said County to Pay Costs Thereof (\$5,000,000)**

- Needed to accommodate Raise the Age – will become law on October 1, 2018
- 2 part expansion – things need to be done inside the facility to separate those over 15 and those under 15
 - Divide kitchen, develop a separate entrance for older youth
 - Early next summer completion – will add 16 beds
- Serves as a regional detention facility for several counties – currently get reimbursed by other counties
- Raise the Age will be 100% reimbursement from the state for all of the capital improvement
- County is in the process of submitted the plan for the expansion
- States turnaround time has been about 2 weeks on capital improvement requests – will have a guaranteed from them that the costs will be reimbursed
- Reimbursement will be on county's bonding schedule
- This is a 20-year bond – state will reimburse over the life of those bonds

Mr. Knapp asked for clarification -- the state will reimburse us yearly on whatever the payment is on the bond. Ms. Rooney agreed. She believes the county is still repaying old bonds on Hillbrook. Mr. Morgan said that we are in the process of doing capital improvements previous to this. Ms. Rooney said that the state will reimburse on an amortization schedule. Mr. Knapp asked if this is the normal way of doing things; Mr. Morgan said that this isn't normal. Typically with capital costs, particularly if cash, the state reimbursed after the fact. This is unique and new and can't compare it to anything else, but it would be unusual for them to give us \$5 million up front. Mr. Knapp said that he thought if we spent \$5 million, we would get reimbursed \$5 million as opposed to over 20 years. Mr. Morgan said that their payments will coincide with the debt service payments. Mr. Morgan said that he assumes that every year when the county makes that payment, that there will be some sort of claim to submit to the state for reimbursement.

Ms. Rooney:

- Expansion of 16 beds is not just for in-county youth
- It serves as a regional detention facility; there are only 6 detention facilities outside of NYC in the state
- Will be able to bill the other counties; it will be 100% reimbursable, as it is now four out of county kids

Chairman May asked if the bonding and reimbursing based on the amortization schedule is a condition of the reimbursement or is it how we are electing to do. Mr. Morgan said that it is a condition as far as he knows. If we had cash and paid cash, he would guess that we could submit a claim after the dollars were expensed.

In answer to Chairman McMahon, Mr. Morgan said that the state's budget line is \$100 million for every community. Mr. Morgan said that there are only six communities that have detention facilities. Chairman McMahon said that he assumes every single Sheriff's Department in the State of New York is going to have costs. Ms. Rooney said that the capital is separate from the operating. Chairman McMahon questioned if the \$100 million is for capital and then there is operating. Mr. Morgan said "no" -- the \$100 million is to address costs for reimbursement. Chairman McMahon said that very rarely does the state do what they say they are going to do. Chairman McMahon said that he doesn't think any legislature or government can write a 20-year commitment to pay for the local cost for this. He said that we should have an asterisk around these costs going forward. Mr. Morgan said that the legislature will see a comprehensive budget dealing with Raise the Age when the budget comes over in September. Hopefully by then the plan will be approved and provide comfort going forward -- it will be bodies, soft, and hard costs. He said that there is a process in place; Ms. Rooney's team and his are working on the plan to submit to the state.

Ms. Rooney said that she will be back next month for further requests on the personnel side -- certain positions have to be in place at Hillbrook in order to start accepting 16 year olds.

Chairman May noted that we are starting to put pieces ahead of our plan/strategy to accommodate this requirement. He **requested that the legislature be provided with the bones of the plans -- a few bullet points on the key priorities that we all need to think about** that are hoped to be addressed at or around budget time. Ms. Rooney said that she anticipates submitting the plan to the state next week; thinks that will lay it out -- the plan can be made available.

Mr. Plochocki asked for clarification--ultimately the state will be reimbursing the entire amount of money; Ms. Rooney said "yes."

In answer to Mr. Ryan, Ms. Rooney said that no 16 years olds are going to Hillbrook currently -- that will start on October 1st. Mr. Ryan said that obviously the number fluctuates at Hillbrook. Ms. Rooney said that they have kept track of it for 2 years in anticipation of this, which drove the numbers on how much would be asked for on an expansion of the facility. There are a lot of alternatives to detention that are used to minimize the number of youths at Hillbrook. Any 16 year old youth arrested prior to Oct 1st will remain in the Justice Center; this will not be an automatic transfer to Hillbrook. Mr. Ryan asked about the number of beds -- would hate to turn away, because it is a revenue stream. Ms. Rooney said that they have been working the numbers for quite a while and are comfortable with the number of beds. On any given day the population is around 16, which includes in county and out-of-county. It will also accommodate for next year for 17 year olds -- October 1, 2019.

Ms. Williams asked how many 16-year olds are housed in the Justice Center; Ms. Rooney said that it is around 20. Because OCFS and family court work very different than criminal court, there are alternatives to detention and several of them might go through the family court path rather than be housed at Hillbrook, which is for the the most serious offenders. Ms. Williams asked if there is a plan to look at the individuals currently housed at the Justice Center to move before we take those from out of county. Ms. Rooney said that we can't by law.

Chairman May said that there are 20 at the Justice Center and the pods are a lot bigger than that. When you have youths in an area of the jail, that is all you can have in that area. He said that we are spending more; making county government bigger to accommodate this, but at the same time we will possibly be able to increase capacity at the Justice Center -- to fully utilize it.

Mrs. Ervin said that she thinks an information is really needed about the whole of this. "We are getting bits here and pieces here, and we need to have a better understanding of what is going to happen moving forward." Ms. Rooney asked if it could be planned for when the personnel resolution comes over next month. Chairman May said that he will talk to leadership and decide where and when to do it. It may be better to start with it in a program committee; it's a Public Safety and Human Services issue and ultimately it will be a Ways & Means issue.

Mr. Knapp asked if the \$5 million could be worked out with cash flow, would that be advantageous -- get the whole \$5 million back from the state and have it be done. Mr. Morgan said that he is not sure if they would allow that. It is still in its infancy; there is an opportunity to

work with them to look at potentially getting reimbursed as we spend the money. Then, maybe have some type of reconciliation where they cover the interest at a later day. It is all new, and we are working through the details. Mr. Knapp said that there are expenses with bonding -- not just interest, but fees and various things -- and questioned if they all covered. He expressed concern about a 20-year commitment from New York State.

Chairman May asked Mr. Durr if there is a way to approve this, but condition it on the financing. Mr. Durr said "of course". Chairman May asked if this resolution could be approved with that condition -- does anything have to be changed here now for the record. Mr. Durr said "no."

A motion was made by Mr. Knapp, seconded by Mr. Ryan, to approve the resolution. Passed unanimously; MOTION CARRIED.

2. EMERGENCY COMMUNICATIONS: William Bleyle, Commissioner

a. A Local Law Authorizing a Lease Agreement with the New York Susquehanna and Western Railway Corporation for the use of the Onondaga County Pompey Radio Tower Site

- They are seeking a better footprint for their radio system; they feel Pompey will benefit them -- particularly their police dept.
- Would replace existing coax cable; no new construction other than replace an old antenna that is no longer used
- SEQR short form was done; negative declaration
- Rent of \$8,500/year with 3% escalator

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

3. WATER ENVIRONMENT PROTECTION: Tom Rhoads, Commissioner

a. Authorizing the Transfer of Real Property to the City of Syracuse, and Approving the Classification of an Unlisted Action Under the State Environmental Quality Review Act; Accepting the Short Environmental Assessment Form; and Accepting and Adopting the Negative Declaration for the Transfer of Real Property

- Real property transfer -- parcel acquired by the county in the past where a large pipe, 144" diameter, was installed underneath them, also put a trail through there
- City has received a grant and entered into an agreement with the State of New York to extend the Creekwalk Trail
- With the extension of the trail, the State has powers of eminent domain
- If the state acquired property by eminent domain, they would have acquired just the parts of the property needed for the trail. The county would have left with small, odd ball pieces of property.
- The parcel conveyance gives the county all the benefits of the use of the land, with no maintenance
- The trail that the county has will now become part of the creek walk trail -- no maintenance to the county
- County does not need the property and are retaining absolute rights to do maintenance and repairs on it for WEP purposes

Mr. Plochocki noted that this item passed Environmental Protection Committee unanimously,

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

4. MISC.:

a. Establishing a Policy Regarding Double Encumbered Positions (Sponsored by Mr. Jordan)

Mr. Jordan:

- The county has utilized a practice of having one authorized, funded position and putting two people in it
- The justification has been that there is money in the 101 line

Mr. Jordan said that the problem with this is that there are two people in the position, and budget time comes and there is a request to re-create an additional position; the legislature is in a situation where it has to lay someone off or be forced to create a position, that we may or may not feel is justified. There are situations where it is advantageous to double fill a position. For example -- if someone is leaving/retiring, but want to have them stay on to train their replacement, it could always be done on the 103 line. Place that employee on the 103 line, and pay for their services until the time it is necessary to train their replacement. Once the new person is trained, the 103 person would leave.

Mr. Jordan said that it violates the Charter; the legislature has the exclusive power to create and eliminate positions. By double filling a position, in his opinion, it is tantamount to having the executive side creating a new position, which is not a power that the executive side has under the Charter. This resolution is saying that they can't do that; they can't double fill a position. If there is some necessity for doing that, it leaves it open to come to the legislature and say "this is the reason why we need to be double filling a particular, authorized position. The legislature would have the discretion of saying that the justification seems reasonable and then approve it. The resolution would eliminate situations where it really happens without any input or approval by the legislature.

Mr. Knapp said that he agrees overall, but asked if there is a way to write in a little flexibility for not having to come to the legislature for a situation like someone is leaving, or there is an emergency situation -- either a timeframe that it could be done for or a formal way to do it on the 103 line. It would build in a little flexibility. Mr. Jordan said that the flexibility already exists -- they can have that person continue on the 103 line. Mr. Jordan said that the Chairman questioned "what if they don't have money in the 103 line. Mr. Jordan said that obviously they are double filling it because they have money on the 101 line. The funding for the position, employment, could be moved from the 101 line to the 103 line.

Chairman McMahon referenced two examples when it was used for the transition of the deputy county executive and for a CFO, so that they could be trained. He is open to addressing those types of training situations. He said another example is for military and medical leave -- those positions have to be left open when someone goes on active duty. The position cannot be filled, but at the same time someone may have to do their work. Mr. Jordan referred to the resolution, noting that in those situations, they can come to the legislature and explain that scenario, and the legislature can authorize those positions. Chairman McMahon said that his concern on the timing is the process. In many cases, we want things to go to a program committee for a vote, potentially as informational at times, and then on to Ways & Means. He said that our process may cover a 60-day period. He asked if there is a way that they can have the flexibility to participate in our process on the commonsense things. He thinks there is a way to get this done; there is 7 or 8 cases of this now and does not think it is being abused, but the potential is there.

Chief Andrews said that double fills for the Sheriff's Department is a very important portion of the hiring process. When they hire a class for a police recruitment, and routinely have 5 double fills, but routinely lose 5 people during the process. When a police officer is hired, they are put on the payroll today, but are not active on the street for a year because they have to go through 28 weeks of academy and then FTO after that. Not everybody is kept; they don't make it through the entire process. Very often, they don't have the double fills, but in order to keep the staff as full as possible, they have the double fills. It applies on the custody side as well. It is a tool that the Sheriff has been using long before this administration ever came. It is done in no small numbers. He said they are now recruiting for a custody academy and are not going to be able to fill it because there aren't enough candidates to fill the class. He said that we ask to have 5 double fills because we know we are not going to be able to graduate everybody that we hire. "To take that ability away, we are going to be more short-staffed routinely, then we presently are."

Mr. Jordan suggested creating the position with funding behind it, i.e. deputy trainee or any terminology for those positions. Those positions would be dedicated to the positions that these deputies would be in. Chief Andrews said that he has positions there now that aren't funded by management and budget, there may 220 police positions, but are only filling 211. Rather than asking them to fund a positions, we double fill, knowing full well that by the time the academy starts, there will be retirements as well as losing people that aren't going to make it through the academy. Chief Andrews said "If we have 5 double fills, routinely we will lose those double fills before we ever get to the end of the academy."

Chairman May said that this is another valid example of circumstances that we have to account for.

Mrs. Ervin said that this is creating a situation where they have to come to us do to everything. She questioned if we really need to have that kind of a system. She said that she doesn't want to be in that position. She said that this is getting too far into the administrative wings of how things are being done.

Mr. Knapp suggested that there is a policy, but have the department head, in those cases (referenced earlier) write a quick memo or have a standard form, that goes to the Chairman or the Ways & Means Committee, providing the details. For example: "we are double filling 5 positions, for this reason... just so you know." If there is something egregious, we could take action. Chairman May said that within that process, if there are financial ramifications for the double encumber, they should let us know when they are coming to the legislature to resolve it. Meanwhile, the business of the department and the operations are seamless.

Chairman McMahon said that he agrees with the premise that this has been a legislative authority. Over the years, the legislature has seen the wisdom in providing some flexibility to these departments in various situations. He said that we are not that terrible for people to come here and ask for some of these common sense things, but at the same time, they need to start their process. He emphasized the exemption for medical and military leave and shouldn't be subject to legislative process. It is a human resources issue. He agrees with Legislator Jordan that this is legislative power, but there has been past practice with every administration to a degree. We need to figure out the timing for what makes sense for it.

Mr. Fisher distributed the following, a list of the current double incumbents. He said that the language in resolution is not really accurate – double encumbrance means spending money twice. That is not always the case. There are instances where one person is not being paid – they are on some sort of leave without pay.

PAY DATE	PAY PERIOD	DEPARTMENT NAME	EMPLOYEE NAME	JOB TITLE NAME	HWP POSITION KEY	LN	2ND INC DATE	Days	GR	ST	SALARY/PAY	4101 PAY	% POS SAL	
7/13/2018	14	DISTRICT ATTORNEY		AST DISTRICT ATTY	014031000057	2	3/9/2018	126	00	32	I	\$ 2369.00	\$ 2369.00	100.00 %
7/13/2018	14	DISTRICT ATTORNEY		AST DISTRICT ATTY	014031000057	1			00	32	H	\$ 2312.00	\$ 0.00	0.00 %
7/13/2018	14	DISTRICT ATTORNEY		PROCESS SERVER	014031000109	2	1/12/2018	182	00	22	M	\$ 1440.00	\$ 576.00	40.00 %
7/13/2018	14	DISTRICT ATTORNEY		PROCESS SERVER	014031000109	1			00	22	K	\$ 1405.00	\$ 843.00	60.00 %
7/13/2018	14	DISTRICT ATTORNEY		CONF D A INVEST 2	014031004033	2	1/12/2018	182	00	31	H	\$ 2110.00	\$ 0.00	0.00 %
7/13/2018	14	DISTRICT ATTORNEY		CONF D A INVEST 2	014031004033	1			00	31	L	\$ 2243.00	\$ 2243.00	100.00 %
7/13/2018	14	HEALTH DEPARTMENT		TYPIST 2	014043000209	2	1/12/2018	182	11	05	A	\$ 1375.00	\$ 1375.00	100.00 %
7/13/2018	14	HEALTH DEPARTMENT		TYPIST 2	014043000209	1			11	05	Z	\$ 1518.00	\$ 1518.00	100.00 %
7/13/2018	14	HEALTH DEPARTMENT		PROG COORD HLTHY	014043001795	2	5/18/2018	56	12	13	A	\$ 2567.00	\$ 2201.00	85.74 %
7/13/2018	14	HEALTH DEPARTMENT		PROG COORD HLTHY	014043001795	1			12	13	Z	\$ 2843.00	\$ 2843.00	100.00 %
7/13/2018	14	SHERIFF'S OFFICE		DS SGT (CUSTODY)	014079001668	2	5/4/2018	70	22	05	C	\$ 2668.00	\$ 2710.00	101.57 %
7/13/2018	14	SHERIFF'S OFFICE		DS SGT (CUSTODY)	014079001668	1			22	05	C	\$ 2668.00	\$ 2700.00	101.19 %
7/13/2018	14	SHERIFF'S OFFICE		CORRECTION LIEUT	014079001707	2	2/23/2018	140	11	12	3	\$ 2477.00	\$ 2489.00	100.48 %
7/13/2018	14	SHERIFF'S OFFICE		CORRECTION LIEUT	014079001707	1			11	12	Z	\$ 2566.00	\$ 0.00	0.00 %
7/13/2018	14	SHERIFF'S OFFICE		CORRECTION LIEUT	014079002046	2	1/12/2018	182	11	12	3	\$ 2477.00	\$ 2566.00	102.78 %
7/13/2018	14	SHERIFF'S OFFICE		CORRECTION LIEUT	014079002046	1			11	12	Z	\$ 2566.00	\$ 0.00	0.00 %
7/13/2018	14	SOCIAL SERVICES DE		CLERK 1	014081103090	2	7/13/2018	0	11	02	A	\$ 1169.00	\$ 1170.00	100.08 %
7/13/2018	14	SOCIAL SERVICES DE		CLERK 1	014081103090	1			11	02	Z	\$ 1290.00	\$ 0.00	0.00 %
7/13/2018	14	SOCIAL SERVICES DE		COMMUN SERV AIDE	014081106278	2	6/15/2018	28	11	01	A	\$ 1122.00	\$ 1096.00	95.00 %
7/13/2018	14	SOCIAL SERVICES DE		COMMUN SERV AIDE	014081106278	1			11	01	Z	\$ 1237.00	\$ 1238.00	100.08 %
7/13/2018	14	CHILDREN AND FAMIL		INC MTCE WKR	014083002751	2	1/12/2018	182	11	07	Z	\$ 1772.00	\$ 1772.00	100.00 %
7/13/2018	14	CHILDREN AND FAMIL		INC MTCE WKR	014083002751	1			11	07	Z	\$ 1772.00	\$ 1772.00	100.00 %
7/13/2018	14	CHILDREN AND FAMIL		CLERK 2	014083003186	2	1/26/2018	168	11	05	Z	\$ 1422.00	\$ 1422.00	100.00 %
7/13/2018	14	CHILDREN AND FAMIL		CLERK 2	014083003186	1			11	05	Z	\$ 1518.00	\$ 1518.00	100.00 %
7/13/2018	14	CHILDREN AND FAMIL		COMMUN SERV AIDE	014083006234	2	1/12/2018	182	11	01	3	\$ 1198.00	\$ 1199.00	100.08 %
7/13/2018	14	CHILDREN AND FAMIL		COMMUN SERV AIDE	014083006234	1			11	01	Z	\$ 1237.00	\$ 1238.00	100.08 %

Double Incumbent Positions - GENESYS report - pay date 07.13.2018 - pay period 14

Mr. Fisher said that the report comes out every 2 weeks. There might only be 8 – 10 at one time, but they come in and out all of the time. "You are going to be adding significantly to our work. You are also adding significantly to your work." In many cases these come and go in 1, 2 or 3 payroll periods. He referenced that the DA and the Sheriff have the largest amount of them. These uses immediately would become non-conforming. They would have to march over here and explain what they are doing. Departments already go through the VRR process; it goes to the deputy county executive, the payroll department sees it, the CFO sees it and checks it against the salary and staffing plan. Mr. Fisher said that if we start letting them use unfunded positions to double encumber, now we are creating significant risk that they will over spend their budget. By channeling it through the one funded position, and making them justify more than 100% of the encumbered salary on two people – that is a budgetary control. He said that if you do what Legislator Jordan suggests and use the

positions that are unfunded, and start funding them, that creates havoc in our budgetary control that is very important to us. Mr. Fisher said "It really seems to us that it is a solution in search of a problem."

Mr. Jordan disagreed stating that virtually at every budget time, we have requests to create positions. When we say that we want to eliminate a position, the response received is "well, there is already somebody in that position." Mr. Fisher referred to the above referenced report, pointing out that two of positions are not double encumbered, they are double incumbent. He said that it feels like the resolution is being rushed through. "Here we are ready to vote, and we just saw it last week." He spoke to the chairman to gather as much information as possible. This is 6 years; it didn't start with us and not unique to Onondaga County Government. It is a very common problem. There are 3 very common scenarios: 1. There is an overlap; 2. There is a retirement, person on the payroll but not here; 3. Leave without pay.

Mr. Fisher said that if the legislature mandates it, they will come over to program committee. He said "You will be astonished at how long it takes. It is a complete waste of time, because at the end to the day the money you give us, is the money we spend. We don't overspend our 101's. There are elected officials that do, and you don't call them to task. We don't." Chairman May said that this is not the forum to debate that issue, but takes issue with the last statement. He said that we call people to task when they overspend their 101; it's not an easy process for anybody when they do it. Mr. Fisher said "such as the comptroller?" Mr. Maturo responded that the Emergency Management Department is negative right now in the 101, and we haven't posted payroll. "You have had payrolls going negative every pay period since April. These people are not monitoring payroll."

Chairman May said that there is a general understanding for why we need to double encumber. He said that his personal opinion is that we will forever be unable to predict what the future circumstances will be. He agrees with the premise of the resolution. In looking at the last RESOLVED clause, and requests being made to the legislature as soon as practicable – it is open ended. It could be left to interpretation as to how and when it should be done. Let's define what is practicable, and take consideration of timeline or some kind of approval process that is coincident with legislative approval if needed. Mr. Jordan agreed that he is willing to discuss this further. A lot of the language came to him from the Law Dept., and that language specifically came from them. Chairman May said that if we focus on the policy, we can come up with something that everyone can work with.

Mr. Ryan referred to the first item on the Mr. Fisher's hand out (DA) and asked for clarification. Mr. Fisher said that it is a double incumbency – incumbent 1 is not being paid, so it is not double encumbered. The financial affect is far less than the count. They are not paying both positions; elected officials don't ask the administration, but we do go back and ask the DA and Sheriff if they have money for these. Sometimes they do; sometimes they don't; the current Sheriff works closely with us to track the appropriation that you have given. Mr. Ryan said that under this resolution the DA would have to come to a program committee and ask for the approval for the expenditure. Mr. Fisher said that the resolution as drafted doesn't speak to appropriation; it speaks to filling a position. To double encumber, they would need the legislature's permission. Right now they don't; right now they can't overspend their budget, but can double encumber that position title. Before they can double encumber, make a job offer, ask Civil Service to research the position and figure out if the person is eligible – this doesn't allow us to violate Civil Service rules. They still have to go to Civil Service. Now they have to figure out at what point they interview, make a job offer; if they are not sure that the legislature will let them fill it – it adds to the complexity very quickly. Mr. Ryan said that it sounds like it is budget neutral – person is out and not being paid and the person coming in behind them is getting paid, then we haven't spent any additional money. He said his problem is with the complexity of it – every time they have to come back and forth. He questioned if we are beginning to over manage or micromanage and inhibit departments from their ability to conduct their business. Mr. Fisher said that it happens a lot; we will be over here dozens of times. If this goes through and we are barred from filling positions using double incumbent logic, then we would not be able to make a job offer. It changes the hiring process; it has very significant domino effect in our business processes.

Chairman May said that this has been discussed; let's look at what "practicable" entails.

c. Memorializing the Governor and the Legislature of the State of New York, along with all Residents of Onondaga County, and Business Owners to Adopt the "ThinkDIFFERENTLY" Initiative to Assist Individuals with Special Needs (Sponsored by Mr. McMahon, Mr. May)

Chairman McMahon:

- NYSAC resolution
- Each year county leaders get together in a bipartisan fashion and come up with different causes, policy initiatives
- This stemmed from Dutchess County, now over 100 communities throughout the state have adopted a ThinkDIFFERENTLY approach – it is really simple and whatever each county wants to make out of it.
- It is about the way we act/try to act in more of an inclusive way for our residents who have special needs and disabilities.
- Our community hasn't officially adopted a ThinkDIFFERENTLY community yet, but does things everyday -- i.e. Challenger Field, reinstating Human Rights Commission, first legislative body to have an appointment to the CENTRO Board with a person who has a disability and her inability to use the bus is a problem – now a voice there for people with disabilities
- Whether it's just the arts organizations turning down the volume for people with sensory issues
- Resolution calls us a ThinkDIFFERENTLY community and it is up to civic leaders to call on residents, businesses and other groups to try to take this initiative and make it our own

Chairman said that this is great; it speaks to the culture and attitude of this legislature in a variety of different ways.

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

b. Increasing Opportunities for Participation within Onondaga County's Systems of Procurement and Contracts for Certain Under Represented Populations (Sponsored by Mrs. Ervin)

Mrs. Ervin:

- Practice under a MWBE program for over 30 years; have had a compliance officer that looks at contracts
- Live in a community that we know needs people to work and not come to the Civic Center taking a handout
- MWBE businesses are small businesses that are able to be hired and bid on bigger projects, county projects
- Make that possibility a policy, so there is no question about how we are doing this – taking what the county has been doing and making it into a policy
- Adds veterans piece – disabled veterans need to be a part of this process also

- Looking at populations that don't get a chance to typically be a part of the bigger projects unless something like this is in place; creating a situation where they will be able to do that; in turn they are hired by other bigger firms
- Understands from executive branch that documents that went out say 30% to major contractors without any problem. If they have a problem, the project still goes on, but there is flexibility – these are goals, not mandates.
- The 30% goal says that contract A will try to find 30% within his hiring process; if he can't find it, but has some good faith effort to find it, then we still go forth with the project
- The state's 15-A law is goal based, not mandates – being flexible, but at the same time making certain that people are doing what needs to be done to include all of these firms
- This policy should have been in affect already -- the numbers may have changed over the years; but have done it successfully and want to keep doing it.

Mr. Trombley said that he appreciated the opportunity to work with Legislator Ervin on this proposal. He said "When legislators get ideas, it would be to the benefit of all of us if you worked with us, rather than leave us out of your decision making process. As much as you encourage us to come over and speak to you about what you are doing, the same courtesy extended backwards would be refreshing with some membership."

Mr. Trombley:

- Goal based program, mirrors State's Article 15-A executive law
- County matches goals: need for some left out of economy to be meaningfully participating in contracting opportunities
- MWBE emerging businesses – giving them that opportunity is something that all of us should support
- Goals partnered between contracts and subcontracts – do not see a frequent number of issues related to this program
- 15 years monitored participation on projects and percentage of plans that require waivers (didn't meet goals). Every year there are projects that require waivers – typically because there is lack of availability for specialty items
- Formalize a program that has been in place for many years; has been impactful – seeing minority woman business grow
- Adding veterans component to match NYS – should do and keeps us compliant with NYS funding sources
- Work together with business community; positive relationship; an occasional vendor will frustrated, been successful

Mrs. Ervin noted that at the last session, we heard from a lot of folks that have been doing this work – their goal is to grow their business, help somebody else by hiring other people, which helps our economy. She said that putting the practice into policy is the right thing to do and should be done as soon as possible. Mr. Trombley added that there are multiple counties and cities across NYS that do similar programs.

Mrs. Ervin noted that when we were building the amphitheater she spoke to the County Executive and Chairman McMahon about making sure going forward that we look at the same kinds of things as the goals that we were using because it was working so well. People were being hired that had not had a chance to be hired before. She said that she doesn't think anyone sitting around the table today objects to the point that we need to do this. If there is something in the language of the resolution that needs to be addressed, let her know.

Mr. Plochocki referred to Section 6 of the resolution--best value--weight awarded contract, and asked if that is something that is done already or changing the process. Mr. Trombley said that best value allows considering factors beyond just price when goods or services are awarded. Instead of doing low bid, it is best value. He referred to Dutchess County's policy – spells out evaluation criteria, MWBE participation between 10% - 40%, depending on the project; veteran owned businesses are 10% - 40%, and other factors that can go into a best value award. Mr. Trombley said that Onondaga County has not done a best value bid. He thought it was something that should be put into the resolution at this time, so that should they go forward with it, there are no surprises.

Chairman McMahon asked how the the 10% number was determined. Mr. Trombley said that cost has to be a factor when awarding bids; if there are other factors to look at, the cost always has to be 51% - it can't be lower. He and Legislator Ervin thought that 10% was an appropriate percentage for minority, women, and disabled veterans.

Chairman McMahon noted that he had a local law for made in America, New York State, Onondaga County, and received a lot of push back for it. His legislation was watered down significantly and asked what the difference is with this process. Basically this is saying that if you meet the MWBE goal, you get a 10% discount in what you are bidding. Mr. Trombley said that if your bid came in at \$109,000 and the low bid was \$100,000 you would get the credit. Chairman McMahon questioned why it could be done here, but not with his legislation. Mr. Trombley said that in best value you could contemplate buy American; local might be more troublesome. He said that they look at creative ways to make sure local business, or businesses within a certain radius of the county, are factored in as high as possible. He reiterated that a best value bid has not been done; does not have an intention in the near future. Chairman McMahon said that there is true value in giving preference to local people, or local products, but does not know if 10% is the right number.

Mr. Trombley said that when a best value bid is done, the criteria for award has to be established at the time of bid and it has to be specific and give numeric value. When the bid comes in, the points are already established based on the bid submission.

Chairman McMahon said that this has been a good process. He wants to be clear that these business owners can compete on their own for work; they are not just being given jobs because they are minorities or woman owned businesses. This is really an opportunity to use local government's purchasing power to increase opportunity within their own communities and resume building. The resume building happens beyond our minority contractors. When the amphitheater was built, there was very large contractors or engineering firms that hadn't worked on amphitheaters before. Now they have and can compete across the country for that work.

To the business owners that spoke (at session last month), he said that we recognize that you don't need this program to do your job and put food on your families' plates. This is an opportunity to further create economics in communities that need help.

Chairman McMahon said that one colleague was proposing legislation which had a disparity study involved, and a freezing of the current program under the premise that the current program may not be legal. He said that was more problematic than having the disparity study. Now we have this legislation discussing the policy.

Chairman McMahon referred to the current legislation, and understood that it was a 30% goal, not 36%. Mr. Trombley said that it is 30%; in 2014, Article 17-B, the NYS authorized a Service Disabled Veteran Owned component. It now has to be accounted for on state grants. It doesn't make sense -- if we are going to put out contracts, particularly for longer terms, we want to be able to use those contracts to do projects inside Onondaga County, towns, and villages. We want to be sure that we have all of the components that the State of New York is going to require, so that at the time that we go to do a project, we don't have to stop and renegotiate our own contract, or re-issue a new bid for a specific project, when we have these contracts in place already. Chairman McMahon said that he understands matching,

and that if we want the state money, we have to play by the rules. Philosophically, he believes that we should try to keep every dollar within Onondaga County with everything we do through procurement. He said that his concern with the 6% is that NYS came up with that number – and asked how many business owners there are. Mr. Trombley said that there are 24 businesses on the current Service Disabled Veteran Owned Business (SDVOB) website that the state maintains. The state has a sample A and sample B for procurement – if you cannot identify SDVOB within your region that matches the ability to perform the work, your goal gets reduced to as low as zero. Component language is added that the State provides which basically says “we encourage you to solicit SDVOB on this project, but it is not required. In answer to Chairman McMahon, Mr. Trombley said that Onondaga hasn’t personally done a project with this, but referenced that it is being done elsewhere, i.e. City of Oswego.

Chairman McMahon said that he has received a number of letters from groups and questioned what their concern is and why they are wrong. Mr. Trombley said that everything that is done in purchasing and law has levels of risk. The county has conducted this program for 30+ years and has yet to be sued for it. The groups want to tell you that your program is illegal and what is being done is wrong. In answer to Chairman McMahon, Mr. Trombley said that if we are going to shut down everything we do in county government based on the fact that we are going to be questioned or have a lawsuit, we won’t get much done. Mr. Trombley said “In essence it boils down to crying contractors who have large investments and large amounts of money already in the bank, and are earning a substantial amount of money from Onondaga County in the scope of millions of dollars a year and over the course of many years. They want 100%, and if you tell them they have to take away 5%, or share with others... you talk about local, if you put in a restriction that says local, what about businesses outside of Onondaga County that are major performers of county work.” He said that he won’t verify anybody else’s argument. Throughout the course of this program’s history, since early ‘80s, every step of the way, when trying to assist people who are disadvantaged in the market, challenges will come. If you insist on doing a disparity study and the results come back, the results may get challenged. Regardless of the argument, it boils down to priorities and making sure the program is conducted in a fair way. “We believe that a goal-based program is completely appropriate; it has been going on for 30 years; we see no reason why we shouldn’t continue in the manner we are. A disparity study will show that our program is at or about the right numbers.” He noted that Mason Tillman did a study in 2016; in a six county region, if you add up the minority component, it is 14.5%; the women component is 25.5%. There are women and minority owned business that have capacity in CNY - if you narrow it down to just Onondaga County, you may get numbers that are higher than what we are asking for in our goals. The attractiveness is that we can, then hold vendors to those numbers at a much more restrictive and firm commitment to the number. He said “we would rather work with our vendors in cooperation, as we have for the past 30 years, to get them to 30% goals without having to litigate it and/or have it be a relationship that is adversarial.”

*Mr. Plochocki left the meeting,

In answer to Chairman McMahon, Mr. Trombley said that an estimated cost of a disparity study is in the neighborhood of \$500,000 - \$1,000,000 based on our size. He added that to look at other factors within the whole program, it might be upwards of \$1,000,000. Mrs. Ervin referenced the time to do it—in Connecticut it took 5 years and it cost them millions of dollars; it didn’t show them anything different than what they already knew.

Chairman McMahon asked if there was a number for the growth in minority and women owned businesses. Mr. Owens said “knowing the minority business community the way I do, I can pretty much say that there has been a decline prior to this administration’s strategic effort to increase it, along with the legislature’s effort.” He said that the construction business had picked up over the last 10 years. Chairman McMahon questioned - to put into years, it is from 2010 – 2018 there might have been a decline in numbers and now it is steady. Mr. Trombley said that the U.S. Census Bureau’s most recent number shows that there are 34,682 firms in Onondaga County; men owned is 58.22%; women owned is 31.99%; minority is 13.17%; veteran owned is 8.83% -- there may be some overlap in some categories. Eighty percent of Onondaga County’s population is white. Looking at temporary assistance and public assistance --- 33% of male heads of households are black, 9.5% are Hispanic; 8% are Asian. For female heads of households: 43% are black; 13% are Hispanic. It is very clear that there is a disparity for minorities and women in our county. That exact number is what we are trying to combat.

Mr. Trombley said that the County Executive’s number one priority is an equal opportunity employment. Having minorities, women, veterans working on our jobs sites, so our job sites look like our community and are reflective of our community, so that when folks are travelling around and seeing the projects, they see people that look like them working on our jobs.

Chairman McMahon said that there is history on the MWBE goal; the goal on procurement overall is that we do everything we can to keep every dollar within the community. We need a strong program; at the same time there are some underlying questions that he is not comfortable with, and feels Law Department needs to weigh in on some of the other things that have been out there as well. He thinks this needs a little more time.

Chairman May agreed with Chairman McMahon. He said the Mr. Trombley is referring to a lot of good information; and it would be great to have that information. A range of topics was covered from justification to facts and data to support insertions.

Chairman McMahon said that he is trying to understand the premise to the opposition to our program – and questioned if it is that legally they need a disparity study. Mr. Durr said that it is some of the opposition. Mrs. Ervin said that there is no requirement to have a disparity study. Mr. Jordan said that this is a U.S. Supreme Court case – City of Richmond vs. Croson, which is what all of this is based upon. They very clearly said that you can’t have preferences without having factual evidence to support that there has been past discrimination. He said that whether we like the decision or agree with the decision or not, that is what the U.S. Supreme Court has said. That is where all of this having a disparity study methodology came in – to provide that evidentiary, factual basis for it. Mr. Jordan said that the State of New York did a disparity study; that is what the state statute is based upon. Chairman May said that we have gotten to understand that position a lot better.

Chairman McMahon said that with the goal being maximizing local dollars to local people, this legislation may do it, but needs to understand the best value approach too.

Chairman May said that this came about in response to the other resolution in the request for a disparity study. Mrs. Ervin agreed. Aside from that, he asked if we are aware of any other threat or concern over current practice as it exists today. Mrs. Ervin said “no.” She added that this is not reacting to a threat; this is making sure that we have a policy that codifies what we are already doing. Chairman May said that the other resolution is not on the table today.

Mr. Jordan said that his concern is the possible constitutionality of what we are going. It is referred to as policy, but there are very strict requirements within this and based upon the City of Richmond vs. Croson decision. He said that he is concerned; in this situation we have the highest court in the country that has very specifically indicated what the requirements are to have an MWBE program, and unfortunately does not see that we have the evidentiary, support that the U.S. Supreme Court says that you need to have. That was a

requirement, not a policy, and doesn't know whether that distinction is exculpatory or not. He said he would like to have some legal input on it.

Mrs. Ervin said that this is goals. Mr. Trombley said that Croson vs. Richmond talked about specific set asides; that you had to have a history, and had to go through steps. This is a goal program. The requirement is that they submit a plan, allowed under the executive authority for contracting. Once they submit a plan and commit to using minority, women, or veteran contractors, we will hold them to that. The plan is a partnership between the prime contractor, subcontractor, and county, ensuring that opportunity on the project was considered. There are frequent programs and contracts that get signed that do not have 30% on it. Last year there were 7 plans that were waived.

Mr. Trombley said that because of one out-of-town vendor, raising a ruckus about one contract, we sit here today. "It is an unfortunate attempt by those who have a large amount of money, to influence an entire program that is benefiting many people in Syracuse. I implore the legislature to support a program that puts Onondaga County's interest above that of a rich vendor from outside of the county.

Ms. Williams agreed that this is a goal based initiative that we have been doing, and whatever is happening in Supreme Court is totally different. She agreed with Mr. Trombley's statement, and said that all of this ruckus is about an out of town vendor with millions of dollars, while people that look like her live in poverty. She gave praise to the county executive and everyone when it started with the amphitheater. She said "we were able to see that this program was working; it increased numbers and put people to work so that we were not increasing capacity across the street. I take offense that we have to have this discussion."

Mr. Knapp referenced all of the speakers at the last session and said that he was taken aback by the hard work and a lot of the success that is going on. Obviously, these folks aren't living on county contracts, but it gives them the ability to get in the game and build a resume. He said that he appreciated their comments.

Mr. Knapp asked if any other city or county north of NYC has done a disparity study; Mr. Trombley said "no." Mr. Trombley said that we participate in the Upstate Consortium of Minority and Women Business Compliance Officer with folks from other big cities. All are using 15-A as their authority to contract. None of them have any challenges legal or otherwise on the books today.

Mr. Ryan clarified – Dutchess and Erie did not do a study, and were not sued. Mr. Trombley said "not at this time." It was noted that Rochester and Syracuse have not been sued. Mr. Trombley said that he City of Syracuse is at 20%; we are matching the state's number and their guidelines. Mr. Ryan said that we would be better served to go with the state's standards versus an arbitrary number.

Mr. Knapp said that our current program has been successful and supports it, but this has changed that program a little bit. He has been pushing for the veterans. He wants to look at how the 6% is being added and how it all works, as well as best value. He agrees with Chairman McMahon that he would like a little more time. Mr. Trombley said that if you want to back out the best value piece and talk about an overall best value strategy, that is a worthy conversation. Mrs. Ervin agreed. Mr. Trombley said that the intent was to be open and transparent with all the options on the table. Mr. Knapp said that the current program is not under attack; with the disparity study, especially with the cost, it is a discussion for budget time. Mrs. Ervin said that she has no problem with massaging the resolution, but would really like it done between now and session, and wants it on the agenda. She said that there isn't any reason to wait until September or October to do this.

Chairman May referred to the public comment period at the last session; he thought it was excellent--hanging on every word. He said that he believes in our practice and our program -- its concept and purpose. Going to policy, is the next level. Legal and logistical concerns were raised, and he has asked for the salient points as back up. He wants to get the facts from it and it would be good to get that information. He said that we can look at and talk about goals, tweaks and have a plan and objective. It has been discussed and there is flexibly to to whatever Mrs. Ervin sees fit.

No vote was taken.

5. PARKS & RECREATION: Bill Fisher, Deputy County Executive
a. INFORMATIONAL: NBT Stadium Lease

- Hope to come in August with a local law and a couple of budget resolutions
- 8/16 authorized modifications of the lease with the Community Baseball Club of CNY
- Co. Executive signed an extension of lease – took it through 2025
- Subsequently, the NY Mets bought the team – discussions with Mets about extending lease beyond 2025
- Mets want to know if they extend the lease, will stadium still be in good, working condition
- In newspaper - a recent survey of the 14 ball parks in the National League and we came in last
- Mets want to know what our plan is for renovating the ball park
- Originally built with \$26 million of state money; \$4 million of county; \$1 million of Toronto Blue Jays
- Are in conversations with NYS and Mets - hope to have a tentative agreement by the end of baseball season – Labor Day
- Legislature's session is the next day – if all goes well, there will be an agreement with the Mets and NYS for approval
- Perhaps naming rights will be part of it

Mr. Knapp asked if the survey talked about the issues that made us 14 out of 14. Chairman McMahon said that it is fan experience type issues. Minor League Baseball stadiums are being built as development anchors. There are mixed use components around them in Augusta, GA. He said that we can't do that; in this process we can look at more ways of trying to have connectivity from the ballpark to the Market, to DestiNY, the Creekwalk, and the lake. The stadium is old; the bones are good. Mr. Knapp asked if it is physical things that we can do. Chairman McMahon said that it is probably some things to enhance fan experience and revenue opportunities. Basically, it needs almost everything to bring it up to standards – the conversations with the team have been about options A, B, and C option. "C" would be if we had an unlimited budget; "B" would be needs and a couple wants; "A" would be things that would be needed to operate it. Obviously, the stronger state investment and local investment in the facility will appeal to the Mets more; the other key piece is towards AAA baseball specifically.

Chairman May asked if there is a price tag. Chairman McMahon said that C was about \$60 million; B was about half of that; A was about \$20 million. Mr. Fisher said that some of the things focused on are: the stadium has too many seats; you can't walk around it. People show up for the game, socialize and walk around – some type of 360° concourse. Parks Dept. has engaged a firm to study the

geotechnical issues and are taking borings now. As soon as we get that information, we will have a better idea of how expensive it will be.

Chairman McMahon said that it is all about fan experience and a lot less about the quality of baseball. It's about keeping the people in their seats and spending money; these types of amenities are really necessary.

Mr. Fisher said that there have been conversations with Mets with them getting much more involved in selling sponsorships. In the past the Blue Jays and Nationals didn't get involved in selling anything; it was done by the Community Baseball Club, but they didn't have the money. There wasn't any strong marketing programs. He referred to the amphitheater with SMG and Live Nation pushing the sponsorship programs – there are opportunities for naming things, pouring rights, and other ancillary revenue. The Mets are interested in doing that. Since it's not just going to be a Major League Club and a different corporation, but the Major League Club owning the team that plays here. The Nationals are leaving after this year, and it will be Mets players. Mr. Fisher said that the change the lease, to share sponsorship and naming rights revenues, will require the legislature's approval. Right now the county keeps 100% of the naming rights.

In answer to Chairman Knapp, Chairman McMahon said that 25 years is the goal to have a commitment from the Mets. Mr. Fisher said that they are planning to as Major League Baseball and Minor League Baseball to re-name the team – hoping that approval for that, funding, and a long-term extension on the lease, will all come together before the last game on Labor Day. Mr. Knapp asked about an announcement. Mr. Fisher explained that the legislature meets the day after Labor Day, and they don't want to be presumptuous or act before the legislature is comfortable with them making any kind of announcement.

Chairman May said that it is a tight timeline and asked that any and all documents that can be shared be done so along the way with the legislature, as it is going to be very helpful through process. Even if it is just a couple of pieces, it would be better than getting it in the packet or at Ways & Means. Mr. Fisher said that they will bring as much information as possible to the County Facilities Committee on the 15th.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Deborah L. Maturo

DEBORAH L. MATURO, Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: *Ways & Means*

DATE: *7/26/18*

NAME	DEPARTMENT/AGENCY
PLEASE PRINT	
<i>Melissa Gould</i>	<i>Construction Employees Assoc.</i>
<i>Nendi H.</i>	<i>FD</i>
<i>Steven Morgan</i>	<i>Times</i>
<i>Jim Maturo</i>	<i>Comptroller</i>
<i>Andy Trumbly</i>	<i>Purchasing</i>
<i>Emily Day</i>	<i>Purchasing</i>
<i>Chae Rums</i>	<i>Personnel</i>
<i>Ken Andrews</i>	<i>OCSO</i>
<i>Sean Sparks</i>	<i>911</i>
<i>Bill Bleyke</i>	<i>EGU</i>
<i>Emanuel Henriksen</i>	<i>JHP Industrial Supply Co Inc</i>
<i>Sue Stanczyk</i>	<i>Leg</i>
<i>Bill Rinne</i>	<i>LEG</i>
<i>Tori Reads</i>	<i>WEP</i>