

**Office of the Onondaga County Legislature**  
Court House, Room 407 \* 401 Montgomery Street \* Syracuse, New York 13202  
(315) 435-2070 Fax: (315) 435-8434

DEBORAH L. MATURO  
Clerk

JAMES M. RHINEHART  
Chairman

JOHANNA H. ROBB  
Deputy Clerk

**COUNTY FACILITIES COMMITTEE MINUTES, NOVEMBER 8, 2010**  
**KATHLEEN A. RAPP, CHAIR**

**MEMBERS PRESENT:** Mr. Dougherty, Mrs. Tassone, Mr. DeMore, Mr. Kinne

**MEMBERS ABSENT:** Mrs. Rapp, Mr. Lesniak, Mr. Masterpole

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

Mr. Kinne called the meeting to order at 9:15 a.m. *Motions was made by Mr. DeMore, seconded by Mr. Dougherty to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.*

Mr. Kinne took the agenda out of order.

**2. TRANSPORTATION:** Brian Donnelly, Commissioner

**a. Authorizing the Sale of County Highway Property Located in the Town of Camillus to David Underwood and Tina Underwood (\$3,800)**

Owners of adjacent land have requested to buy 2.5 acres of highway right-of-way. Owners were responsible for obtaining and paying for an appraisal. County will still have 40 ft. of right-of-way for highway maintenance purposes. Land was acquired in the 1970s when there was a thought of expanding Newport Road as a thoroughfare between Baldwinsville and Camillus; need never developed after the installation of Rt. 695.

*A motion was made by Mr. Dougherty, seconded by Mr. DeMore to approve this item; passed unanimously; MOTION CARRIED.*

**1. ONONDAGA COMMUNITY COLLEGE:**

**a. Confirming an Appointment to the OCC Board of Trustees (Allen J. Naples)**

Ms. Tarolli advised that Mr. Naples would be completing the term of David Murphy.

*A motion was made by Mr. DeMore, seconded by Mrs. Tassone to approve this item; passed unanimously; MOTION CARRIED.*

**b. Overview of OCC's 2011 – 2016 Strategic Plan:**

Ms. Wendy Tarby, Dir. of Institutional Effectiveness, provided a handout entitled "Creating Our Future – Onondaga Community College 2011 – 2016 Strategic Plan" (*on file with Clerk*). They are now in the second of three phases: Focus – generating ideas and brainstorming (have almost 500 ideas from their campus constituents). Ms. Tarby extended an invitation to the legislators to participate in the process by taking part in a community discussion round table to be held in December, invitations will be sent.

**c. Veterans' Video:** Mr. Paul Holzwarth, Program Coordinator – Office of Veterans' Affairs

This past year OCC was one of twenty colleges selected to receive the American Council on Education grant through Wal-Mart; as a result of that, they have been able to expand veteran services at OCC. Mr. Holzwarth showed a video that will be used to help with their outreach efforts.

The meeting was adjourned at 9:23 a.m.

Respectfully submitted,

Johanna H. Robb, Deputy Clerk

\* \* \*

**PLANNING & ECONOMIC DEVELOPMENT COMMITTEE – NOVEMBER 8, 2010  
KATHLEEN A. RAPP, CHAIR**

**MEMBERS PRESENT:** Mr. Dougherty, Ms. Williams, Mr. Stanczyk, Mr. DeMore

**MEMBERS ABSENT:** Mrs. Rapp

**ALSO PRESENT:** Mr. Rhinehart, Mr. Masterpole, also see attached list

Vice Chair DeMore called the meeting to order at 9:40 a.m. *A motion was made by Mr. Stanczyk, seconded by Ms. Williams to waive the reading and approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.*

**1. SOCPA:** Megan Costa – Planning Services

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

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

**b. Amending the 2010 County Budget to Provide the Syracuse-Onondaga County Planning Agency with Additional Funds Beyond the Estimated Dollars Appropriated in the 2010 Budget, and Authorizing the County Executive to Amend the Contract with the Syracuse Metropolitan Transportation Council (SMTC) to Implement this Resolution (\$394,956)**

*A motion was made by Mr. Stanczyk, seconded by Ms. Williams to approve this item. Passed unanimously; MOTION CARRIED.*

**2. COMMUNITY DEVELOPMENT:** Nina Andon-McLane – Administration Planning & Funding Coordinator

**a. Amending the 2010 County Budget to Accept a Restore Grant from the N.Y.S. Housing Trust Fund Corporation for the Community Development Program, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$75,000)**

- Emergency repairs for low income elderly homeowners
- Funding for 10 homes
- \$15,000 maximum per house (\$7,500 matched with \$7,500 block or home grant funds)
- 4 recent calls with emergency situations
- Large waiting list
- Average wait - 3 plus years
- First 50 people on the list will be notified funds are available

Mr. Stanczyk stated the department needs to refocus on its core mission of retaining home ownership. They have gotten sidetracked with building new homes and lead grants. Ms. Andon-McLane responded they have managed to assist a number of elderly people through the lead grants; as long as they have a grandchild under the age of six who regularly visits their home. They have applied for a new \$1,000,000 grant program to be used exclusively for the elderly.

*A motion was made by Ms. Williams, seconded by Mr. Stanczyk to approve this item. Passed unanimously; MOTION CARRIED.*

**b. Amending the 2010 County Budget to Accept an Access to Home Grant from the N.Y.S. Housing Trust Fund for the Community Development Program and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$400,000)**

- Grant is targeted for the low income elderly and disabled
- Provide ramps, bathroom modifications and other accessibility modifications
- 15 people currently on the ramp waiting list
- Funding for 32 homes
- \$15,000 per house maximum
- Copy of the deed is obtained for participation

Mr. Stanczyk stated that focus needs to be maintained on the home owner; not rental property. Ms. Andon-McLane replied that HUD has stated that they don't do enough for rental property. They always favor owner occupied residences. The current lead grant requires rental property owners to provide a 50% match for funds.

In answer to Mr. Rhinehart, Ms. Andon-McLane stated that she does not believe there is any issue obtaining contractors to perform the work. Mr. Rhinehart stated he had two homes in his district that needed ramp and bathroom modifications. In both situations, the process was slow. In one case the person passed while the work was still being completed. In the other case, the person passed within 30 days. The home was sold and the ramp was taken down. May not have been the best use of funds. Ms. Andon-McLane stated that they usually do outreach every 3-4 months for ramps. Mr. Rhinehart asked if there was anyway to make this whole process quicker. Ms. Andon-McLane replied she would address this at the next staff meeting.

*A motion was made by Ms. Williams, seconded by Mr. Dougherty to approve this item. Passed unanimously; MOTION CARRIED.*

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

\* \* \*

**PUBLIC SAFETY COMMITTEE MINUTES – NOVEMBER 9, 2010  
CHAIRMAN PATRICK KILMARTIN**

**MEMBERS PRESENT:** Mr. Dougherty, Mr. Meyer, Ms. Williams, \*Mr. Masterpole

**ALSO PRESENT:** Mr. Buckel and see *attached list*

The Chairman called the meeting to order at 9:03 a.m. *A motion was made by Ms. Williams, seconded by Mr. Dougherty to waive the reading and approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.*

**1. EMERGENCY COMMUNICATIONS:** William Bleyle, Commissioner

**a. Authorizing the County Executive to Enter into Intermunicipal Agreements to Share Onondaga County's Master Site Server Located at the E-911 Emergency Communications Center**

- Master Site server is the smallest size available
- Capable of expanding to accommodate additional regional zones with multiple users
- Zones are capable of operating independent of each other
- Interoperable capabilities if desired
- \$1.5 million Master Site infrastructure was paid for via grant funds
- Master Site activated February 2010
- Approximate annual maintenance fee \$250,000
- Master Site users share equal cost for maintenance, upgrades or replacement
- Cayuga, Madison and Oswego Counties currently building out regional systems compatible with Onondaga County
- No contract in place; currently seeking authorization for contract and working on draft agreement
- No single point of failure for the system
- Master Site is the brain with software adjustments completed through the Master Site
- Prime Site is the back up, capable of functioning without the Master Site
- Each county will have its own Prime Site located within their county
- No anticipated budget ramifications; services will be provided using existing personnel and equipment
- Participating counties responsible for all cost necessary to interface and communicate with the Master Site
- Master Site maintenance will not increase with additional users
- Counties will have user privileges allowing them to add equipment to the site; additions are currently processed by Onondaga County Personnel
- If Onondaga County performs the service they will be charged for time and materials including fridge benefits
- Benefits to Onondaga County include:
  - Increased interoperability with neighboring counties for public safety
  - Shared maintenance cost (potentially saving up to \$187,500 per year)
  - Personnel cost savings
  - Savings on hardware and software upgrades (potentially up to 75%)

\*Mr. Masterpole arrived at the meeting.

Chair Kilmartin questioned if there were any other possible cost. Mr. Bleyle responded that they are looking at the power cost. Trying to determine what it cost to operate the Master Site. They may ask tenants to share in this cost. Possible tenants have been advised of such. Additional users will not increase the power necessary to operate the Master Site.

Mr. Dougherty stated there are a number of accessorial charges and cautioned that they must be spelled out in the agreement.

Mr. Bleyle stated that Cortland County may be a fifth addition. Cortland County currently works closely with Tompkins County but is considering Onondaga County for shared Master Site services. Additional users above and beyond those mentioned could be added.

In answer to Mr. Meyer, Mr. Bleyle stated the Master Site agreement does not impact the towers in Onondaga County. Currently operating at 99% coverage; exceeding expectations. Our infrastructure will be unchanged by this agreement. Outside counties will be responsible for the build out of any towers they may need.

Each county will have its own system. It will be blind to Onondaga County, unless we wish to have them interoperable. This system simply allows them to share the brains of the computer.

All Public Safety agencies in Onondaga County are currently on this system. In order to obtain the frequencies necessary to operate the system agreements were made with school districts, village and DPW agencies. We provide them access to the system and replacement equipment; in exchange they give us their frequencies. Currently in the process of bringing them on board and anticipate completion by early 2011. Next we will be looking at municipal agencies interested in coming onto the system; for example Syracuse University's Public Safety Department. We are currently working on a pricing structure for these entities.

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

**b. Authorizing the County Executive to Enter into an Agreement with the Town of Camillus for Services Related to the New York State Police Information Network (NYSPIN)**

- Renewal of existing contract with the Town of Camillus
- No change in services to be provided
- Increased cost to the Town of Camillus

- Rate paid annually
- Fixed fee based on average number of NYSPIN communications sent over the past 3 years
- No increased cost to the county; services provided using existing personnel and equipment
- \$6,000 in revenue to the county

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

**2. SHERIFF:** Daniel Schuster – Director of Administrative Services

**Informational: Police Academy Merger - Chief John Balloni**

- Frame work of the agreement was reach by the committee over the summer
- Next step - defining academy operations and funding
- The City of Syracuse has prepared a Memorandum of Understanding detailing the relationship between the Syracuse Police Department and the Sheriff's Department as it relates to running the academy
- Sheriff and Law Department have reviewed the memorandum
- A few issues need to be resolved before advancing the memorandum
- Sheriff will be meeting the Police Chief; optimistic he will have more information to report at the December committee
- Finalized memorandum will come before the legislature for approval
- Time line discussed based on need, would provide an for an academy in April of 2011
- One fixed calendar for all agencies
- Anticipate the Syracuse Police Department will house the academy
- Academy for police officers only; not for correction officers

In answer to Mr. Meyer, Mr. Schuster confirmed that outside agencies currently receive a credit for instruction services. He is not sure if this will continue. Funding of the academy has not been resolved. Chair Kilmartin added that the financial model is something that was been discussed and analyzed in the committee meetings. It will be a big part going forward. Not only how the academy is formed and administered but also cost sharing and any credit that will or will not be provided to agencies with an eye towards equality.

In answer to Mr. Masterpole, Mr. Schuster stated one of the issues they are still working on is instruction. Currently the Sheriffs' office provides very little instruction. Most of the instruction comes from other agencies. Both the Syracuse Police and Sheriff Department will be expected to provide instructors with the merged academy. The Sheriff does not want to provide increased instruction; increasing the cost of operating the academy. The expectations need to be discussed further before entering into an agreement.

Mr. Masterpole stated that he believed the formation of a joint academy stemmed, in part, from the large amount of overtime used by the Sheriff's department for instruction. Mr. Schuster responded that in 2008 there was a great deal of overtime. Since that time the Sheriff has reorganized. In the last couple of years they have had less then \$1,000 in overtime cost associated with the instruction of the academy. Currently there are two individuals assigned to the Police Academy. They provide for operations and limited instruction. At times there are others whom provide instruction however, it is not on an overtime basis.

Chair Kilmartin added that three components were the driving force for the joint academy. Overtime for services provided at the academy was one issue that has been corrected. Secondly the Sheriffs' department was paying OCC \$80,000 per year to run their academy. This has been eliminated; it was not paid in 2010 and will not be paid in 2011. The third point is the base salary for the Sheriff Department employees dedicated to the academy. This is something that we will continue to look at in the financial model. Making certain that it is proportionate and equitable as to the number of people going through the academy and who is providing service.

In answer to Mr. Masterpole, Mr. Schuster stated that the Sheriff does not anticipate having a class in 2011 due to budget constraints. They will look for lateral transfers to fill any vacancies. The 2010 Academy did not include Sheriff Deputies. He believes they hired two or three lateral transfers in 2010.

Mr. Meyer asked if there would be some consideration for reorganizing with the memorandum. Mr. Schuster responded that there is not much room for change. There are only two people assigned to the academy. Mr. Meyer pointed out that if the Sheriff was not sending anyone to the academy, it would not seem as though they should be paying to staff it. Chair Kilmartin added there are two major components, staffing/administration and instruction. This will be looked at in the financial model going forward.

**Chairman Kilmartin asked Ms. Berger to provide the committee with the most recent copy of the Memorandum of Understanding.**

**3. Authorizing the Formation of a Taskforce to Study, Report and Recommend Means of Improving Fire Protection and Emergency Medical Efficiency and Service (Sponsored by Mr. Buckel)**

Mr. Buckel provided the following background information:

- Onondaga County government spending has increased by over \$1 billion from 2000 - 2008
- Overall drivers of expenses will not change regardless of the adopted budget
- Fire District expenses are not a single driver; they are part of a larger Public Safety component
- \$250 million in Onondaga County
- 20 Fire Districts reporting to the Comptroller from 2000 – 2008 showed:  
Increased debt from \$2.5 million to \$17.6 million  
Increased expenditures from \$4.6 million to \$17.5 million

Mr. Buckel stated he has revised his proposal to form a task force. He is asking that they look at the current system and determine if this is the most effective way to provide the services needed. As of this time he has not received any comments from committee members on the revised resolution. He has received positive comments from the Volunteer Fireman's Association. He believes this approach recognizes that this decision belongs in the hand of the experts. With the legislature being the driving force, the task forces will be able to use county sponsorship to solicit for grant funds to operate the study. There are some groups on the east side of the county that have begun their own study into consolidation. He believes that we could supplement their work.

Mr. Buckel stated that the Chair has contacted him and requested more time before voting on this item. Chair Kilmartin thanked Mr. Buckel for this patience. He believes that the changes provided are in concert with the comments that were made by the fire and emergency representatives at the last committee meeting. Approximately one week ago he tried to secure the best means to disseminate the revised resolution to as many fire and emergency officials as possible. Via a list provided by the Town of Onondaga Fire Chief, the information was sent out to Onondaga County Fire Departments with email addresses. Since that time he has received some comments back, none of which were negative. Most are expressing interest in allowing more time to review and digest the proposal. A Fire Chiefs Association meeting is scheduled for late November. They have asked to be given an opportunity to discuss this collectively within their own groups and provide feedback before definitive action is taken on the item. He would like to vote on this item in December. This would allow everyone a 30 day notice and the final opportunity to comment. Mr. Buckel agreed.

Mr. Meyer added that the money and administrative entities seem to have greater representation within the taskforce than the fire communities. Also, a number of communities have fire and EMS services that cross county lines. Somehow this needs to be addressed. Mr. Buckel asked if there was a suggestion. Mr. Meyer stated that he does not know every fire community that crosses county lines but thinks it is something that needs to be addressed. Mr. Buckel stated he would take this into consideration.

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Katherine M. French  
Assistant Clerk

\* \* \*

### HEALTH COMMITTEE MINUTES, NOVEMBER 9, 2010 ROBERT D. WARNER, CHAIRMAN

**MEMBERS PRESENT:** Mr. Laguzza, Mr. Meyer, Mr. Holmquist, Mrs. Ervin

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

Chairman Warner called the meeting to order at 10:08 a.m. ***A motion was made by Mr. Laguzza, seconded by Mrs. Ervin to waive the reading of the minutes and approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.***

Chairman Warner took the agenda out of order.

Mr. Warner noted that during the budget process some legislators had difficulty obtaining information that they needed from department heads. Mr. Warner asked Ms. Tarolli to come to the table to explain what subpoena power the Legislature has is if they feel they are not getting the proper information requested. Ms. Tarolli reviewed that in 1988 and 1989 the legislature created a special investigative committee to look into how the different sites had been selected for a landfill. Then, by resolution they tried to vest that committee with subpoena power, the resolutions were ultimately defeated. Regarding subpoena power, Ms. Tarolli advised that the legislature would have to do the following:

- Create a committee to review something questionable that was within the purview of the legislature.
- Committee would then try to get people to appear voluntarily.
- Then vest that body with subpoena power.
- The issuance of subpoenas, if it goes that far, is pursuant to the Civil Procedure law and rules

Regarding requests for information, Mr. Meyer said the County departments are starting to ask for constituents' requests in writing; it is getting close to having to do a FOIL request for information. Mr. Meyer advised that in his town of Cicero, almost every request has to be a FOIL request by using a simple form; asked if the County has anything like that. Ms. Tarolli said if they know what the public is asking for and it is very clear, they try not to make people take another step and fill something out. They tell people to do their best to write down what they are looking for. Mr. Meyer asked if the legislators have the opportunity to use the FOIL law and the process. Ms. Tarolli said the Legislature acts as a body; if the legislature is looking for something, it comes from a resolution; also, any legislator as a citizen can exercise a FOIL request. Mr. Meyer said in most cases it would be to everybody's best interest to get a direct request or do a FOIL request as opposed to a subpoena that would be more cumbersome. Ms. Tarolli said people could be asked to come to a committee, such as Health Dept. to the Health Committee. Ms. Tarolli said there are various public forums such as during the budget process when there are many days of hearings which are open to the public and minutes are taken; there is an opportunity for the public to be a part of it and to listen to it. A FOIL request is usually when a person is looking for a document.

Mr. Warner asked about the timeframe for a FOIL request. Ms. Tarolli said it depends on what they are looking for – if it is a resolution, could take a few minutes; if it is a compilation of documents that entails going into the archives for minutes, they would need more time. **Ms. Tarolli will provide information regarding the standards.**

#### **1. VAN DUYN:**

- a. Update on Commissioner's Appointment:** Ann Rooney, Deputy County Executive, Human Services; Peter Troiano, Commissioner, Personnel Department

In answer to Mr. Warner, Ms. Tarolli said temporary and interim appointments are made by the Executive Office under the Charter. Mr. Warner asked if there is a contract in place regarding Ms. Sprague staying on as commissioner after taking the Early Retirement Incentive (ERI). Ms. Rooney said it is considered a rehire just as with any other employees who came back after ERI. Mr. Troiano said there is a rehire clause that goes back to a 1987 management/confidential resolution which was then revised in 2004; many of the rehire provisions are also in their labor agreements. The resolution allows a person who leaves employment and then returns to maintain their previous Step schedule. Many of the ERI people were rehired at the step that they left, some came back within a matter of days, some a little longer. Their earnings are limited by the State Retirement law. Mr. Troiano said a person can earn up to \$30,000 a year in compensation from a public employer before it affects their pension benefits.

In answer to Mr. Meyer, Ms. Rooney said they had identified an individual to replace Ms. Sprague, but they did not want to put that individual in a vulnerable position if they are able to accomplish and RFQ or RFP and reach negotiations where Van Duyn would no longer be a County-sponsored facility. They have asked Ms. Sprague to stay on through this transition. Mr. Meyer asked if someone in administration needs to have a license. Ms. Rooney said "yes", Ms. Cerniglia, their Nursing Home Administrator, has one. Mr. Meyer asked if there was a conversation about whether the person who was being considered to replace Ms. Sprague had a license; Ms. Rooney replied, "There was not". Mr. Meyer asked what would happen if Ms. Cerniglia left her position; Ms. Rooney said they would recruit someone with a license. Ms. Sprague said up until the point when the resolution passed during budget regarding an RFP or RFQ, they were seeking out another person who would come in with a license to fill the Assistant Administrator position.

In answer to Mr. Warner, Ms. Rooney said the plan is to move the employees from S1 to the fifth floor of the COB; they are in the design phase of having that floor renovated. All those individuals are DSS employees; as of January 1, the Dept. of Aging and Youth, under Lisa Alford and Joanne Spoto Decker, will have management of and responsibility for those employees. Mr. Warner asked if it is required to have a Commissioner of Long Term Care. Ms. Tarolli said it is in the County Charter, does not believe it is State law.

**b. Update on RFP:** Ann Rooney, Deputy County Executive – Human Services; Roberta Sprague, Commissioner – Van Duyn

Resolution No. 239 passed during Budget Session requesting the Director of the Div. of Purchase to issue a Request for Proposals from outside entities wishing to operate Van Duyn Home and Hospital.

- They have been looking at all the financially related issues; none of those have to do with quality of care of the residents.
- Have made several strides concerning cost containment with Select Rehab and OTPT outsourcing and are currently looking at food service and housekeeping outsourcing and other ancillary activities that are not necessarily direct care of residents.
- These ongoing management initiatives are to address the concerns that the Legislature and the County Executive's Office have about the local share that is contributed to Van Duyn on an annual basis.
- Every so often they get firms who want to talk to them about owning, leasing or operating Van Duyn.
- They are putting out a Request for Qualifications (RFQ) rather than an RFP. By using a RFQ they are asking a vendor to come in who shows through their proposal that they are a qualified nursing home vendor.
- The RFQ will go out to nursing home vendors as well as acute care facilities – hospitals.
- Want to focus on who would come in as a qualified vendor who has not only the financial reasons for doing this, but also is focusing on the residence of Van Duyn.
- Want to look at vendors who have been in this business before.
- It is not only Onondaga County that gives permission to transfer the license, but also the State Dept. of Health. They will have the same setup where the RFP committee goes through all the proposals; it then allows them to start negotiations with the selected respondent.

Ms. Rooney noted that the resolution refers to an operator for Van Duyn, by selecting an operator it does not remove the liability for the County. Their preference is to have a sale or a very long term lease which theoretically gets the County out of the business of long term care. They have had several potential buyers show interest.

Ms. Sprague said the first step would be to review any proposals that come in. When negotiations have concluded with the chosen vendor, they would have to start working directly with the State Department of Health. The process could take up to one or two years. The vendor would have to apply for a certificate of need - throughout that process, the competency of that individual or firm gets reviewed, put under a microscope by the State Department of Health. Onondaga County could want a certain vendor and then the Dept. of Health could say no.; the County would have to go back to the table and negotiate with somebody else. Ms. Rooney said the State Dept of Health would not be at the table during the selection process, but they have an ongoing relationship with them; it is a fairly small community regarding public nursing homes, they would certainly be involved in the dialog.

Mr. Warner asked where they expect to be financially at the end of next year. Ms. Rooney said they are anticipating without the receipt of any further IGT monies to have between \$2 and \$5 million in fund balance. Mr. Maturo said at the end of 2009 the fund balance was \$9.2 million. Ms. Gile said the Adopted for 2010 was \$5.8 million; have \$2.1 million going into 2012. Ms. Rooney said it is not the burden they expected it to be because they are doing management things to mitigate costs.

Mr. Warner asked what the HEAL grant denial does to the whole picture. Ms. Sprague said it doesn't change anything. It is still a wonderful concept; depending on who steps up to the plate, they might want to adopt that and work with the other providers (Community General and University hospitals). Ms. Rooney said the State was intrigued by the partnership between Community General Upstate and Van Duyn and might reconsider their proposal if there is money left over from HEAL 19.

Mr. Holmquist asked about the timeframe regarding the RFQ. Ms. Rooney noted the following:

- Proposals due back to the County by December 20.
- An internal committee hosted at Van Duyn would review the proposals and bring their recommendations to the RFP committee (would take about a month).
- The RFQ versus an RFP would allow the County to begin negotiations with that firm immediately.
- Should negotiations break down over a certain amount of time, there will be a stipulation in the RFQ that allows them to go the second most favorable respondent.
- Process should take about three months.

Ms. Rooney said they are aware of the time sensitivity of this; once this RFQ goes out, the vacancies at Van Duyn will only get worse; they pulled the name of the perspective new commissioner because this is in a state of flux.

**Ms. Rooney explained that once they put the RFQ out, there can be no communication with any of the potential vendors; she cautioned the legislators not to take any calls from potential vendors between now and December 20, 2010. Mr. Warner requested that she do a one-pager to all legislators regarding this.**

In answer to Mrs. Ervin, Ms. Rooney said the State has indicated that if a vendor is selected who the State is used to working with, who is in good stead, it would likely go more smoothly. Ms. Sprague said the final result will not happen in three months, could be looking at a

year or two.

Mr. Rhinehart said the estimate for the fund balance for 2012 does not include any major breakdowns or repairs in 2011 and that Van Duyn has operated at a loss for the past several years. Mr. Maturo supplied a spreadsheet regarding Van Duyn's fund balance (*on file with Clerk*).

In response to Mr. Rhinehart, Ms. Sprague said they continue to be understaffed and are finding it hard to attract people, even off the Civil Service list, because of this uncertainty. The other issue is low salaries; they do not pay competitively for any of the professional type jobs (\$25,000-\$35,000 less for a Nurse Practitioner compared to an acute care center). Ms. Sprague advised that if they can't attract enough people to care for the residents, they will need to take a look at closing down certain wings.

Regarding Mr. Rhinehart's question concerning resident smoking, Ms. Cerniglia said Van Duyn is considered their residence, admission agreement allows a resident coming in to smoke, would have to change the admission agreement to say that they can no longer smoke there. Anybody currently living there and smoking would have to be allowed to. Ms. Sprague explained that currently the residents have to have the ability to smoke either inside or outside. Because of the size of the facility, the amount of time it would take for an aide to take a person outside and bring them back in, it is prohibitive to do that with any regularity. They do not have space or the staff to bring the smokers to another space with a smoking room. In the last two years they have put in new ventilation systems and automatic doors to help with the smoke. Ms. Sprague said they currently have one floor with no smoking and they don't bring new residents who smoke to that floor. Ms. Cerniglia added that smoking is sometimes a deterrent for other behavioral issues, they try to balance that.

Mr. Rhinehart asked about the new truck at Van Duyn. Ms. Sprague said the truck was purchased with 2010 Budget money. There is \$25,000 in the 2011 budget; they will look for a used truck this coming year.

In answer to Mr. Rhinehart, Ms. Rooney said the S-1 employees would be moved to the 5th floor of the COB in summer of 2011. The legislature approved an appropriation, but the actual renovation will be funded through Medicaid in their Medicaid reimbursement, they are all Medicaid funded staff. Mr. Rhinehart asked why it has taken so long. Ms. Rooney explained that they had to make sure they were able to use the Medicaid funding and once the Budget was passed, the County Executive signed the contract for the design work.

Mr. Rhinehart stated that the majority of legislators are concerned on behalf of the taxpayers and the residents and the employees because of this uncertainty for a number of years regarding Van Duyn, the County needs to move forward. Ms. Rooney said Onondaga County is not unique in the public nursing home business. Every public nursing home in New York State loses money and there is local support. It is not so much looking at the cost side as the revenue side; the State has not rebased the County's revenue rates to keep up with the cost structure since 1983.

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

Respectfully submitted,

Johanna H. Robb  
Deputy Clerk

\* \* \*

**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – NOVEMBER 12, 2010**  
**CHAIRMAN JAMES CORBETT**

**MEMBERS PRESENT:** Mrs. Rapp, Mrs. Tassone, Mr. Buckel, Mrs. Ervin

**ALSO PRESENT:** Chairman Rhinehart, Mr. DeMore, Mr. Masterpole, *see also attached list*

Chairman Corbett called the meeting to order at 10:00 a.m. ***A motion was made by Mrs. Rapp, seconded by Mrs. Ervin, to waive the reading and approve the minutes of the proceedings of the previous committee. MOTION CARRIED.***

**1. LAKE IMPROVEMENT:**

- a. ACJ Update** – included in item 2d--WEP presentation (*on file with Clerk*)

The agenda was taken out of order.

**3. METROPOLITAN WATER BOARD:** Holly Rosenthal, Administrative Director

- a. Confirming an Amendment to the Currently Effective Schedule of Rates to be Charged for Water and Water Service Provided by the Onondaga County Water District**

In answer to Mrs. Rapp, Ms. Rosenthal said that the average cost per customer will be under \$4 per customer per year. She noted that OCWA may have other impetus for raising their rates.

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

**2. WEP:**

- d. Presentation - WEP Projects:** Matthew Millea, Deputy Co. Exec. Physical Svcs.; Patricia Pastella, Commissioner, Matt Marko, CH2MHill; Bob Kukenberger, CDM/C&S (*presentation on file with Clerk*)

*Agenda/History – Matt Millea*

*Metro – Patty Pastella*

Chairman Corbett, referred to conveyances, and noted that it is also part of the storage – it will slowly go back onto the plant so that there is not a huge influx.

Regarding Midland performance, Chairman Corbett referred to the 229 million gallons of flow and asked how many days per year it operates. Mrs. Pastella said that it is a wet weather facility; works approximately 50 – 60 times per year. Chairman Corbett said that without this, it would have gone into the creek and lake.

Mr. Buckel asked if there is a capacity issue that sends some material to Metro and treats some there from Midland. Ms. Pastella explained that what goes to Metro is from the swirl concentrators, an underflow of concentrated solids – it is always pumped to Metro. When the event ends, the volume is pumped to Metro.

#### *Save the Rain – Matt Marko*

Mr. Millea stressed the importance of the shift from the second amendment to the 4th amendment – very revolutionary – now a 6% capture requirement in ACJ. EPA, Attorney General, and DEC are on board. He believes Onondaga County is the first to have a federal court order that includes green infrastructure as part of the compliance program. There are ancillary benefits that would have never occurred if just the RTFs were built.

Mr. Buckel referred to practical concerns, the Court House roof was just done, and asked what the relationship is between that work and green. Mr. Marko said that a big stretch of green has been placed by the court house, trees planted in front, porous pavement utilized, gravel rock around trees. This is an evolving program, not necessarily with one fixed project, but a program of many projects – unrolling of many projects through 2018. The County Executive is talking about 50 projects in 2011. Every impervious area in the city that is creating runoff into the combined sewer system is an opportunity to do something better.

#### *Gray Infrastructure – Bob Kukenberger*

Mrs. Rapp asked where the remaining CSOs will be. Mr. Millea said that there are 5. There is very specific requirements in ACJ, but for these 5 CSOs. The agreement was to do facilities planning, determine what would be best to capture the flow of these CSOs and build them into a program. The review is required by DEC. The preference is to use green strategies, to find the least cost and most sustainable manner to address them. More time may be needed to address the efficacy of the green infrastructures, but the intent is to avoid building more floatable control facilities. All 5 CSOs are in the city – 3 in Midland, 2 in Clinton

Chairman Corbett asked if this is a future financial liability to the county, which the cost is not known yet. Mr. Kukenberger noted there are estimates.

Chairman Corbett referred to soft ground tunneling and asked about the size of them. Mr. Kukenberger said that these are 18 feet in diameter.

Chairman Corbett suggested that a meeting be held with neighbors in the Sacred Heart area – there is concern about vibration and construction that could affect the Basilica. Ms. Pastella said that a public meeting will be held. Mr. Kukenberger noted that communications have started with some of the neighbors.

#### *Green Infrastructure – Matt Marko*

In answer to Mrs. Rapp, it was reported that about 300 rain barrels are out and implemented – split between near west side and south side. Mr. Marko said that they hope to get 30%–40% of individual residents to participate in a rain barrel program.

Mr. Masterpole asked how many rain barrels were purchased through the grant. Mr. Andigun said that 600 were purchased; it was a two-year pilot.

Matt Millea said that regarding the Harbor Brook project – Save the Rain strategy - asking for \$70.9 million more. If they had gone with the 2nd amendment, they would be asking for \$30-\$40 million more in addition. There are multiple benefits beyond what the RTFs would have provided; it is a far cheaper strategy, and the deadlines have to be achieved as stipulated in the ACJ.

Harbor Brook Budget - Ms. Pastella explained that the \$33.81 million authorized to date includes the \$2.31 million and \$26 million authorized in June 2009 for the Harbor Brook interceptor project. The balance was authorized in the 1990's for the facilities plan.

Mrs. Rapp asked if it was known all along that there was going to be another authorization; Ms. Pastella said “yes”. Ms. Pastella pointed out that in June, it was reported that the authorization was just for the interceptor sewer and--they would be coming back for the bigger project when it was known what the costs would be after the preliminary designs were done. In answer to Mrs. Rapp, Ms. Pastella agreed that this was all on sewer unit fee and added that is all in the consolidated sewer district budget. Mr. Millea pointed out that there was \$32.2 million in grants (ER/ARRA); \$2 million of that was specifically for green components.

In answer to Mrs. Tassone, Mr. Petrela stated that the County would borrow for 30 years. It would add \$2.30 per year per household starting in 2012. In 2011 there is an approved increment of \$9.99. Mr. Millea said that the county would not borrow for the full cost of the project in one year – it would be over a period of several years. Mr. Petrela said that the first year impact is \$.4; then \$.87; then \$1.44, etc.

Mr. Buckel noted that with the actual revenue projections, debt cost, impact, etc., the legislature does not receive continuing data about where it fits into the overall structure—budget, measures against bench marks, which should be considered when borrowing. He asked that in the future the legislature be provided with the data—financial workings. Mr. Millea agreed and noted that borrowing will be at a very attractive rate, close to 2%.

Regarding green projects, Mrs. Rapp asked about salt concerns with street tree plantings. Mrs. Pastella said that the tree species and plants are selected to be tolerant to the conditions. Mrs. Rapp noted that some projects like this were done in Mattydale and only lasted two seasons.

Mrs. Rapp asked if a phase 2 of Save the Rain is anticipated to be utilized outside of the city and into the county. Mr. Millea said that Save the Rain could be expanded into any community. The grant is not specified to ACJ compliance. The sewer use ordinance creates a mechanism to expand this program into suburban communities.

#### **e. Approving the Increased Cost of Certain Improvements Required Pursuant to the ACJ and Related Municipal**



## **Compliance Plan for the Harbor Brook CSO Improvements of the County of Onondaga (\$2,310,000)**

In answer to Mrs. Rapp, Ms. Pastella said that the \$2.3 million is to proceed with the design.

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

**f. A Resolution Authorizing the Issuance of an Additional \$2,310,000 Bonds of the County of Onondaga, to Pay the Cost of Certain Improvements Required Pursuant to the ACJ and Related Municipal Compliance Plan for the Harbor Brook CSO Improvement Project In and For Said County (\$2,310,000)**

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

**g. A Resolution Calling a Public Hearing for the Purpose of Considering an Increase in the Estimated Maximum Cost of Proposed Improvements for the Harbor Brook CSO Improvements (\$70,990,000)**

Ms. Pastella noted that the \$70.9 million is to complete the design cost and the cost to construct the facilities for Harbor Brook CSO abatement – construction, storage, green infrastructure, conveyances, floatable control facilities, everything that is known right now for Harbor Brook.

In answer to Mrs. Rapp regarding cost over runs, Ms Pastella said that if the costs come in significantly more than the pre-bid estimate, there are 2 options: 1. increase authorization for the project; 2. re-look at the project to save costs. The cost would not generally be borne by the design engineer or consultant. Mr. Buckel said it would depend on the reason. Mrs. Rapp asked about cost overruns for unforeseen circumstances. Mr. Buckel noted that there is a question of responsibility. Ms. Pastella said that there is contingency built into these estimates.

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

**a. Amend 2010 Budget to Provide Funds to Address Honeywell Remediation Issues (\$100,000)** - David Coburn, Director, Office of Environment

- Contingency fund established in 2003 - \$500,000 - with expectation for ongoing need for outside expertise in legal matters and scientific and technical matters
- 2008 –approx. \$70,000 was released
- 2010 asked for an additional \$70,000
- Current balance is \$360,000; about \$30,000 has been encumbered against the contract
- Couple of cases with county owned property--protecting interests of community on wastebeds 1-6-- going through investigation and remediation; Murphy's Island tied into Harbor Brook and Waste Bed B – remedial investigation
- Ongoing needs to monitor activity taking place with respect to property that county owns
- 2 major cases which present potential major exposure to county: 1. Cost recovery claim issued by EPA and NYS for over \$12 million – recovery costs that they have expended in overseeing lake bottom cleanup. Honeywell is primarily undertaking, but there are a large number of potentially responsible parties; 2. Determined attempt by EPA to impose on parties the cost of investigation and cleaning up lower Ley Creek (Brewerton Rd @ Factory Ave. to mouth of Ley Creek) -- a consequence of action of GM, but because of bankruptcy the Superfund Law absolves them of any ongoing responsibility. Challenging legal issues associated, \$50 million estimate of exposure.

In answer to Mrs. Rapp, Mr. Mendez said that other parties include: Town of Salina, Syracuse China, Niagara Mohawk, Carrier, Crouse Hinds, former GE, Lockheed Martin.

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

**b. Authorize the Co. Exec. to Enter into an Intermunicipal Agreement with Other Municipalities in the Syr. Urban Area in Order to Form a Coalition of Municipalities Subject to Phase II Stormwater Permit Requirements** David Coburn, Director, Office of Environment

- Nearly every major metropolitan area in NYS has created a stormwater coalition
- Many of the 31 municipalities in Syracuse Urban area (extends into Oswego and Madison Co.) have cooperated on fairly focused aspects of stormwater, but haven't come together as a community to explore opportunities for sharing ideas, equipment, consultants, etc. to more cost effectively achieve compliance with regulations
- Several municipalities have come together in past several months to create the coalition
- Agreement would authorize Onondaga Co. to participate with this group
- CNY Regional Planning & Dev. Bd. has been instrumental in helping to bring the municipalities together that are promoting this coalition. They have access to an Environmental Protection fund grant from the State. The state will allow them to use it to provide administrative support of a coalition over the next 36 months. County would do an in-kind match, with money already expending on phase 2 compliance
- Term of IMA is concurrent with grant – at time the grant runs out; it would have be determined as to what the coalition would like to do and what expenses might or might not be associated with it. At that time, it will come before the legislature, and it will be the legislature's discretion as to whether the county participates.

***Mrs. Rapp asked to be a co-sponsor.***

***A motion was made by Mrs. Rapp, seconded by Mrs. Ervin to approve this item. Passed unanimously.***

**c. Amend 2010 Budget to Accept Funds in Relation to a Project to Develop a Mechanistic Water Quality Model of Onon. Lake and Authorize the Co. Exec. to Enter into Agreements to implement the Project (\$56,000)** David Coburn, Director, Office of Environment

- For a number of years the County, in conjunction with Onondaga Lake Partnership, has been developing a sophisticated mathematical model to assist decision makers in evaluating various alternatives, management scenarios for Onondaga Lake
- 4 stages of models as they get developed:

1. Design model framework, which was done with assistance from independent scientific panel
2. Model calibration – develop mathematical models to simulate what has been seen historically
3. Model validation – run the model and ask simple “what if” questions and see if results are reasonable
4. Develop management scenarios – i.e. diversion, reduced nutrients, change nutrient loads in tributaries, etc., and see what the lake’s response is likely to be.

In 2004, when the model was originally developed, it wasn’t possible to crystal ball what the lake water current conditions would be, the types of questions to ask, and who would be involved in asking them. It was difficult to develop a budget, and it was understood at the time that they would need to ask for more funds. The Lake Partnership recognized it and as consequence took action to provide Onondaga County. with a grant to do scenario development, \$56,000. The amount reflects what is available from the Partnership. A 30% match is required, \$24,000. That money exists in Pepsi Settlement funds. The resolution today is asking to accept these funds.

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

The meeting was adjourned at 11:55 p.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

\* \* \*

## WAYS AND MEANS COMMITTEE MINUTES – NOVEMBER 30, 2010 CASEY E. JORDAN, CHAIRMAN

**MEMBERS PRESENT:** Mr. Corbett, \*\*Mr. Lesniak, Mr. Buckel, \*\*Mr. Stanczyk, Mr. Holmquist, \*\*Mr. Kilmartin, Mr. Warner, \*Mr. Kinne  
**ALSO PRESENT:** Chairman Rhinehart, Mr. Dougherty, *see also attached list*

Chairman Jordan called the meeting to order at 8:30 a.m. ***A motion was made by Mr. Warner, seconded by Mr. Lesniak, to waive the reading and approve the minutes of proceedings from the previous committee meeting. MOTION CARRIED.***

### CONSENT AGENDA:

**1. METROPOLITAN WATER BOARD:**

a. Confirming an Amendment to the Currently Effective Schedule of Rates to be Charged for Water and Water Service Provided by the Onondaga County Water District

**2. COMMUNITY DEVELOPMENT:**

a. Amending the 2010 County Budget to Accept a Restore Grant from the NYS Housing Trust Fund Corporation for the Community Development Program, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$75,000)

b. Amending the 2010 County Budget to Accept an Access to Home Grant from the NYS Housing Trust Fund for the Community Development Program and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$400,000)

**3. WEP:**

a. Amending the 2010 County Budget to Provide Funds to Address Honeywell Remediation Issues (\$100,000)

b. Amending the 2010 County Budget to Accept Funds in Relation to a Project to Develop a Mechanistic Water Quality Model of Onondaga Lake and Authorizing the County Executive to Enter into Agreements to implement the Project (\$56,000)

**4. EMERGENCY COMMUNICATIONS:**

a. Authorizing the County Executive to Enter into Intermunicipal Agreements to Share Onondaga County’s Master Site Server Located at the E-911 Emergency Communications Center

b. Authorizing the County Executive to Enter into an Agreement with the Town of Camillus for Services Related to the New York State Police Information Network (NYSPIN)

***A motion was made by Mr. Warner, seconded by Mr. Lesniak to approve the items on the Ways and Means Consent agenda. Passed unanimously; MOTION CARRIED.***

### REGULAR AGENDA:

Chairman Jordan took the agenda out of order.

**10. WAYS AND MEANS, MISC.:**

a. Requesting the County Executive and Chief Fiscal Officer to Evaluate and Outline the Projected Financial Impact that the 2012 Tentative Budget will Have Upon Fiscal Years 2013 and 2014, and to Provide Such Information to this Legislature Upon Presentation of the 2012 Tentative Budget (Sponsored by Mr. Dougherty)

Mr. Dougherty stated that he mentioned this resolution during the budget process – would like to see future budgets put together by this county to not only look at the upcoming fiscal year, but also a few years beyond it. One struggle during the budget review was trying to predict the impact of the 2011 budget on 2012 and following years. He would like to get the information from the County Executive at the time the budget is presented to the legislature--to have the Co. Executive and CFO present an outline of future budget years to the legislature. The final RESOLVED clause is having the CFO agree to a plan with the legislature within 30 days of the adoption of this resolution to say what information the legislature will receive. Hopefully the legislature can work with the CFO to improve whatever proposal he comes up with. The focus is that if the proposed budget is passed, what does it mean for upcoming years. All projections should be backed up with supporting data in writing to the legislature.

***A motion was made to approve the resolution by Mr. Lesniak.***

Chairman Jordan agrees with the intent behind the resolution and suggested adding language to the 2nd RESOLVED clause... *supporting data, analysis and assumptions*. If the assumptions are not realistic, then the numbers are really close to useless.

Mr. Stanczyk suggested that legislature's staff also take on a similar endeavor. The County Executive's budget has a number of assumptions and it will have an effect for the projections for 2013 and 2014 from the assumptions built into the 2012 budget. Often times the assumptions are built on things that might not be historical and on a very short term. The budget analysts for the Democrats and for the Republican should go through and make sure there is a check to the whole system; make their own assumptions for what the legislature feels happens in 2012, 2013, 2014, so that there is a basis for comparing. Mr. Dougherty said that would be done in addition to this resolution, not in place of it.

Mr. Dougherty said that he found it irritating during the budget review that a lot of different assumptions were heard, from a lot of different people, supporting their own arguments. One intent of this resolution to get all of those assumptions in writing to see clearly where the basis is coming from.

Chairman Jordan suggested the language in the first RESOLVED clause be changed to read *at the time of the presentment of the 2012 budget*...so that when the budget is received, the legislature also gets a report so that it is known what all of the objectives are based upon.

**The sponsor accepted all of the suggested changes.**

***A motion was made by Mr. Lesniak to approve the resolution as amended, seconded by Mr. Kilmartin. Passed unanimously. MOTION CARRIED.***

1. **COUNTY CLERK:** Jackie Norfolk, Principal Deputy Clerk
  - a. **Mortgage Tax Apportionment**

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

In answer to Mr. Stanczyk, Mr. Seitz said that overall it is down 13% for the year.

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

2. **TRANSPORTATION:** Brian Donnelly, Commissioner
  - a. **Authorizing the Sale of County Highway Property Located in the Town of Camillus to David Underwood and Tina Underwood (\$3,800)**

- land sale of approx. 2.5 acres on Newport Road to adjacent property owner, approximately 1200' of frontage
- property owner had parcel that they wanted appraised by an appraiser selected by the county (Harlan LaVine)
- appraised price \$3,800
- will leave county with 77' of ROW across the entire span of the road
- DOT determined that the portion the property owner was asking for will not impact county maintenance of highway
- No property in wetlands
- Portion of land abandoned by NYS Canal Corp to the county in the 1970's

Chairman Jordan pointed out that if the road was converted into a 4-lane highway, that the county should have some amount of easement remaining spanning the road.

In answer to Mr. Stanczyk, Mr. Donnelly said that the parcel the landowner has now does not have any road frontage. He did not know if there has not been a reappraisal of their property with the frontage. Mr. Stanczyk noted that the value of property would significantly increase with the frontage. In answer to Mr. Buckel, Mr. Donnelly said that the landowner did not provide a planned usage for the property. In answer to Chairman Jordan, Mr. Donnelly said that the strip is about 58' deep at the far northern end and 78' at the far southern end.

Mr. Corbett asked about the utilities and asked about any trunk lines. Mr. Donnelly said that he did not see any easements on the survey.

Chairman Jordan noted that there is an obligation to constituents to get the best price for the land, and suggested that there be an independent appraiser, who would be essentially working for the County, that the buyer would pay the cost of.

Mr. Stanczyk felt that \$3,800 might be a little light, as the value of the property may significantly be enhanced.

Mr. Lesniak noted that this is surplus land to the county; there is nothing the county can do with this strip, because we are selling it to the property owner, then he has the option to develop it with increased property tax, possible building. The county would benefit in property taxes in the long run, if the individual develops the property.

In answer to Mr. Kilmartin, Mr. Donnelly noted that it is on a county road. Mr. Kilmartin asked that if the applicant went through the town permit process and secured approvals for access to Newport Road, couldn't they get access from their current parcel, even if they didn't buy this parcel. If the ROW is currently up against their current parcel, they could probably get a curb cut approval across the ROW; this is just shrinking the ROW. Mr. Donnelly agreed – they would come to County DOT for a break in access permit so that they could get to the road. Mr. Kilmartin said that they could still get access to Newport Road and it might affect the value of the property – the market value is probably very low because very few people have use for this property – the only person who might have use for it is the landowner. The landowner might be able to get a curb cut either way – whether they buy it or don't buy it. Mr. Donnelly said that whether they buy the land or not, they would still be able to get access to Newport Road – the biggest difference would be the length of their driveway and whatever the town set back regulations are.

***A motion was made by Mr. Lesniak, seconded by Mr. Warner to approve the resolution.***

Mr. Warner noted that there is of no value to Onondaga County for this property and the only person that it has value to is the landowner behind it -- suggested that it get back on the tax rolls.

**AYES: 6 (Corbett, Lesniak, Holmquist, Kilmartin, Warner, Buckel); NOES: 2 (Jordan, Stanczyk); ABSTENTIONS: 1 (Kinne). MOTION CARRIED.**

**3. SOCPA:** Don Jordan, Director

**a. Amend 2010 Budget to Provide the Syracuse-Onondaga County Planning Agency with Additional Funds Beyond the Estimated Dollars Appropriated in the 2010 Budget, and Authorize the Co. Exec. to Amend the Contract with the SMTC to Implement this Resolution (\$394,956)**

An increase in federal pass through funds for SMTC. When the budget is prepared, they have an estimate of the amount of money available for SMTC for the next year. When the federal budget is finalized, SOCPA amends its budget from the estimate to the actual.

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

Mr. Stanczyk asked about the status, legislature's input, and time for the Route 81 project. Mr. DiAgostino, SMTC, said that the I-81 study is being conducted in coordination with NYS DOT. SMTC's role is to run the public information process and computer modeling; DOT's role is to run the study. The first major public meetings are scheduled for approximately March 2011. It will be staged process -- first round of meetings will be educational, then start gathering public opinion about theoretical opinions from a big picture perspective. SMTC's process will be about 2 years from now; 3 years after that NYS DOT will have finished its environmental impact statement process. It is a guestimate that in 2017 there will be a project that they can get funding for.

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

**4. GREATER SYRACUSE CHAMBER OF COMMERCE:** Carol Eaton

**a. Designating the Greater Syracuse Chamber of Commerce as the Agency Authorized to Make Application to the NYS Department of Economic Development and to Receive Matching Funds Therefrom Under the NYS Tourist Promotion Act of 1978**  
The estimate from NYS for 2011 is \$57,000; for 2010 it was \$43,000 but no funds were received in 2010 by counties or regions across the state in 2010.

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

**5. WEP:**

**a. Authorize the Co. Exec. to Enter into an IMA with Other Municipalities in the Syracuse Urban Area in Order to Form a Coalition of Municipalities Subject to Phase II Stormwater Permit Requirements** -- David Coburn, Director, Office of Environment

- IMA subject to the Phase 2 stormwater in NYS
- Not precedent setting -- about the last in NYS to form a coalition
- Intent to put municipalities that are subject to regulations together so that they can explore opportunities for sharing information, sharing personnel, sharing equipment, hiring consultants at a good rate, speaking as one voice with Albany; places County in a better position for state grant funds
- CNYRPDB instrumental in pulling together the municipalities that are exploring the creation of the coalition -- have an Environmental Protection grant from state -- state agreed to let them use the grant to administer the coalition for next 3 years
- IMA tied to grant funds; when grant funds run out, if there is to be a fee associated with membership in coalition, the IMA would be changed and come back to legislature for authorization and re-access at that time if the coalition is successful in achieving objective

Mr. Lesniak noted that there are areas outside of Onondaga County in the contract; question how the scope of coverage was determined. The regulated area is based on population density. The Syracuse metropolitan area/urban area that is regulated, is based on contiguous areas where a certain density is achieved, and that extends into Oswego and Madison Counties. The state considers those areas the Syracuse urban area.

Mr. Stanczyk asked about storm water treatment. Mr. Coburn said stormwater treatment has already started; have been under this permit for 6 years. The idea is to keep pollutants out of stormwater. There are 6 minimal control measures that have to be complied with. The ones more physically tied to keeping pollutants out of water deal with illicit stormwater detection and elimination -- going to detection and elimination and seeing whether there is non stormwater items going through, backing up through the system, to ascertain what the sources are and stop them. Others are during construction, which affects primarily towns and villages, and city; and post construction -- have to maintain inventory of stormwater protection measures installed as a consequence of storm design and make sure they are still operating. The change coming down the pike is that the MS4s -- in a TMDL water shed, i.e. Onon. Lake, required to comply with allowable daily load is that is derived from the TMDL. State is in process of developing a TMDL for Onondaga Lake, which will allocate allowable phosphorus inputs from each municipality subject to the stormwater permit. Once that allocation is issued, towns, villages, city, county are required to put together a plan on how it is intended to reduce the nutrient load coming into the system through stormwater to comply with the TMDL. Mr. Stanczyk asked about phosphorus load testing; Mr. Coburn said that there is already a very substantial data collection program in place; it is possible that we will have to do more localized analysis.

Mr. Corbett noted that the way the roads are kept clear will be dramatically changed because of the runoff.

Mr. Stanczyk said that this will not be a treatment plant for stormwater; it will basically be trying to correct the problems with the input.

***Mr. Corbett made a motion to approve this item.***

Mr. Buckel asked what the rationale is for Skaneateles, Otisco, and Fabius not joining this coalition. Mr. Coburn said that the primary reason is that they are not regulated under the stormwater permit now because population density does not cross the threshold. Mr. Buckel asked if there were other reasons, that they did not join the coalition. Mr. Coburn said that they have not said yes or no.

Mr. Kilmartin referred to the EPF grant term. Mr. Coburn said that there is match required, which is being basically met with in-kind. Most of the MS4s in the area already participate with Regional Planning Board's Outreach Program and Contractor Training Program – they all pay about \$3500/year for that. If they stopped participating, then the match goes away and the duration of the grant goes away, unless someone comes up with another way to provide the match. If after 30 months, it is found that they are out of grant money, the agreement expires and they have to put something else in place to administer the coalition. In answer to Mr. Kilmartin, Mr. Coburn said that if one entity drops out, they automatically have to renegotiate the IMA.

**Mr. Lesniak seconded the motion. Passed unanimously; MOTION CARRIED.**

**b. Approving the Increased Cost of Certain Improvements Required Pursuant to the ACJ and Related Municipal Compliance Plan for the Harbor Brook CSO Improvements of the Co. of Onon. (\$2,310,000) – Patty Pastella, Commissioner**

- Amount required to proceed with design and facilities planning to keep on schedule to meet requirements of consent order

**A motion was made by Mr. Lesniak, seconded by Mr. Corbett to approve this resolution.**

- In the ACJ, there were 3 sewer sheds that had RTF projects – Midland (built), Clinton (had an RTF scheduled - not built – will have storage there); Harbor Brook (2 RTFs originally planned). The cost to abate the CSO problem in Harbor Brook was never authorized
- \$30 million for Harbor Brook interceptor project
- If original projects would have gone through they would have \$140 - \$150 million. That work was never authorized or presented
- RTFs are not going to be filled; have one storage facility in lower Harbor Brook basin; doing floatable control facilities on some CSOs as well as green infrastructure to mitigate combined sewer overflows in that area

In answer to Chairman Jordan, Ms. Pastella said that the total cost of the new plan would be \$105 million vs. \$140-\$150 million.

In answer to Mr. Buckel, Ms. Pastella said that when looking at the total cost for construction, the cost for the construction is with the contingency. The actual authorization for the \$2.3 million was because the design cost was not authorized for the storage tank, which is a separate project or the floatable controls planning, also a separate project. The change order, unforeseen conditions, which required piles to be driven is within the contingency of the original contract. Mr. Buckel asked if it has been accepted that it is the county's responsibility that there was a failure of information. Ms. Pastella said that the actual cost for that are still being negotiated.

**c. A Resolution Authorizing the Issuance of an Additional \$2,310,000 Bonds of the Co. of Onondaga to Pay the Cost of Certain Improvements Required Pursuant to the ACJ and Related Municipal Compliance Plan for the Harbor Brook CSO Improvement Project In and For Said County (\$2,310,000)**

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

**d. A Resolution Calling a Public Hearing for the Purpose of Considering an Increase in the Estimated Maximum Cost of Proposed Improvements for the Harbor Brook CSO Improvements (\$70,990,000)**

**Passed unanimously; MOTION CARRIED.**

- For construction of storage facilities, construction of floatable control facilities

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

Items 6a and 8a were considered together

**6. FINANCE, Division of Management and Budget:**

**a. Monthly Revenue Contracts Report (Res. 242-10) – James Rowley, CFO**

**8. PURCHASE:**

**a. Report: Revenue Contracts Through Written RFPs (Res. 241-10) – Sean Carroll, Acting Director**

Mr. Rowley said that they are present to make a report as requested, make suggestions, and get clarification on exactly what the Legislature wants. There are about 140-150 revenue contracts per year. He does not necessarily monitor them at a contract level; Purchasing is in a better position to provide the report. From a budget perspective, when there is revenue in the budget that is a result of a revenue contract, and it is not coming in as planned, he tracks it down at that point. Purchasing touches the contracts in detail on a daily basis. Mr. Carroll needs clarification on how the legislature wants this to proceed.

Mr. Stanczyk said that the intent is to get some type of way of understanding of some of the contracts that have been written and approved without information given to the Ways and Means Committee – i.e. Lights on the Lake. It was a significant contract; there was a significant commitment of county personnel to support a private operator, an operation that had for years been a totally public operation. The legislature had no report of it; no understanding of how it was negotiated, whether it was RFPd, what the income components are, what the commitments are. He does not have any problem with drawing a monetary line at \$10k or \$20k of income. The legislature is responsible for the fiscal condition of the county. The County has certain assets, and if administration is going to sign, agreements to bring in money against some of those assets, then there needs to be a full and open discussion in committee. Mr. Rowley said that, i.e. there is a contract with Wegmans at Parks also. If the intent is to RFP it; it is money that may be lost, because he doesn't think Wegmans would want to be in competition. Mr. Stanczyk said that his intention is not to RFP it – his intention is to find out if there was some type of explanation of the process and how it got there.

**Mr. Stanczyk asked for a list of the contracts that have been signed in the last year, a list of how Purchasing wants to define what they need to report, and what they think should fall under the line.** Mr. Lesniak said that the legislature should have a list of all of the 150 revenue contracts for the year. Mr. Rowley said that is not a problem, the issue is what the legislature wants RFPd and what they don't. Mr. Lesniak said that the legislature would have to see the list to determine that.

Mr. Millea said that regarding Lights on the Lake, the agreement was provided to the legislature with all of the details in it. Mr. Stanczyk

said there is no explanation as to whether there was any other party that was negotiated with, no idea of what control there is in terms of the cost of the event, which went up. There are a number of factors; there was no discussion at the legislature about it; the contract was provided after the fact.

Mr. Carroll noted that revenue contracts (definition developed by Law Department) processed for the month include:

- Summit Federal Credit Union
- RFP for Jamesville Balloon Fest – awarded to Paradise Companies of New York, LLC
- Holding a \$395 6' banner from K9s Unleashed – have a lot of revenue contracts that are \$100, \$300, etc.
- RFP for sleigh rides & horse activities at Parks
- Other revenue contracts are IMAs subject to the legislature
- Sole source items – i.e. SU reimbursement because county participates in work study program
- RFP for Civic Center food service
- RFP for tissue removal (Medical Examiner)
- Space at Van Duyn – cell tower to Cingula

**Mr. Stanczyk asked the list be provided in writing.**

Mr. Stanczyk asked if Lights on the Lake was RFPd. Mr. Millea said that it was not RFPd; it was a negotiation, a written contract. Mr. Stanczyk noted that our Parks Dept. had the ability to set the rate for the amount people would pay for the event; had revenue streams from it for years; owned the majority of it. **He asked to be provided with a chart on what the County has and what it gave away.** Mr. Millea noted that the rates only went up on the weekends and the County gets a share of that revenue. Mr. Stanczyk said that Lights on the Lake was a significant function of the county that had an obvious community benefit and there was no RFP process, no discussion with the legislature. The intent is to make sure that there is a process when things like this are proposed in the future and there is at least an opportunity for the legislature to understand how and why the decision was made. There are things in the contract that scare him – i.e. a reference to alcohol. **Mr. Millea said that he will provide a memo to the committee regarding the Lights on the Lake contract.** Mr. Stanczyk said that he wants a discussion and doesn't think it should happen again. Mr. Millea said that the County Executive's priority was to enhance the benefit of constituents and preserve the county's revenue. The risk for the county has been removed, in that if there is a bad year for the county due to the economy, that the county does not end up eating the cost of Lights on the Lake – now held harmless. Enhancements were made to the program by the new vendor – New Year's Eve event. It is a two year contract; in the event that it is not a tremendous success; it can be turned around and reviewed during the budget process and walk away from it.

**Regarding the rest of the list, Mr. Lesniak asked to be provided with what was RFPd and what wasn't.**

Mr. Carroll noted that it makes it easy to report, but how the legislature was derived was clearly driven by a specific issue – that now creates 150 more problems for. He wanted to be clear that right now the legislature has basically superseded their authority to enter into an intermunicipal agreement and he has to RFP them. By definition of the Law Department, there is serious concerns about these things that he doesn't need to address in January; he needs the ability to act or not act. He said that the legislation is not about Lights on the Lake; it affects 150 other ways that they help fund county programs. He would like to share the information with the legislature and then get feedback. He believes that this is legislating to the exception.

In answer to Mr. Warner, Mr. Carroll said that the contact to manage surplus goods for municipalities is for any sort of fixed asset, i.e. desks, vehicles. They used to have live auctions, and municipalities would bring their items and help pay for the live auction. When they moved to doing Internet auctions, they were still facilitating municipalities to selling fixed assets, but were not recapturing some of their costs in administrating it. Last year Purchasing came to the legislature and asked for the ability to charge municipalities 5%, up to a cap, on materials. The legislature authorized IMAs.

Mr. Kilmartin asked for a historical revenue or deficit of Lights on the Lake and how the contract might decrease expenses and increase income. Mr. Millea said that they will provide specific numbers to the committee. He noted that generally Lights on the Lake had been a break even operation. In light of economic issues and Parks budget issues, the intent was to find a way to enhance the promotion of the program, continue to provided this tremendously popular event to the public, and bring in a tremendous partner.

Mr. Kilmartin asked if with a revenue contract, is there is a threshold or term where a revenue contract has to become and RFP or an RFQ, or has to become subject to legislative review. Mrs. Tarolli said that General Municipal Law does not require a bid or an RFP for revenue contracts because the State Comptroller has defined that it is not an expenditure of public funds. This legislature passed a resolution during the budget requiring all revenue contracts to be subject to RFP. Her definition of revenue contracts in that context is really anything other than a gift. Mr. Carroll said that there were two resolutions – one required there to be and RFP process; and one required the reporting of revenue contracts that came out. From a policy perspective, one of the reasons why municipal law doesn't require this is because it creates the opportunity for the county to miss opportunities. Prior to the legislation, there was not a threshold so much as there was a looking at each individual item and identifying it as exempt under the law, but if there was value, then they would do that.

Regarding the threshold, Mr. Millea said that the biggest concern from a physical services side is the Wegmans contract and the loss of a potential \$1.5 million.

\*Mr. Kinne left the meeting.

Mr. Buckel said that the legislature is trying to find the line between executive authority under our Charter and the legislative authority. When the legislature passed a budget, they expect certain things to happen and expect the Executive to execute them in certain ways. This was a change from what the Legislature included in the budget. It may be well within the confines of executive authority. We don't want to be micro managers, but rather what the middle ground is to come and report to the legislature on things of this significance. He said that this is clearly in a gray area, but maybe there is some sense of where the lines are drawn. Mrs. Tarolli said that the legislature could act and set the boundaries for this because of General Municipal Law 104B – state law gives the legislature the authority to determine procurement of these types of contracts. The resolution was written very broadly regarding contracts, and it is up to the legislature, at this point, to decide what they want to do about the resolution that has been adopted.

Regarding Lights on the Lake, Mr. Stanczyk said that the county was making a commitment of its assets and expenditures when a commitment was made to maintain it and spend personnel. This is a commitment to expend public dollars. There needs to be a good look at this; it can't happen without the legislature being involved. Mrs. Tarolli said that the point she is making is that it is not governed by the bidding laws. It does not mean that there are other considerations.

Chairman Jordan said that the intent/purpose behind this was that there needs to be a dialogue. To come to the legislature basically after all of the details are worked out and then come to the legislature just short of the finish line and want approval of it without the legislature having any part of the dialogue; many legislators found that unacceptable. This is trying to create the dialogue or create a structure for the dialogue. In the future, reports should be provided to the committee ahead of time in writing. It will be on the agenda monthly.

The agenda was taken out of order.

11. **SHERIFF:** Chief John Balloni

a. **Personnel Resolution – Create Data Entry Operator, Gr. 4 \$28,175-\$31,097 effective Jan. 1, 2011; Abolish Typist II, Gr. 5 \$30,238-\$33,389, effective Jan. 1, 2011**

Chief Balloni provided a handout (on file with Clerk). During the budget process, he thought a position was going to be vacant and was incorrect in that assumption. The department looked at what the proper position would be if losing a position. The recommend change is to recreate the data entry operator and abolish the typist II; a net savings of \$3,000.

In answer to Mr. Lesniak, Chief Balloni stated that at present both are filled positions. Chief Balloni said that they believe that the typist II, requested to be abolished, will fit into one of the other vacancies. He does not believe that anyone will be without a job. Mr. Lesniak said that he was anticipating a vacant position; not anticipating laying anyone off. Regarding the data entry operator, Chief Balloni said that he does not believe it is an equivalent position to the other vacant position.

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

Mr. Kilmartin said that even though the typist II position will be abolished, it is likely that the person will fill a different position. Chief Balloni agreed and said that one of the vacant clerk II positions would be offered to the individual. Personnel Dept. determined that it is an equivalent position and the person would be eligible for it; the salary would be very close. Mr. Balloni said that the clerk position has been vacant since around the time of the retirements from the ERI.

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

7. **FINANCE, Division of Real Property Tax Services:**

- a. **Call for a Public Hearing on the Assessment Roll for Southwood-Jamesville Water District**
- b. **Call for a Public Hearing on the Assessment Roll for Warners Water District**

***A motion was made by Mr. Corbett, seconded by Mr. Stanczyk to approve items 7a and 7b. Passed unanimously; MOTION CARRIED.***

c. **Onondaga County Sanitary District General Apportionment**

***A motion was made by Mr. Corbett, seconded by Mr. Lesniak to approve item 7c. Passed unanimously; MOTION CARRIED.***

d. **Onondaga County Sanitary District, 2011 City Abstract**

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

e. **2011 City Drainage District Abstract**

***A motion was made by Mr. Corbett, seconded by Mr. Lesniak to approve item 7c. Passed unanimously; MOTION CARRIED.***

- f. **Bear Trap – Ley Creek Drainage District Tax – General Apportionment**
- g. **Bear Trap – Ley Creek Drainage District Tax – Town of Clay Apportionment**
- h. **Bear Trap – Ley Creek Drainage District Tax – Town of DeWitt Apportionment**
- i. **Bear Trap – Ley Creek Drainage District Tax – Town of Salina Apportionment**
- j. **Bloody Brook Drainage District Tax – General Apportionment**
- k. **Bloody Brook Drainage District Tax – Town of Clay Apportionment**
- l. **Bloody Brook Drainage District Tax – Town of Salina Apportionment**
- m. **Authorizing General Apportionment of Harbor Brook Drainage District Tax**
- n. **Harbor Brook Drainage District Tax – Town of Geddes Apportionment**
- o. **Meadowbrook Drainage District Tax General Apportionment**
- p. **Meadowbrook Drainage District Tax – Town of DeWitt Apportionment**
- q. **Allocation of 2011 Onondaga County Water District Special Assessment Among Zones of Assessment and Fixing**

**Composite Rates for the Several Towns and the City of Syracuse Within Said District**

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

r. **Onondaga County Water District, 2011 City Abstract**

Chairman Jordan asked about the city collection fee of \$2,788.53; no similar collection fee from any of the towns. Mrs. Tarolli said that it is part of the Special Tax Act - the City collects for the county. The general provisions in the real property tax law apply to the towns and villages and not the special tax.

***A motion was made by Mr. Corbett, seconded by Mr. Lesniak to approve item 7c. Passed unanimously; MOTION CARRIED.***

b. **Confirming the Appointment of Sean P. Carroll as Director of Division of Purchase**

***A motion as made by Mr. Stanczyk, seconded by Mr. Corbett to approve this item. Passed unanimously.***

In answer to Mr. Warner, Mr. Fisher stated that Mr. Carroll would start at the first step of his grade – no advance step.

**9. LEGISLATURE:**

**a. Appointment of Katherine French as Deputy Clerk of the Onondaga County Legislature**

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

**\*\*Mr. Stanczyk, Mr. Kilmartin and Mr. Lesniak left the meeting.**

**12. LAW:**

**a. Settlement of Claim: Carol Rhinehart, John Sharon, Deputy Co. Attorneys**

***A motion was made by Mr. Corbett to enter into executive session to discuss an upcoming trial of Janice Burke v. Deputy Kathleen Kruger, Amy Bollinger and Robert Wafer, seconded by Mr. Warner. Passed unanimously; MOTION CARRIED.***

***A motion was made by Mr. Corbett, seconded by Mr. Warner to exit executive session and enter regular session.***

***A motion was made by Mr. Corbett, seconded by Mr. Warner to exit regular session and enter executive session to discuss the settlement of the Supreme Court action of Kristen Ricker and Robert Rickert, individually and as husband and wife V. the County of Onondaga, New York. Passed unanimously; MOTION CARRIED.***

***A motion was made by Mr. Corbett, seconded by Mr. Warner to exit executive session and enter regular session. Passed unanimously; MOTION CARRIED.***

The following resolution was introduced: **Authorizing Settlement of the Supreme Court Action of Kristen Rickert and Robert Rickert, Individually and as Husband and Wife v. the County of Onondaga, New York.**

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

The meeting was adjourned at 10:20 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

**\* \* \***