

**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

KATHERINE FRENCH  
Deputy Clerk

**HEALTH COMMITTEE MINUTES DECEMBER 14, 2010**  
**ROBERT D. WARNER, CHAIRMAN**

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

**MEMBERS ABSENT:** Mr. Laguzza

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

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

**1. MENTAL HEALTH:** Bob Long, Commissioner

**a. Transfer of Funds from Contracted Services Account 570 (\$440,287) to Hospitalization Account 534 (\$440,287)**

- Budget created based on a 4 year average
- Extremely difficult to forecast; services are mandated by courts and psychiatrists
- Decrease of \$156,501 from 2009

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

**2. VAN DUYN:** Roberta Sprague

**a. Transfer of Funds from Regular Employee Salaries Account 101 (\$130,000) to Professional Services Account 408 (\$130,000)**

**\*Mr. Meyer arrived at the meeting.**

- Funds necessary to cover additional cost of contract nurses and aides
- Roster decreased by 77 positions in the 2nd quarter and 122 positions in pay periods 20 - 22.

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

Mr. Meyer stated he believes that Governor Elect Cuomo is moving towards taking over the Social Services department with state employees and revising the Medicaid system to require preauthorization for services. Ms. Rooney stated that a commission has been setup. Mr. Sutkowky has been involved with meetings pertaining to New York State taking over administration of the Medicaid program. The state is looking at handling Medicaid approval electronically via regional offices with state employees. Medicaid is a managed care program.

In reply to Mr. Meyer, Ms. Rooney stated that she has not heard that the County share of this cost would be increased.

**3. HEALTH:**

**a. Confirming the Reappointment of Cynthia B. Morrow, M.D., M.P.H. as Commissioner of Health for the County of Onondaga ((Sponsored by Mr. Warner)**

Ms. Tarolli advised the committee of an oversight. The Commissioner's appointment is a four year term and should have been renewed at the end of 2009. Based on this fact the term will expire December 31, 2013.

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

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Katherine M. French, Deputy Clerk  
Onondaga County Legislature

\* \* \*

**PUBLIC SAFETY COMMITTEE MINUTES - DECEMBER 14, 2010  
JOHN DOUGHERTY, VICE CHAIRMAN**

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

**ALSO PRESENT:** Chairman Rhinehart, *see also attached list*

Vice Chairman John Dougherty called the meeting to order at 9:02 a.m. ***A motion was made by Mr. Masterpole, seconded by Ms. Williams, to waive the reading and approve the minutes of proceedings from the previous meeting. MOTION CARRIED.***

**1. FIRE ADVISORY BOARD:**

**a. Confirming Appointment to the Onondaga County Fire Advisory Board (Warren J. Virgil)**

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

**2. SHERIFF: Chief Balloni**

**a. Amending the 2010 County Budget to Receive Additional Grant Funds from the Bureau of Justice Assistance Bulletproof Vest Partnership (\$13,505.11)**

- Bulletproof Vest Partnership Grant Act of 1998 authorizes money for bulletproof vests
- 2009 – accepted \$25,732; would like to appropriate \$2,572
- 2010 - \$10,932 to be appropriated
- Vests costs about \$600; will get about 30 from this grant
- Will purchase about 60 vests
- Vests are for Sheriff's Office and some to Probation
- Manufacturers warrant bulletproof vests for 5 years; a replacement plan was eliminated in the budget

In answer to Mr. Dougherty, Chief Balloni said that he did not have the entire plan with him; these are for new vests; may include vests for SWAT or special tactics units in these types of grants.

In answer to Mr. Meyer, Chief Balloni said that this does not take care of the needs of the department; buying some slash vests (knife and sharp object protection) for the Custody Division with asset forfeiture monies. Regular bulletproof vests do not protect from sharp objects – special for Custody inside. Between grants and asset seizure monies, their needs will be covered for this year.

***A motion was made by Ms. Williams, seconded by Mr. Masterpole to approve this item.***

In answer to Chairman Rhinehart, Mr. Schuster noted that there is about \$700k left in asset seizure money. About \$13,500 will have to be used for vests to match the grant money for purchase of vests; additional asset seizure money will be used to purchase 35 slash vests at approximately \$600 - \$800 each. Ms. Tarolli noted that the department does not need to come to the legislature to use asset seizure funds if it has been appropriated. Chief Balloni noted that almost all of the \$700k has been appropriated in the budget: Custody Dept. software transition, approximately \$300k; Mr. Schuster said about \$2,000 has not been appropriated. From the DCSJ grant, about half of the new vests are provided.

Mr. Dougherty asked what makes a bulletproof vest go out of warrantee. Chief Balloni said that he was unsure, but the manufacturer warrantees them for 5 years; if they get wet they lose effectiveness.

In answer to Mr. Masterpole regarding the asset seizure money; Mr. Schuster said it took about 3 years to accumulate the \$700k. Mr. Masterpole noted that during the budget deliberations, asset seizure funds were initially going to be used for Air 1 restorations, and asked if that changed. Chief Balloni noted that there is still some earmarked for it. Chief Balloni said that if it is not used for that, the asset seizure funds can be used for other law enforcement related things.

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

**b. Amending the 2010 Budget to Accept Grant Funds for a Selective Traffic Enforcement Program and Authorizing the Co. Executive to Enter Into Contracts to Implement this Resolution (\$42,000)**

- Allows \$42,000 in grant funds for demonstration project for directed patrols in City of Syracuse, NYS Police and Sheriff's office will have high visibility
- Cell phone violations; texting, distracted driver violations
- One wave occurred in October – will recoup the money spent on that wave
- Second wave will occur in April
- Pilot project – will probably go national
- Selected by National Highway Traffic Safety Administration – because of cooperative effort between Sheriff's Office, State Police, and SPD
- Rate of \$51.73/hr covers retirement costs; does not cover workers comp and unemployment

Mr. Dougherty asked if when the Sheriff's Dept. writes tickets, does it keep 100% of fines. Chief Balloni said that in the City, City court gets a percentage; the State takes a large portion of it. The amount of fine coming back to the locality has been going down.

\*Mr. Kilmartin arrived at the meeting.

***A motion was made by Mr. Masterpole to approve this item.***

In answer to Mr. Meyer, Mr. Balloni said that this is all done on overtime. Regarding the focus points; it will all be done in the city. Mr. Meyer said that the studies have shown that the laws have been totally worthless; it takes enforcement to get this done.

Mr. Dougherty asked about the 406 hours allocated for overtime. Chief Balloni said that overtime in general is done in a 4 hour blocks and a group of 5 of 10 officers would be assigned on a given day. Time/cancel program would be selected based on weather.

Mr. Kilmartin noted that some of the work was done from Oct. 4 – 17; was the grant already informally approved and then the work was executed. Chief Balloni said that it was; they had word they were going to get reimbursed for that wave. A decision was made to go forward and pay for it because it was felt that the program was worthwhile either way. If the grant wasn't formally approved, it would be paid for out of regular overtime.

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

**c. Amend 2010 Budget to Authorize the Onon. Co. Sheriff's Office to Accept Additional Grant Money from the U.S. Marshals Service for Fuel and Maintenance Costs Associated with Previously Granted Vehicles, and Authorize Co. Exec. to Enter Into Contracts to Implement this Res. (\$9,000)**

- Over the last year they have received a total of 5 vehicles from the Regional Gang Task Force
- They agreed to pay for fuel and maintenance on the vehicles - \$20,000 total federal share - \$11,000 has been appropriated; this appropriates the final \$9,000
- Vehicles are for people assigned to fugitive/gang/warrant squads, specifically given for that use—not a 24-hr. use

In answer to Mr. Kilmartin, Chief Balloni noted that about 30 new vehicles are needed on an annual basis. They run 24 hours a day, often from one patrol to the next – they sit for long periods of time idling; then have to jump to an emergency call. They say that a police work car takes a 3 year beating every year compared to a passenger car. The cars are beefed up to take that – they purchase police vehicles designed to take it.

Mr. Seitz said that they try to replace about 24 vehicles/year in Civil and 2 in custody annually in the budget. They know it is a number around 30, but have only been able to get about 24 approved in the budget. None were approved in 2011 budget. Chairman Rhinehart noted that there are 189 vehicles in the Sheriff's Dept., included the armored vehicle.

In answer to Mr. Masterpole, Mr. Seitz said that the old ones are sold at auction.

Mr. Meyer noted that if a vehicle is in an accident and the County is reimbursed the money for the recovery, it does not go back the department and the department is out the vehicles. Mr. Seitz said that the department can come to the legislature to appropriate the insurance recoveries. Mr. Meyer said that he has never seen that happen and feels it should be looked at.

Mr. Masterpole noted that he heard a rumor that there are vehicles warehoused. Chief Balloni said that there is no policy to warehouse vehicles or save them and issue them in that way. It sometimes takes an inordinate amount of time for a vehicle to get completely outfitted—install radios, signage, etc., and assigned to the road.

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

**d. Transfer of Funds from Reg. Empl. Salaries Acct 101 Custody (\$275,000) and Employee Benefits - Interdepartmental Acct 120 Police (\$325,000) to Overtime Wages Acct 102 Custody (\$600,000)**

- About \$500,000 Short in custody budget –need to transfer enough to get through the last two pay periods
- Staffing shortage accounts for some increased overtime
- Main cause for overtime is constant watch – compared to 2009 – the average was 6.6 people per day on constant watch; in 2010 there is an average of 9 people per day on constant watch
- Constant watch--requires deputy sitting outside a cell; the best they can have is one watching 2 inmates
- Constant watch alone – accounts for \$500,000 of additional costs
- Mental Health personnel err on side of caution – do not want a suicide; if they feel there is a chance – they are placed on constant watch
- Can't up regular staffing for constant watch because there is a major flux in constant watch – it makes sense to staff it by overtime instead

Mr. Dougherty said that the constant watch number is trending; asked if mental health has a criteria or is it subjective as to who is placed on constant watch. Chief Balloni said that it is trending upward all of the time; they do use criteria, but anytime in dealing with mental health there is a certain amount of subjectiveness.

Chairman Kilmartin asked how much was allocated for constant watch and overtime in the 2011 budget. Chief Balloni said that they initially allocated much more than budgeted – they track where overtime is spent – they can trend and make reasonable estimations. The money is not there to meet the need.

In answer to Mr. Kilmartin, Chief Balloni said that it is projected that \$526,000 will be left over in the 120 – police account; \$325,000 of it is being asked for allocation to overtime. Mr. Seitz noted that the spending in Custody is approximately \$9 million for fringe; Civil is close to that – their salary estimates is a little less than that came in after this year. Fringe numbers for retirement average about 15% – 20% for police plans – bill came in slightly less. Mr. Seitz answered that if there is money left over in any department, it goes to general fund. Mr. Balloni answered that at this time there are no other anticipated transfers needed in this area.

In answer to Mr. Meyer, Chief Balloni noted that constant watch inmates are moved to one area; at times they run out of constant watch cells. Mr. Meyer asked if there has been thought about rearranging the physical plant for constant watch. Chief Balloni said that when the 4th tower is built; it does make sense. It is bricks and mortar type of changes – not quick easy fixes and simple rearranging. Mr. Schuster noted that when they have to replace doors, they get more of the full glass doors for constant watch so that two inmates can be watched. Mr. Antonacci noted that the Sheriff has an initiative to go 4 to 1 for constant watch, but it takes permission from the state.

Mr. Masterpole questioned if Mental Health is mandating constant watch, shouldn't their budget pay for some of the costs. Mr. Seitz said that Mental Health is not watching for security reasons; he thinks if they have staff there, they are charged to Mental Health. It is all local dollars, Mental Health doesn't get any reimbursement from the State, nor does the Health Department. Mr. Masterpole asked about there being 6.6 inmates in 2009 and asked what the cost was; did it go up 29% for 2010. Chief Balloni said that they will figure out the exact number and forward the answer to the Clerk. They should be very close; depending on how many one on ones and one on twos there are.

Mr. Dougherty asked about the Mental Health standards for suicide watch; questioned if the trend of more and more people being put on suicide watch. Chief Balloni noted that it is a delicate area; health professionals are telling us that these people are a suicide risk and they have to be treated as that. It is appropriate to look at options for more constant watch – glass doors, going to state to get permission for four on ones. Mr. Dougherty clarified that he is not in any way suggesting that the people who are suicide risks not be put on suicide watch.

Chairman Kilmartin noted that there is quite a significant spike in the recommendations for constant watch—it happened within one month and stayed up very high thereafter. It would be interesting to see if there just happened to be a larger number of people who they thought needed these services or if there were a change in personnel in Mental Health, change in criteria used, changed in standard used. Mr. Dougherty suggested that the numbers be pointed out and explain the stress caused on the Sheriff's Dept. Chief Balloni said that it absolutely causes stress on the Sheriff's staff.

***A motion was made by Chairman Kilmartin to approve this item.***

In answer to Chairman Rhinehart regarding staffing shortages in the jail, Chief Balloni said that they have classes right now, which should bring them up to slightly over full staffing. However, as a class is being trained (10), they are more of a drain on personnel than actual help.

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

**e. Transfer of Funds from Regular Employee Salaries Account 101 (\$40,000) to Maintenance, Utilities and Rents Account 413 (\$40,000)**

Management and Budget estimates the amount of utilities used annually and that amount is put into the budget. The actual cost was approximately \$40,000 more than estimated. In answer to Mr. Masterpole, Chief Balloni said that Mr. Klosowski does work with the Sheriff's Dept. Mr. Seitz explained that these costs are for electricity in the Justice Center; steam was actually under budget.

In answer to Mr. Kilmartin, Chief Balloni indicated that he does not know of any further anticipated transfers for this year.

Chairman Rhinehart asked what would happen if the legislature did not allow these transfers. Mr. Seitz said that the books would be closed in red. There will be a request this month to ask for authority to transfer funds around where they can't get to committee. They prefer to bring the items to program committee review. If the money isn't spent, it goes to general fund balance. Mr. Kilmartin noted that there could be a fair amount of end of year adjustments just between Sheriff's 101 line and Sheriff Police 120 line – close to \$300,000; if the Custody expense for overtime ends up being closer to \$500,000 as opposed to \$600,000; it could bump up residuals in those account to \$400,000. Chief Balloni said that they did not do some hiring and salary savings ends up as a surplus in their budget.

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

**f. Transfer Funds from Reg. Empl. Sal. Acct. 101 to Maint., Utilities. & Rents Account 413, \$20,000)**

Chairman Kilmartin said that the return analysis is a fairly good; a small portion will be dedicated to the structure which presently houses the helicopter. It is a very good return on the portion of the heliport project with an approximate investment of \$5,000. Chief Balloni noted that the heliport is also where the armory, boats, snowmobiles, dive team, SWAT vehicles-- including command trailer and Bearcat, and K-9 units are housed. Approximately 35% of the facility is for the helicopter. The payback is .9 years on the money invested for the energy project.

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

**g. Informational – Helicopter – Chief John Balloni**

Chairman Kilmartin asked that an update be providing pursuant to legislation requesting the Sheriff's Dept. to pursue federal certification and foundation.

- Ongoing research options for Part 135 for charging – direction is to find ways to do it as expeditiously as possible
- In process of writing RFP for a consultant
- Has been done all over country; not done in NYS
- Chautauqua County is currently in the process
- Foundation – during budget process, Mr. Antonacci offered to help with establishing some of the paperwork to establish the foundation – have met and discussed basic information
- Possibility that the 501C3 could operate the helicopter for that portion – need a consultant to point them in the right direction on what the 501C3 should do
- Exploring other options – including possibly getting Part 135 payments going earlier

- Hope to have more solid reporting to the Committee by February; hope to have consultant on board by then
- Helicopter was used in the Watson case, and in two very high profile missing hunter cases – both were found
- Met with Law Department on what is allowable and what is not
- Talked to medical personnel to help make this a reality
- Timeline for certification - need outside expertise to assist; it is not clear cut. Hope to have more solid information the next time he reports
- Part 135 requires certification in the whole program; requires rules, regulations – it is a difficult process – a couple of different ways to go through it. For full Part 135 an experienced pilot is needed that has flown Part 135 – the department does not have that. The experience pilots they have do not meet the objective criteria for full Part 135. Trying to find how to meet the criteria.
- Chief Balloni and Undersheriff – travel to Chataqua County to discuss their program

Chairman Rhinehart noted that two years ago the legislature funded \$25,000 in the budget for a consultant to be hired by the Sheriff's Department to look at the helicopter program. He has also provided 3 names of consultants to the Sheriff's Dept and to DMB. These things are not new ideas. He is glad to hear that there is a sense of urgency now, as it is important with the cost of this program and what will be done with it the future. In answer to Mr. Masterpole, Chairman Rhinehart stated that the \$25,000 for the consultant was never spent.

Al Kolfass commented that a lot has changed with Air 1; there is an aggressive hospital program now; volunteers staffing the helicopter more than ever; fantastic opportunity in working with the University Hospital, physician volunteers. If given time, this program will develop very well.

#### **h. Informational - Police Academy Merger**

- MOU drafted by the City, did not meet the Sheriff's Dept's needs – it was reviewed and determined to cost the County more money than currently spending on the program. It was not what was originally agreed upon with the SPD Chief.
- Chief and Sheriff will be meeting to review details of MOU
- City has agreed to go ahead with a January academy – Sheriff has no one to send, so there is no urgency
- Law Department is reviewing the MOU

In answer to Chairman Kilmartin, Chief Balloni noted that with the current budget situation, they could hire theoretically one person. With one person the potential for a transfer or lateral is there; therefore don't perceive sending anyone to the police academy; don't have funds. Mr. Kilmartin asked if the Sheriff's Department has allocated any staff to any academy that might be contemplated at OCC. Chief Balloni said not for an initial academy; will work on combined schools, supervisor schools, instructor development schools – whatever comes up from DCJS that there is a need for. Chairman Kilmartin asked if the personnel that might have been dedicated for the police academy can now be utilized for various activities throughout the year. Chief Balloni indicated that they can be.

### **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 said that this is a reflection of the legislature interest in doing things and examining critical costs. This is one of the most expensive components of all governments in Onondaga County – drives \$3 billion worth of spending in this region. He has received favorable comments; no one has recommended a change. In looking at the issue of fire delivery service, 57 fire departments, volumes of equipment, amount of debt taken on – one of the fastest growing components of all debt undertaken by Onondaga County governments.

This is a task force driven by experts--not suggesting one result or another. It is drawing upon the greatest experts in the community: President of Town Supervisors Association, Mayors Association, Fire Chief, Volunteer Fireman's Association, Fire Chiefs Association, Commissioner of Emergency Management, Co. Executive's office rep. – having them take this issue, utilize offices of County and give them a chance to apply for grants. He hopes that over the course of a year, this task force will make determinations.

In answer to Mr. Dougherty, Mr. Buckel said that a rep from Maxwell School was included, as he wanted someone independent. Maxwell School is the greatest, most recognized public policy school in the nation. Bill Dunmore, Maxwell School, has studied and written fire departments across the nation – a recognized expert.

#### ***Mr. Masterpole made a motion to approve this item, seconded by Ms. Williams.***

Chairman Kilmartin read excerpts of comments from correspondence he received: 1. Dave Steinberg, President, Onondaga County Fire Chiefs Association; 2. Ken Cook, President Central Region Fire Districts; 3. William Merriman, Chairman, Board of Fire Commissioners; 4. Tom Perkins, Lysander Public Safety Committee; 5. Lysander Fire District (*copies on file with Clerk*). Mr. Masterpole and Mr. Buckel indicated that they did not receive these communications. Mr. Buckel said that he has received many communications and phone calls and is surprised that he was not contacted directly.

Chairman Kilmartin stated that at the November Public Safety Committee meeting, he received a request from the Fire Chiefs Association, asking that any vote be adjourned until they have their meeting in late November, so that they would have time to discuss the issue. These communications came subsequent to that meeting. Mr. Masterpole said that there are no assumptions being made that the system in place is the most or least efficient; it is an attempt to tap experts. Based on lines from the communications, there are assumptions made of what the task force will conclude, which is problematic. Mr. Dougherty said that the two calls he received regarding this issue was related to concern about the people on this task force. There is concern that it is coming from the City of Syracuse Fire Chief and several different departments within the County. The fire departments in his district are all volunteers and serve generally a suburban area; they are concerned about the way they would be steered after the task force has its findings – concerned that they will be steered more towards a more urban fire department.

Mr. Buckel said that anytime the status quo is looked at, people react. There are examples across the nation where counties have gone to this fragmented system – rural, suburban and urban – they have not only saved money, but also improved service significantly. There are a variety of insurance ratings throughout this community; a variety of issues highlighted in the press about the lack of coverage, conflicts between districts, and expenses. It is clear that fire service, fire debt on the volunteer side, is the fastest growing component of the entire public safety at risk. He is happy to amend the resolution to include a district association or members of the district to be

included -- if they are legitimate stake holders, they should be on the task force. The volunteers are without question, the single most self sacrificing people in this community, and we can help lead the community to look at its own functions from the bottom up and do something that is innovative. Something that is uniquely Onondaga, that can be a model -- not just in fire service, but in police and education. He is looking upon them for leadership; trying to do something to get politicians out of the way and allow the experts to move forward.

Mr. Dougherty noted that the people being put on the task force are disproportionately representing the City of Syracuse. Mr. Masterpole said that he would move to amend -- does not care who is on it; wants someone to take a look at it to attack the status quo. Mr. Dougherty said that the spirit of the resolution is very good and commended Mr. Buckel for putting it forward. He is expressing the concerns of his constituents that the way they provide fire protection might be very similar to the way that Cicero, Lysander, Manlius or DeWitt provides their fire protection, but might be very different from the way that LaFayette, Fabius, Tully and the City of Syracuse provides theirs. They are worried that one size won't fit all. Mr. Buckel said that there is one representative from the City only. Mr. Dougherty said that the Maxwell School representation will be predominantly urban. Mr. Buckel disagreed. If it is desired to take Maxwell School off, then that is fine, but it is the single, greatest resource in the nation who is willing to volunteer. It is also a way to draw upon the processes, finance, way of bonding, etc.

Mr. Kalfass asked why the Fire Advisory Committee isn't being tasked to do this; then there is no stacking of sides for favoritism. Mr. Buckel explained that the point was to get grass roots involved as opposed to having bureaucracy from the top. Mr. Buckel stated that if it is felt that the Syracuse Fire Chief would have nothing to add to this; he is not here to fight for city representation -- it is one person out of many.

Mr. Meyer noted that the EMS people are saying that they are totally a different animal and are billing a fee based service; they get some money from municipalities, but very little. Their comments have been that it would probably not be productive to have them part of this. Mr. Buckel said that so many of our departments do EMS work so it seemed that it should be looked at. In answer to Mr. Meyer, Mr. Buckel said that he has not met with Mayor Donovan, but have exchanged calls. Mr. Meyer said that he is receiving comments from Mayor Donovan and the current and previous supervisor in Cicero -- questioning how this is different from the study groups that are already set up. Mr. Buckel said that the primary difference is that the County has authority to apply for State funds that they don't. Feels it is always better to take a wide perspective as a whole and then break it down. It is bringing additional resources. Mr. Meyer said that the departments in his area are very frugal; they don't see that they have debt problem. Additionally, they are separately elected bodies in many cases. They generally are saying that if there are State monies available for studies, then try to get the funding to Manlius, Cicero or others that have already put in three years worth of work. The general message is that they are trying to do the same thing and have been at it for three years; why not jump on their train vs. hopping on another train in a parallel track. Mr. Buckel said that turf and status quo is difficult. He is calling upon the community to do something larger than their region, which may, in fact, enforce the strength of their regional operations, or it may not. Spending in Onondaga County increased by \$1 billion in 8 years from 2000 -- 2008 and the drivers are known. This is giving people a chance to reconstruct and rebuild their own way of doing things and getting politicians to back off.

Mr. Meyer said that he has read some of the things that Governor elect Cuomo is proposing regarding downsizing special districts; he suggested asking the State to specifically change the legislation for the monies so that things like this can be included. He would be happy to work with Mr. Buckel to propose something. Mr. Buckel said that memorializing resolutions are ways of having it appear that we are doing something, but yet are not. To get Albany to act is a time-consuming, difficult process. He is more concerned about doing something in our locality rather than putting hope in Albany or Washington. Mr. Buckel said that 6 months has been spent on this; feels it is important to exercise leadership and then get out of the way; facilitate them and draw them into a discussion of the whole.

Mr. Masterpole asked if Mr. Dougherty would like to have someone put on the task force or come off. Mr. Dougherty said that is not a real concern -- does not have a single person or title to add to make it better. He has voiced the concerns of the people that he spoke with; this is their job and they are the experts at it. He has two concerns: 1. several task forces are already working -- when another one is created, it ignores what the first one that is already doing it. Maybe a better use of the current task force could be made; 2. findings that come out of this will list the things that they can all do better -- doesn't think that individual towns and fire districts are taken into account. Mr. Buckel suggested charging them with taking the current system and the needs of each locality into account. He is open to amendments.

Mr. Meyer said that this subject has been brought out at Association of Counties and Association of Towns meetings often -- one message is that they need help, guidance, ideas on getting and retaining volunteers; it is their number one focus. Suggested the resolution be focused more on what they see is the main issue. Mr. Buckel read from the resolution; he indicated that it is considered in the resolution and hopes the experts that have those concerns look at it. Mr. Meyer said that he has been working with OCC to address points -- there are a lot of people that want to be involved in EMS or fire service, but are students, don't have a job, etc. He has been involved in raising money so that they can be OCC students and still have a bunk in at that the fire departments. These types of things have to be expanded on. He pointed out that some of the districts cross county lines.

**A vote was taken on the motion. AYES: 3 (Dougherty, Williams, Masterpole); NOES: 2 (Meyer, Kilmartin); MOTION CARRIED.**

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

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

\* \* \*

**ENVIRONMENTAL PROTECTION COMMITTEE MINUTES -- December 15, 2010  
CHAIRMAN JAMES CORBETT**

**MEMBERS PRESENT: Mr. Buckel, Mrs. Tassone, Mrs. Rapp, \*Mrs. Ervin  
ALSO PRESENT: Mr. Lesniak, see attached list**

The meeting was called to order at 10:02 a.m.

Chairman Corbett advised he would be adding two items to the agenda. Mr. Coburn will provide an update on the Lower Ley Creek public hearing scheduled for this evening and Mr. Millea will review the slight change in language of the local sewer law.

**Motions were made by Mrs. Rapp, seconded by Mrs. Tassone, to waive the reading and approve the minutes of proceedings from the previous committee meeting. MOTION CARRIED.**

\*Mrs. Ervin arrived at the meeting.

**1. LAKE IMPROVEMENT:** Patty Pastella, Commissioner

**a. ACJ Update**

- 79 trees planted with enhanced tree trenches for stormwater collection in the Townsend Street parking lot; estimated volume capture 950,000 gallons annually
- 41 trees planted throughout the Harbor Brook sewer shed
- Working with CH2M-Hill to finalize schedule for the 2011 Green Project Program
- Marketing/outreach for Save the Rain campaign continued with ads in the November 7 (Sunday) and November 24 (Wednesday) editions of the Post Standard weather page; continued development of the County's website [www.savetherain.us](http://www.savetherain.us)
- Several GIF award recipients completed projects in 2010; porous asphalt parking lots, green roofs, roof & rain gardens
- Working with GIF applicants to finalize the 2011 construction contracts proposed porous parking lots and green roof; will continue to except applications for 2011
- Harbor Brook interceptor will demobilize for the winter; back in the spring for final restoration
- Facilities plan for Midland and Clinton CSO abatement was submitted to the NYSDEC November 16th
- \$7.7 million contract was awarded (under estimate of \$12.3) for Midland CSO 04 ; work will begin in December
- Continuing final storage facilities design for the Clinton and Harbor Brook CSO's
- Ambient monitoring program continued; will be wrapping up for the winter
- Continuing to actively request and receive reimbursement funds

**2. OFFICE OF THE ENVIRONMENT:** David Coburn, Director

**a. Amending the 2011 County Budget to Provide for Ongoing County Participation in Honeywell and Onondaga Lake Remediation Issues (\$260,000)**

Mr. Coburn stated the resolution request rolling the balance of existing funds in the Honeywell Contingency Account into the 2011 budget. Funds will be used for outside legal and technical expertise.

There are a number of important issues they are currently working on. The cost recovery claim from the EPA and DEC is over \$12 million. They are looking at waste beds 1-8; we own 1-6. Honeywell has been releasing draft documents on remedial investigation. In January there will be a public announcement of an interim remedial measure proposed at the base of waste beds 1-8 to stop seepage of benzene into the lake. This is part of the wetlands habitat restoration/waste bed stabilization. Documents have also been coming to them on Harbor Brook waste bed B, includes the Murphy's Island property which the county also owns. More recently they have been focused on Lower Ley Creek.

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

**Lower Ley Creek Public Hearing**

Mr. Coburn distributed an aerial photograph of site (*on file with the Clerk*).

Beginning in the 1950's and for the next 40 years, General Motors (GM) was regularly discharging PCB's and other industrial contaminants. These were eventually released into Ley Creek, traveled four miles downstream contaminating the sediments along the way and then into Onondaga Lake. In the 1970's Ley Creek was dredged by Onondaga County to address flooding. During this time they were unaware that Ley Creek was contaminated from the GM site. It wasn't until the middle 1980's that the environmental regulators became aware of contaminates.

References to dredge spoil sites refer to material from the flood control project. The County's potential liability associated with this clean up stems from the fact that under superfund law if you move these contaminated materials you then become potentially responsible for their cleanup. This is a very harsh and unforgiving law.

The dredge spoil site is actually a remediated site. GM and the county entered into negotiations many years ago and GM accepted responsibility and paid the cost for remediating the site. It was understood by the state, federal government and justice department whom is having the hearing this evening; that in fact PCB's traveled the entire length of Ley Creek.

While GM had pretty much agreed that they were responsible and were working with the state to enter into an AJC to address the rest of the contamination; the economic climate changed and GM entered into bankruptcy. Since GM is no longer solvent the federal government has stepped in and is proposing in the bankruptcy environmental trust fund to provide \$33 - \$35 million for clean up a portion of the GM site down to Route 11. No funds have been set aside to deal with the pollutants from Route 11 down to the mouth of Onondaga Lake. This leaves Onondaga County potentially on the hook for addressing GM's responsibility.

The county submitted comments pointing out the arbitrary unfairness of the proposed trust. They asked that a hearing be held to advise the local community and to hear their views. They have also been communicating with federal legislators, agencies, and the debtor (Motor's Liquidation Group) in an attempt to resolve this issue. They have submitted comments on the changes they believe should be made to the trust.

In response to questions the following information was given:

- Potential liability of \$50 million
- Prior to the bankruptcy GM had done some clean up with the dredge spoil and plant site; not completed
- Evidence of PCB's still being charged off the plant site into the creek
- Flood control actions of the county actually prevented contaminants from going into Onondaga Lake
- County has voiced its objections to the bankruptcy court though they appear to be in approval mode
- Federal Government is the party that needs convincing as to the lack of equity that they are proposing
- Other potentially liable parties are the Town of Salina, Syracuse China, Oberdorfer, Crouse Hines, Cooper Industries and National Grid
- Honeywell is not liable
- The County is pursuing compensation from the fund; however it is a moot point if the fund is expended
- Onondaga County engineered the change in the creek to reduce flooding; Old Ley Creek area documents that PCB's and other contaminants were released from the GM site

**3. OCRRA:**

**a. Confirming Appointment to the Onondaga County Resource Recovery Agency (Michael Reilly)**

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

**4. WEP: Patty Pastella, Commissioner**

**a. A Resolution Authorizing the Issuance of an Additional \$70,990,000 Bonds of the County of Onondaga, New York, to Pay the Cost of Certain Improvements Required Pursuant to the Amended Consent Judgment and Related Municipal Compliance Plan for the Harbor Brook CSO Improvement Project In and For Said County (\$70,990,000)**

- Public hearing scheduled for December 21, 2010
- All easements have been obtained

***A motion was made by Mrs. Rapp pending the outcome of the public hearing, seconded by Mrs. Ervin to approve this item. Passed unanimously; MOTION CARRIED.***

**b. A Resolution Approving the Increased Cost of Certain Improvements Required Pursuant to the Amended Consent Judgment and Related Municipal Compliance Plan for the Harbor Brook CSO Improvements of the County of Onondaga (\$70,990,000)**

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

**c. A Resolution Authorizing the Issuance of \$275,000 Bonds of the County of Onondaga, New York, to Pay the Cost of the Purchase of a Combination Sewer Cleaner for the Onondaga County Sanitary District In and For Said County (\$275,000)**

- Revenue generating piece of equipment (\$500 per day) contract with local towns and villages
- Also used to maintain the county sewer district

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

**Mr. Buckel asked the effect of borrowing cost. Mr. Petrela will email the information.** The borrowing effects were figured into the model.

**d. A Resolution Approving the Purchase of a Combination Sewer Cleaner for the Onondaga County Sanitary District of the County of Onondaga, New York (\$275,000)**

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

**5. Confirming Reappointments to the Onondaga County Soil and Water Conservation District Board (Mr. Rhinehart, Mr. Masterpole)**

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

**6. Providing a Three Month Extension of the Project Labor Agreement for the ACJ Lake Improvement Project (Sponsored by Mr. Corbett)**

Mr. Corbett stated that there is a sunset date of December 31, 2010 on the current PLA agreement entered into in 1998. The ACJ goes beyond this date.

- PLA provides the only legal alternative to Article 8 – Section 220 for public works
- Article 8, Section 220 of the NYS hours and wages law states that any public works will be done through this section :
- 8 hrs constitutes a legal day's work for all classes
- Premium wage prevails for everyone on the project
- PLA's use shift language instead of over time schedule, flex scheduling and a reduction in show up time
- Through October 2007 a snap shot was completed from the Bluebook showing 62 contracts
- 59 were construction contracts
- 53 of the 59 construction contracts went to local employers
- 93% of the employees were local (residing in and or contiguous of Onondaga County)
- There is a 15% minority participation clause in all PLA's; well exceeded in the ACJ project
- County Executive has asked the comptroller's office to review the PLA to see if it has meet the counties goals
- Allowing the 3 month extension could potentially save up to \$20,000



- If the contract is allowed to end any other work completed would require a feasibility study
- \$20,000 estimated amount for feasibility study

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

In answer to Mr. Lesniak, Mr. Corbett stated he is not aware of any scheduled projects during this period. Mr. Lesniak asked if there would be a need for a feasibility study. Mr. Corbett stated that the Comptroller is working on a project, he was not sure if this would require a feasibility study. Mr. Britt stated that they are working to determine what the expectations were for the PLA savings. It is difficult to look back over the twelve year period. They have talked to both the union and private contractors and are comparing the 220. He stated he would have to speak with Mr. Antonacci to get the deadline for the feasibility study. **Mr. Lesniak stated he was not looking for a full 12 year picture just a snap shot of the past 4 years indicating where we are and what the projected savings of the PLA were.** He is looking for an independent audit as both sides have different stories.

Mr. Corbett added that page A-4 of the Bluebook states the total estimated cost is \$640,181,549. Consider straight finances of the 220 labor law premium prevailing wage verses the PLA wages. Mr. Britt stated this is difficult to do. The PLA says it saved money with shift changes for example. It is very difficult to determine what would have happened without those shift changes.

Mr. Britt stated that he was not sure that the contract could be extended without a feasibility study. Ms. Tarolli stated it is the Law Departments opinion, per case law that an updated feasibility study is necessary to extend the contract.

**Mr. Buckel stated he would like to see the resolution and case law on this contract. Ms. Tarolli will provide the information.**

***A vote was taken to approve the item. Ayes – 3 (Corbett, Buckel, Ervin) Abstained – 2 (Rapp, Tassone); Motion Carried.***

**Update on “A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, and to Repeal Local Law No. 13 of 1989”**

- Change to resolution is on the final page (16) - allowing for 180 day language for city resident compliance; consistent with towns and villages
- Temporary exemptions will be allowed for geographic areas currently unable to handle the flow
- Section 19 addresses the waiver issue
- Section 12 allows for municipalities to work with the county to resolve flow issues
- Local law provides the frame work to move into the planning stage of stormwater management
- County controls its own destiny; DEC is not mandating we create \$8 million dollar storage facilities
- Cost avoidance measure

In answer to Mr. Lesniak, Mr. Millea stated the MS4's go into effect 180 days from enactment. The city remains exempt until the Commissioner makes a written determination. Mr. Lesniak suggested there be no exemptions. The city should have to request a waiver, just as the towns are being asked to do. Mr. Millea responded that this needs to be put into the correct context. The city has gone through construction projects for CSO's. There is a massive amount of disruption in the City of Syracuse due to the ACJ compliance program. They are not exempt from dealing with this issue. It is not the appropriate time to go into the city and ask for disconnections of roof drains and sub pumps. Mr. Lesniak stated there are areas of the city that could already comply with this order. He agrees something needs to be done. However, we have infrastructure dollars going into the city but the towns are being asked to comply with this program. There are areas of the city that have had green infrastructure completed; there is no reason they are not being included. Mr. Millea stated that the green infrastructure is very minimal at this point. It will be a priority to disconnect the conveyances in the city. The suburbs have not faced the regulatory issues that the city has faced, yet. However, it is absolutely coming.

Chairman Corbett stated he had a resolution from Delaware County asking that the EPA rescind its requirements due to the hardship it placed on businesses and residents. They had a plan in place that the EPA turned down as being too lean. By passing this local law we are buying time, before the EPA forces towns individually to take care of this problem.

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

Respectfully submitted,

Katherine M. French, Deputy Clerk  
Onondaga County Legislature

\* \* \*

## COUNTY FACILITIES COMMITTEE MINUTES – December 16, 2010

### KATHLEEN A. RAPP, CHAIRPERSON

**MEMBERS PRESENT:** Mr. Masterpole, Mr. Lesniak, Mr. Tassone, Mr. DeMore, Mr. Kinne

**MEMBERS ABSENT:** Mr. Dougherty

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

Chair Rapp called the meeting to order a 9:07 a.m. ***A motion was made by Mr. Masterpole, seconded by Mrs. Tassone to waive the reading and approve the minutes of the previous committee meeting; Motion CARRIED.***

Chair Rapp advised the committee that Ms. O'Connell was unable to attend the meeting due to weather. Mr. Tripoli had the incorrect time for the meeting however, Mr. Rowley was present to provide an update on Room Occupancy Tax (ROT).

#### 1. OCC BOARD:

- a. **Informational Update - Meg O'Connell, Chair**

Ms. O'Connell will update the committee in January.

**ROT:** James Rowley, Chief Fiscal Officer

**Room Occupancy Tax--Contingency and Prior Years**

**Beginning Balance 12/31/09**

Contingency Account	\$188,590
Prior Years Surpluses-Unallocated	460,388
2009 Operating Surplus	329,291
All other expenses account	2,509
Total Beginning Balances Prior Years	\$980,778

**Less: Excess Funding Allocated in 2010**

Add'l Subsidy of Authorized Agencies	(\$226,757)
Hopkins Road Park	(\$108,763)
Syracuse Nationals Trucks	(\$25,000)
Upstate Ballet	(\$3,200)
Facilities Mgm't ONCENTER commitment	(\$56,133)
OHA pending Fire Protection System	(\$16,000)
Total 2010 Appropriations	(\$435,853)

**Net Balance of 2009 Prior Year Funds** 544,925

**Projected Surplus/(Deficit) 2010 Current Yr** \$400,101

**Projected Fund Balance, 12/31/10** \$945,026

**Current Surplus/(Deficit) 2011 Est Budget vs 2010** (\$678,352)

Assumes \$709,276 shifts from the ONCENTER to Fac Mgm't)

Assumes 1,000,000 Subsidy of Parks in 2011

**Net Balance of 2011 in ROT Budget** \$266,674

**Mr. Masterpole asked which authorized agencies were funded out of ROT. Mr. Rowley stated he would forward the information.**  
Chair Rapp stated that the CRT funded the authorized agencies at 90%.

The OHA fire protection has been included in the ROT budget projections.

**Mr. Masterpole asked what the revenue verses expenditures were projected to be in 2011. Mr. Rowley stated he would provide the budget for 2011.**

**2. ONONDAGA HISTORICAL ASSOCIATION:** Bill Fisher - Deputy County Executive, Gregg Tripoli – Executive Director

**a. Amending the 2010 County Budget to Provide Surplus Occupancy Funding for the Onondaga Historical Association (\$16,700)**

- \$50,000 is needed by OHA for a fire protection system
- 300 years of history with no fire protection
- \$90,000 has been raised after 21 1/2 years; still short \$50,000
- Requested 1/3 of the funds from the Chair, assuming they will be able to get the other 2/3's from foundations

Mr. Tripoli arrived at the meeting.

- Hours of operation: Tuesday – Friday 10:00 a.m. – 4:00 p.m. and Saturday – Sunday 11:00 a.m. – 4:00 p.m.
- No entrance fee for museum
- Museum attendance of 15,000 per year
- Provide information to newspapers, radio, film makers, authors, and such reaching hundreds of thousands all over the world
- \$450,000 building restoration project includes opening windows on the street level
- Create customized and traveling exhibits throughout the county
- Provide information required for historic designation; resulting in federal and state tax credits
- Contribute to economic development through value enhancement and education
- No control over the volume of work that comes into them; Syracuse China came in 6 trailer loads
- Developed a fee service business
- customized exhibits for companies and organizations are charged fees
- authors and organizations outside of Onondaga County are charged for photos and information
- charge for some programs such as ghost walks and college study programs
- Wet fire protection system is standard for the industry; dry system would be an additional \$50,000
- Both wet and dry systems are water based; the dry system does not hold water in the pipes
- \$20,000 – \$25,000 annual premium for insurance coverage of the building; does not cover contents
- \$3,000 deduction per year for fire protection system; no increased deduction for dry system
- Local foundations are the only donors for fire protection system

**A motion was made by Mr. DeMore, seconded by Mr. Masterpole to approve this item.**

In answer to Mr. Lesniak, Mr. Tripoli stated the ceiling height varies between 10 and 12 feet. Mr. Lesniak stated he would be abstaining from a vote at this time. He has some hesitation on the wet system in this setting. The frequency of accidentally setting off the sprinkler system in this environment is not minimal. A head could get hit while moving items and set them off or loss of heat and pipes freeze and burst. He is not sure that this is the correct method of protection for these items. Mr. Tripoli stated that fire suppression has been his priority. However, the funds are extremely difficult to obtain. The dry system will cost a third more. Statistics show that the additional safety provided by a dry system is not worth the investment. We have done our homework on this and are going with the industry standard.

Mr. Lesniak stated that if any other authorized agency was coming in asking for funds in these times, he would say no. But this is

probably something that should be funded. His vote to abstain is simply to allow more time for research of the system.

In answer to Mr. Kinne, Mr. Tripoli stated that donated cataloged items not deemed significant are offered back to the donor. If the donor does not want the item the museum may find a more appropriate home for it or sell it. Profits from cataloged items may not be used for operating expenses. Only profits of non cataloged items may be used for operating expenses. The Syracuse China items are all stored in the museum and were donated as an unrestricted donation. However, every piece of the china is researched and matched with the original paperwork. It is photographed and goes through a committee to determine what should be done with each piece. Records are kept on all pieces.

***A motion was made by Mr. Kinne, seconded by Mr. Masterpole to amend the dollar amount to \$50,000.***

In answer to Mr. Rhinehart, Mr. Tripoli stated that they would be very thankful for any help they receive. They will be installing a wet system. Mrs. Rapp stated that per her conversation, she believes that the \$50,000 remaining could be achieved with the support of two additional foundation sponsors. Mr. Tripoli responded that he did not have confirmation of this. The foundations are waiting to hear what the legislature has done.

***A vote was taken on the resolution as amended. Ayes: 2 (Kinne, Masterpole) Noes: 4 (Tassone, DeMore, Lesniak, Rapp); Motion FAILED.***

***A vote was taken on the original resolution. Ayes: 4 (DeMore, Masterpole, Rapp, Kinne) Abstained: 2 (Tassone, Lesniak); Motion CARRIED.***

Meeting adjourned at 10:00 a.m.

Respectfully submitted,

KATHERINE M. FRENCH, Deputy Clerk  
Onondaga County Legislature

\* \* \*

**PLANNING & ECONOMIC DEVELOPMENT COMMITTEE MINUTES – December 16, 2010  
KATHLEEN RAPP, CHAIR**

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

**MEMBERS ABSENT:** Mr. Dougherty

Chair Rapp called the meeting to order at 10:05 a.m. ***A motion was made by Mr. DeMore, seconded by Mr. Stanczyk to waive the reading and approve the minutes of the proceedings of the previous committee meeting. CARRIED.***

1. **COMMUNITY DEVELOPMENT:** Nina Andon-McLane, Admin. Planning & Funding Coord.
  - a. **Amend 2010 Budget to Accept Additional 2010/2011 Community Development Funds and Authorize the County Executive to Enter Into Contracts to Implement this Resolution (\$267,948)**

HUD is providing more money this year; an increase in the 2010 Block Grant \$270,577, slight decrease in Home Grant - \$4,015; slight increase in Emergency Shelter Grant \$1,406; \$7,700 added to 2009 Block Grant; net is \$267,948. The funds were anticipated so it was already budgeted. Also included in the budget were approximately four contingent capital projects--in case a project were withdrawn or couldn't go through. None of the contingent projects have been done.

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

2. **ONONDAGA COUNTY CULTURAL RESOURCES TRUST:** Kristi Smiley, Secretary, CRT
  - a. **Confirming Appointment to the Onondaga County Cultural Resources Trust (Andrew Russo)**

In answer to Mr. Stanczyk; Mrs. Rapp said that parameters have been set up on how the money will be distributed. In answer to Mr. Stanczyk Ms. Smiley, said that guidelines were set up in March before they originally gave out the first set of grants; **she will provide a copy of the guidelines.** Based on the types of applicants, the board's decision on where they wanted to go with giving out grants and what their priorities were, they put a moratorium on grants in July. The grant guidelines were revised. In answer to Mr. Stanczyk, Ms. Smiley said that \$120,000 was given out before the moratorium was in place (\$75k to Jazz Fest; \$20k to IDS Collaborative; \$25k to Symphony; plus a few small ones in June). **Mr. Stanczyk asked to be provided with: what the guidelines were; amount given out; what the guidelines are now; and the guidelines for the future.**

Mrs. Rapp attended the CRT meeting when the agencies attended; 2 weeks later CRT funded all of the organizations that the legislature suggested at 90%. In answer to Mr. Stanczyk, Ms. Smiley said that in addition they funded IDS Collaborative for Phase 2 for \$50,000; no others were funded. Mrs. Rapp said that the CRT indicated that the funding was likely a one-time occurrence. Ms. Smiley said that based on what has been given out, commitments to the County for next year's contract, and legal expenses, there is about \$38,000 commitment. In answer to Mr. Stanczyk, Ms. Smiley said that CRT's counsel is currently Harris Beach - it will be RFP'd. They are paid based on projects. Mr. Stanczyk asked how much they have been paid to date; Ms. Smiley did not know. Mr. Stanczyk said that this needs to be put on paper for the committee to see. This is the committee that is supposed to oversee CRT. Mrs. Rapp said that she would like to have the CRT do a presentation at committee. Mr. Stanczyk said that he wants everything on paper; not a verbal presentation. Ms. Smiley noted that the CRT is an independent board and they have to have counsel, just like the IDA. Mr. Stanczyk said that the legislature set them up. Mrs. Rapp said that it is an independent board; they can make their own decisions, but that doesn't mean that the legislature shouldn't know what is going on.

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

**3. COOPERATIVE EXTENSION ASSOCIATION BOARD OF DIRECTORS:**

**a. Confirming Reappointments to the Cooperative Extension Association of Onondaga County Board of Directors (Monica Williams, Judith A. Tassone)**

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

The meeting was adjourned at 10:18 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

**\* \* \***

**WAYS AND MEANS COMMITTEE MINUTES – DECEMBER 17, 2010  
CHAIRMAN CASEY JORDAN**

**MEMBERS PRESENT:** Mr. Corbett, Mr. Lesniak, Mr. Buckel, \*Mr. Stanczyk, Mr. Holmquist, Mr. Kilmartin, Mr. Warner

**MEMBERS ABSENT:** Mr. Kinne

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

Chairman Jordan called the meeting to order at 9:10 a.m. ***A motion was made by Mr. Lesniak, seconded by Mr. Warner, to waive the reading and approve the minutes of proceedings of the previous committee meeting. MOTION CARRIED.***

**CONSENT AGENDA**

**1. MENTAL HEALTH:**

**a. Transfer of Funds from Contracted Services Account 570 (\$440,287) to Hospitalization Account 534 (\$440,287)**

**2. VAN DUYN:**

**a. Transfer of Funds from Regular Employee Salaries Account 101 (\$130,000) to Professional Services Account 408 (\$130,000)**

**3. COMMUNITY DEVELOPMENT:**

**a. Amending the 2010 County Budget to Accept Additional 2010/2011 Community Development Funds and Authorizing the County Executive to Enter Into Contracts to Implement this Resolution (\$267,948)**

**4. SHERIFF:**

**a. Amending the 2010 County Budget to Receive Additional Grant Funds from the Bureau of Justice Assistance Bulletproof Vest Partnership (\$13,505.11)**

**b. Amending the 2010 Co. Budget to Accept Grant Funds for a Selective Traffic Enforcement Program and Authorizing the County Executive to Enter Into Contracts to Implement this Res. (\$42,000)**

**c. Amend 2010 Co. Budget to Authorize the Sheriff's Office to Accept Additional Grant Money from the U.S. Marshals Service for Fuel and Maintenance Costs Associated with Previously Granted Vehicles, and Authorize the Co. Exec. to Enter Into Contracts to Implement this Res. (\$9,000)**

**d. Transfer of Funds from Regular Employee Salaries Account 101 Custody (\$275,000) and Employee Benefits - Interdepartmental Account 120 Police (\$325,000) to Overtime Wages Account 102 Custody (\$600,000)**

**e. Transfer of Funds from Regular Employee Salaries Account 101 Police (\$40,000) to Maintenance, Utilities and Rents Account 413 Custody (\$40,000)**

**f. Transfer of Funds from Regular Employee Salaries Account 101 Police (\$20,000) to Maintenance, Utilities and Rents Account 413 Police (\$20,000)**

Mr. Stanczyk requested that item 4d be removed from the Consent Agenda; Mr. Buckel asked that items 1a and 2a be removed from the Consent Agenda. ***A motion was made by Mr. Corbett, seconded by Mr. Kilmartin to approve the Consent Agenda items, with the exception of items. 1a, 2a, and 4d. Passed unanimously; MOTION CARRIED.***

Items removed from the Consent Agenda were considered:

**4. SHERIFF:**

**d. Transfer of Funds from Reg. Empl. Sal. Acct 101 Custody (\$275,000) and Empl. Benefits - Interdepartmental Acct. 120 Police (\$325,000) to Overtime Wages Acct. 102 Custody (\$600,000)**

Mr. Balloni explained that the transfers are a result of increased cost in Custody overtime account. The number of constant watch inmates have gone up approximately one third. These are inmates judged by Mental Health employees that they are a suicide risk; they are required to be watched one on one or one on two at best. Cannot increase staffing, as it goes up and down substantially on given days – could be 2 people one day and 15 people the next. The Sheriff's Dept. is examining the movement with the State Corrections Commission to allow a one on 4 type observation.

Mr. Stanczyk said this is 24/7; the average shows that the low was 4 during March; there is a trend and questions why this is paid with overtime. There was money in the 101 line so it could be scheduled. Chief Balloni said that he can't schedule without creating a shortfall somewhere else – straight time budget hours are all accounted for. Mr. Stanczyk doesn't accept the premise that the best way to pay for this is overtime. He asked if a retired officer can be used for constant watch, rather than an overtime custody officer. Chief Balloni said that there is a problem, as it is union/contract issue. They have talked to the union in the past about using retirees, and have lost. Mr.

Stanczyk asked about using cameras; Chief Balloni said per the State Commission of Corrections, someone has to be physically sitting in front of the cell for constant watch. Mr. Stanczyk said a program should be put in place to staff with regular time; should see an impetus to talk to the union to better get to the cost, an incentive to the people who might want to retire.

Mr. Lesniak asked for a cost analysis including benefits regarding how much it would be to hire two people vs. paying on overtime. He would like to see the comparison to the cost of paying overtime for two people. In answer to Mr. Lesniak, Chief Balloni said that overall housing numbers are increasing also and is contributing. He noted that there is concern about contracting some of the health services out—they may be erring on the caution side. As the transition is completed, it may change again – it may be a one-time spike. Mr. Lesniak asked if there is a possibility of looking at some cells to accommodate constant watch. Chief Balloni said that they are looking at it; replacing some areas with glass doors. Mr. Lesniak pointed out that a one-time investment might be cheaper than paying the overtime.

Mr. Buckel asked if overtime and regular time for 2010 was budgeted for constant watch for 6.6 people. Chief Balloni said that it was. Mr. Buckel asked that Chief Balloni go back 3 years and calculate the number of people that handled the constant watch on straight time. Chief Balloni said he would need 5 or 10 more people and didn't think that would be welcomed in the budget process. Chief Balloni stated that Chief Carberry looks at historical data. Mr. Buckel said that on the 6.6 people, there was still an allocation for regular time and overtime; feels we should look back further to see what the historical numbers are with the cost benefit. If it is justified based on known historical averages, he doesn't think the legislature would give the department a hard time. Chief Balloni said that this looks like an anomaly in looking at historical data for constant watch.

Mr. Corbett noted that approximately 3 years ago, it cost the County in trying to hire retirees, as the County lost the court case.

Chairman Jordan asked if using retirees was part of the discussion with DSBA in negotiating a contract. Chief Balloni said that they were unsuccessful in getting even minor concessions from the union, i.e. drug testing. Mr. Troiano said that there have been discussions with DSBA for the use of part time employees in the past; it was not successful. Mr. Troiano said that their objection was because of overtime wages.

Mr. Warner asked if everything the Sheriff's Dept. is doing for constant watch is mandated or is there an added comfort level. Chief Balloni said that everything they do is mandated.

***A motion was made by Mr. Lesniak, seconded by Mr. Corbett, to approve this item. AYES: 6 (Jordan, Corbett, Lesniak, Holmquist, Kilmartin, Warner); NOES: 1 (Stanczyk); ABSTENTIONS: 1 (Buckel). MOTION CARRIED.***

**1. MENTAL HEALTH:** Robert Long, Commissioner

**a. Transfer of Funds from Contracted Svcs. Acct 570 (\$440,287) to Hospitalization Acct 534 (\$440,287)**

Transfer to fund hospitalization costs – from 2004 to 2009 hospitalization cost have ranged from \$387,000 to \$1.3 million. It is largely driven by the jail population. The County pays 50% of the cost of hospitalization. This is a November 30, 2010 projection.

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

In answer to Mr. Lesniak, Mr. Long said that the cost last year was \$1.3 million; the 2010 cost will be about \$1.1 million. It is variable and difficult to predict; a four year floating average is used to estimate. Prior to the last two years, the cost hasn't been over \$1 million. Surplus money is contract line is due to not letting some contracts, partially as a result of State aid cuts and partially as a result of fiscal austerity measures. In answer to Mr. Warner, Mr. Long confirmed that the total cost is \$846 per inmate per day – State share is half – these are all in secure hospitals, they are prison like.

***A motion was made by Mr. Warner, seconded by Mr. Holmquist to approve this item. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Stanczyk); MOTION CARRIED.***

**2. VAN DUYN:** Roberta Sprague, Commissioner

**a. Transfer Funds from Reg. Empl. Sal. Acct. 101 (\$130,000) to Professional Svcs. Acct. 408 (\$130,000)**

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

Transfer is needed to cover the cost of bringing in agency personnel for the CNA and lpn positions. These are permanent positions on the 101 – when there are not enough people in those positions, they have to bring in outside agencies – it is done per shift. In answer to Mr. Buckel regarding why using an agency vs hiring, Mrs. Sprague said that they would love to hire people, but are having difficulty – sometimes there are up to 35 vacant CNY positions. People may come and apply for the job, by the time they go through the criminal background check, they fall off and can't be hired. In answer to Mr. Warner about the cost of using agency personnel vs. hiring as County employees with benefits, Mrs. Sprague explained that roughly a CNA average salary is \$12.83/hr, add overtime if needed @ \$7/hr., plus benefit package. An agency aides cost about \$20 - \$22/hr. – it is about a wash. In answer to Mr. Lesniak, Mrs. Sprague said that often with contract services, the same people are sent to Van Duyn. Mr. Buckel asked if there is someone that is really liked, do we covenant their contract. Mrs. Sprague said that the agencies have a clause in their contract that we can't steal from them. However, they have been fortunate that sometimes the two offices have been able to work out an agreement so that the person can come to work for Van Duyn.

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

## **WAYS AND MEANS COMMITTEE AGENDA**

**1. PURCHASE:** Sean Carroll, Director

**a. Report – Monthly Revenue Contracts**

Distributed copies of reports (on file with Clerk)  
Revenue Contracts:

- Several held over from last committee mtg.
- All are categorized
- All IMAs have been processed – legislature has approved them
- Paradise, Parks for Jamesville Balloon Fest and George D. Poole, Jr., horse concession at Parks were done by RFP
- Summit FCU – lease for credit union in Civic Center processed because it is part of a larger relationship
- All others have been held – asking for ability to process the rest – many don't make a lot of sense to RFP

Mr. Stanczyk said that he was looking for a benchmark, and there is no column on the report concerning the money. Regarding the benchmark, Mr. Carroll said that the 2nd report categorizes the contracts; each category does not fit into an RFP and he recommended repeal of the resolution in its entirety. Mr. Stanczyk stated that at the last meeting the committee asked for a suggested dollar amount and asked if Mr. Carroll has that. Mr. Carroll said that the dollar amount doesn't address the issues with the contracts; type of contract does. He referenced title companies that lease space in the County Clerk's office--included in the budget for years; no limit to the ones that can be done; no competitive process. Mr. Stanczyk asked how much was accepted for that; Mrs. Ciarpelli said it is \$36,000; individually \$3,327.50. Mr. Stanczyk said that an amount is provided, it is standard practice, and Purchasing should tell the committee that they want to exempt it. However, the committee has not been provided with dollar amounts, categories, etc. – the whole thing will not be repealed. He referenced the contract for Lights on the Lake, which still hasn't been discussed in Ways and Means concerning the consequences; wants a full vetting in committee about the contract. In response to Mr. Stanczyk, Mr. Carroll said that he came back with 6 categories and is recommending that all 6 be exempt. Mr. Stanczyk referred to Lights on the Lake contract, which was called a revenue contract, but there are stipulations about what the county is doing in terms of manpower, assets, things the County is deploying; there are obligations in the contract that should fall outside the realm of what a revenue contract should be defined as. He is asking Mr. Carroll to bring dollar amounts and other things that he feels should be exempt. Mr. Carroll said that dollar amounts are the wrong way to approach this – this is about if the competitive process can be served. In some cases if there is a county investment, they can categorize things that way, but there are contracts that are exactly the same, except for the dollar amount, where there is no competitive process to be served. There is no rational basis to draw a line based on dollar amount. There are categories of contracts where there is no horizontal or vertical completion; there is either a limited supply or it is advertising space where there is no restriction to the amount of space they can sell.

Mr. Stanczyk said that he will not rescind the resolution, but is open to modifying it if Mr. Carroll with work with the Law Department to put together proposed modifications. Then he will discuss it and it will be brought forth, or not, based on discussions with Chairman Jordan. Mr. Carroll referred to the lease contracts in the Co. Clerk's office and others contracts that he is holding and asked for the committee to provide a sense that he can release them today. Mr. Stanczyk said that he has no problem with that, but that a resolution be put together before session with modifications. Mr. Carroll reiterated that his recommendation will be to repeal the resolution.

Mr. Lesniak asked about the IMAs listed for purchasing; Mr. Carroll explained that in the 2009 budget process, the legislature gave authorization to recover some costs of providing surplus management activities for municipalities. Mr. Lesniak asked about the Student Assistance Program contracts on the list. Mr. Carroll said that they are considered revenue contracts because it is a reimbursement to the county in participating in the work study program at Parks Dept; Parks recovered 60% of the money they expend hiring work study students. Mr. Lesniak said that it looks like it is the exact number of people that were laid off. Mr. Carroll said that he did not know how to answer the question; if they are IMAs then they have gone through the legislature. Mr. Lesniak said that everything the committee is seeing on revenue contracts opens up a whole new door, and he is not liking what he is seeing. He is not sure that dollar amounts are the right way to go either, not looking to RFP things, but maybe all revenue contracts should come to the legislature for review. Mr. Carroll said that there is a reason that legislative bodies are doing this at any level are doing this anywhere in the state and referred to an exemption to General Municipal Law 103. Mr. Lesniak stated that if the County is not recovering all of its money for retirement and everything that is in the IMA for Student Assistant Program, then he has a problem. Mr. Carroll said that if it is an IMA, it went through this body already; Mr. Lesniak said that it did not.

After discussion, Mr. Carroll said that he is hearing that he has to go the Law Department for a resolution; and asked if he is hearing a general consensus that the can process the ones that he has put forth today. Chairman Jordan said that the committee can't authorize that; it has to be done by resolution. Mr. Lesniak asked which ones are being asked to be processed. Mr. Carroll said that they are the ones labeled "held" on the first handout. Mr. Stanczyk said he had no problem; Mr. Lesniak said he wanted to know the dollar amounts; Mr. Buckel said a resolution is needed for Tuesday's session.

Mr. Buckel referred to the broad picture – anytime there is a use of public goods/services whether as a debit or credit, they should be subject to full transparency. Over time these things evolve without the full sunshine, the public light that should be provided. Mr. Carroll said that they are all contracts and all foilable. Mr. Buckel said full transparency is needed so that a public good or services isn't used to benefit somebody out of any competitive process because they are a friend. Regardless of that, he does not see potential abuse or misuse, but if it is secret or hidden and not transparent, there is always the possibility that we are using a public good or service to benefit a particular friend. He does not suggest that Purchasing come committee on every contract. Mr. Fisher said that in reporting, they are letting some sun shine on it. He suggested that the reporting be done by the Purchasing Director as opposed to the CFO.

Mr. Kilmartin recommended that a resolution be generated as soon as possible to get through the end of the year for items such as the County Clerk's office – a vehicle to address those items taken care of before January first. Then to address the mechanics of the resolution for the Purchasing Dept., Purchasing can talk to leadership or a group of legislators so that we understand the mechanical problems – find a happy medium where purchasing is not frustrated/restricted. At the same time, maybe the major contracts that the Committee might have an interest in looking at and could address its issues. Possibly there is a means for advance notice, general review, etc., on the big ticket items. Mr. Carroll said he would be happy to outline the process and identify all pitfalls.

Mr. Stanczyk said that a resolution will be presented on Tuesday, vetted through himself and the Chairman. Mr. Stanczyk referred to a DSS contract a few years ago which ending up costing the county \$2 million; it was a bear trap and the legislature didn't know anything about it until it was sprung. There are things that have happened in the past; and there should at least be "sunshine", vetting, understanding of the legislature of what is going on.

## 2. **WEP:** Patty Pastella, Commissioner

a. **A Resolution Approving the Increased Cost of Certain Improvements Required Pursuant to the Amended Consent Judgment and Related Municipal Compliance Plan for the Harbor Brook CSO Improvements of the County of Onondaga (\$70,990,000)**

- Project required under consent order
- Originally 3 sewer sheds authorized for RTFs – projects lagged, entire amount for original proposed RTFs under ACJ was never authorized. Did authorize approx. \$34 million for Harbor Interceptor replacement project
- Addition \$71 million is for construction of storage tank at State Fair Boulevard, and floatable control facilities on remaining CSOs in that sewer shed, includes design cost and cost for green infrastructure

Chairman Jordan said this is work obligated under the ACJ; it represents a decreased cost over what was originally proposed. Ms. Pastella said under the 2nd stipulation the total cost projected estimate was \$145 million; the current cost estimate is approximately \$104 million.

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

Regarding a timeline, Ms. Pastella said that the report of the floatable control facility was just submitted, under review now by DEC; storage tank is under design – required to be completed by end of 2013. In answer to Mr. Kilmartin, Ms. Pastella confirmed that this is just one component of compliance with ACJ. They are working to get finalized cost for the other work that is required, and will be coming back to committee for additional authorization and summary of costs. Mr. Corbett pointed out that right now total estimated costs are \$640,181,549. Ms. Pastella said that is the total cost; includes some which has been expended already.

In answer to Mr. Lesniak regarding bonding, Mr. Petrela said it will be for 30 years. Mr. Millea said that financing will go through the NYS Environmental Facilities Corporation – short term construction loan, 0% on 50% of the monies; then 30 years bonded – won't borrow until construction is complete. In answer to Mr. Lesniak about the impact on sewer rate charge, Mr. Millea said that it is built into construction completion and then taking on the full debt. Mr. Petrela said that it adds an additional \$.41 in 2012, then goes up gradually in the next five years to \$2.03. Bonding will be roughly 2%.

Mr. Buckel said that it would be useful to have a running presentation of what the debt structure is at the county; to have big picture each time. Would like to know the percent of revenue, accepted practices, so that the committee can monitor the structure.

Mr. Stanczyk asked if it is possible to bond for the whole project now and get a subsidized rate, rather than take the 0% financing during construction. Mr. Millea said that the EFC does not allow it; they need to see actual construction costs. The alternative would be to use GEO bonds.

***Vote was taken on the item. Passed unanimously; MOTION CARRIED.***

**b. A Resolution Authorizing the Issuance of an Additional \$70,990,000 Bonds of the County of Onondaga, New York, to Pay the Cost of Certain Improvements Required Pursuant to the Amended Consent Judgment and Related Municipal Compliance Plan for the Harbor Brook CSO Improvement Project In and For Said County (\$70,990,000)**

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

**c. A Resolution Approving the Purchase of a Combination Sewer Cleaner for the Onondaga County Sanitary District of the County of Onondaga, New York (\$275,000)**

- Purchase combination sewer cleaner; replaces existing vehicle
- Revenue generator
- Old vehicles are sold at auction or kept for parts

**Mr. Lesniak asked to be provided with how much revenue this generates; Ms. Pastella indicated that she will provide it.** In answer to Mr. Lesniak, Ms. Pastella answered the following:

- Currently have 6 combination cleaners, 2 flushers
- Another one is needed to continue operations -- when one is taken out, they can maintain the same number running
- All six operating every day

Mr. Lesniak noted that he sees three of them sitting there.

Mr. Corbett noted that at the Vehicle Review Board meeting during budget review, there was a recommendation to bond for this vehicle.

**Mr. Lesniak asked to be provided with a log for a month or two for the 6 units. Mr. Rhinehart asked that sludge trucks be included also.**

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

**d. Authorizing the Issuance of \$275,000 Bonds of the Co. of Onondaga to Pay the Cost of the Purchase of a Combination Sewer Cleaner for the Onondaga Co. Sanitary Dist. In and For Said County (\$275,000)**

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

**3. ENVIRONMENT, OFFICE OF: David Coburn, Director**

**a. Amending the 2011 County Budget to Provide for Ongoing County Participation in Honeywell and Onondaga Lake Remediation (\$260,000)**

- Roll over balance of funds in Honeywell contingency account into the 2011 budget
- On Dec. 7th, the legislature released \$100,000, leaving a balance of \$260,000

Mr. Lesniak asked for an update of what happened last week. Mr. Millea said that Luis Mendez and David Coburn have been working diligently on this issue for a number of years. They put together a 12-page letter and it was submitted to Department of Justice; included

a request for a public hearing. The public hearing was held on Wednesday at the State Fair grounds. The County made its case that this was an arbitrary decision made by the Department of Justice; that there should be no boundary at the Route 11 bridge; it was GM's liability to clean the PCBs out of Ley Creek and the lake bottom and that the trust, which is potentially going to be adopted by federal court in March 2011, should be amended to include all of Ley Creek – to provide resources so that the taxpayers of Onondaga County and Town of Salina don't have to pay for it. Mr. Corbett noted that the potential liability is \$20 - \$50 million. Mr. Millea said that they don't have a solid logical ground to stand on, but have a potential legal ground to stand on – because there was a consent decree in place for the Ley Creek plant site, as well as Ley Creek up to Route 11, they can be eligible for trust settlement. There was no consent decree in place for lower Ley Creek, and therefore the United States and the State of New York have reserved their right for funding as an unsecured creditor. For that portion of lower Ley Creek, which is outside of the settlement, it is completed walled off to access it. The County will have no ability to capture dollars from the trust and will only be able to capture a pro rata share of 10% of the new GM. It puts the County in a pot of \$40 billion worth of additional creditors – will fight for the 10% share. The County will be fighting with all of those claimholders and their expectation is to get a very small piece of the percentage. A responsiveness summary will have to be submitted to the courts on the public comment period and public hearing; then will see how the Department of Justice, US Attorney, and EPA felt about Onondaga County's comments.

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

Mr. Stanczyk asked who the litigant and other experts are. Mr. Coburn said that the outside legal counsel is Kevin Murphy, Wladis Law Firm; head technical expert on CERCLA related issues is David Stoner, S&W Redevelopment, Ecology and Environment, Buffalo is handling a lot of eco-risk and health risk assessment. **Mr. Stanczyk asked to be provided with a list of what has been expended – amount in 2009-2010 and what can be expected in 2011.** In answer to Mr. Stanczyk, Mr. Coburn said that approximately \$100,000 was spent in 2010; expectation is \$100,000 or more in 2011.

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

**4. ONONDAGA HISTORICAL ASSOCIATION: James Rowley**

**a. Amend 2010 Budget to Provide Surplus Occupancy Funding for the Onon. Historical Assoc. (\$16,700)**

- Fire suppression system for OHA
- OHA is an important agency with important assets to protect
- Allows OHA to update facility and make sure it is compliant with code and provide fire protection
- \$16,700 would come from ROT surplus
- \$266,000 ROT surplus projection after 2011 budget

**Mr. Stanczyk asked to be provided for ROT surplus at end of 2011 and how ROT came in compared to what was thought to come in; expectations for 2011; expenditures already incurred for 2011.**

Mr. Stanczyk said that this is something that should go through the budget process so that there is a chance to deliberate it with everything else; to get too many of these outside the budget process, it gets too easy to pass them.

Mr. Lesniak said that he will abstain; has two issues – 1. Back peddling from positions that were taken at budget time in funding authorized agencies; 2. OHA is installing a wet suppression system. With an additional \$50,000 they can put a dry suppression system in. A dry system would not ruin everything, as there is no water in the system until there is heat source, which would initiate a pumping source to fill the pipes. He feels OHA is moving ahead with this prematurely.

***A motion was made by Mr. Buckel, seconded by Mr. Stanczyk to approve this item. AYES: 1 (Buckel); NOES: 0; ABSTENTIONS: 7 (Jordan, Corbett, Lesniak, Holmquist, Kilmartin, Warner, Stanczyk). MOTION CARRIED.***

**5. FINANCE, DIVISION OF MANAGEMENT AND BUDGET: Peter Seitz, Deputy Director**

**a. Authorize the Co. Comptroller to Transfer 2010 Unencumbered Appropriations After Expiration of the 2010 Fiscal Year Upon Approval of the Co. Exec. and the Chairman of the Ways & Means Committee**

**b. Authorizing the County Comptroller, Upon Approval of the Division of Management and Budget and the County Executive' Office, to Transfer 2010 Unencumbered Appropriation Account Balances in Excess of \$7,500 Into, Between, and Among All Interdepartmental Chargeback Appropriation Accounts and Adjust the Corresponding Interdepartmental Revenue Accounts**

Items 5a and 5b allows for transfers to cover negative balances at year end; item a. allows transfers above \$7,500; b. allows interdepartmental transfers of \$7,500

***A motion was made by Mr. Stanczyk to approve items 5a and 5b, seconded by Mr. Corbett. Passed unanimously; MOTION CARRIED.***

**6. FINANCE, DIVISION OF REAL PROPERTY TAXES:**

**a. 2011 Town Tax Rates, Fixed, Ratified and Confirmed**

***A motion was made by Mr. Corbett, seconded by Mr. Lesniak to approve this item. AYES: 7; NOES: 0; ABSTENTIONS: 1 (Warner). MOTION CARRIED.***

- b. Southwood – Jamesville Water District – General Apportionment
- c. Southwood – Jamesville Water District – Town of Dewitt Apportionment
- d. Southwood – Jamesville Water District – Town of Onondaga Apportionment

***A motion was made by Mr. Stanczyk, seconded by Mr. Corbett to approved items 6b, 6c, 6d. AYES: 7; NOES: 0; ABSTENTIONS: 1 (Warner). MOTION CARRIED.***

**e. Warners Water District – General Apportionment**



**f. Warners Water District – Town of Van Buren Apportionment**

**A motion was made by Mr. Corbett, seconded by Mr. Stanczyk to approve items 6e and 6f. AYES: 7; NOES: 0; ABSTENTIONS: 1 (Warner). MOTION CARRIED.**

**7. PERSONNEL: Peter Troiano, Commissioner**

**a. Providing Continuous Individual and Family Dental and Health Insurance Benefits through Dec. 31, 2011 at County Expense for those County Officers and Employees During Their Active Military Duty**

**b. Authorizing Onondaga County to Pay the Difference in Pay Between Military Pay and Base County Salary to County Officers and Employees While Performing Ordered Military Duty**

Mr. Lesniak asked if this is identical to the resolution passed last year, as it was modified last year. Mr. Troiano confirmed that the modified resolution was in May 2009 regarding supplemental pay.

A modified resolution was distributed. In answer to Mr. Warner, Mr. Troiano noted that \$41,171 was paid out this year.

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

**c. Accepting and Approving Contract Between the County of Onondaga and the Deputy Sheriff's Benevolent Association of Onondaga County, Inc.**

Mr. Troiano said that there were two modifications in the contract: 1. wage increases – includes a wage freeze for 2011; 2. recognition of a holiday from Election Day to the day after Thanksgiving – consistent with other labor agreements. DSBA has ratified the contract.

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

Mr. Lesniak asked if the Sheriff will sign this; Mr. Troiano said that he did not know. He is a joint employer under the Taylor Law; the obligation and responsibility to negotiate a labor agreement is on the Chief Executive Officer of the public employer, which is the County Executive in this case. Also the County Executive enters into contracts under Charter and Code. If the Sheriff does not sign, he believes the authority is there to go ahead and agree to it and comply to all of its terms.

**Passed unanimously; MOTION CARRIED.**

**8. WAYS AND MEANS MISC.:**

**a. Reappointing Two Directors to the Onondaga County Tobacco Asset Securitization Corp. (Sponsored by Mr. Rhinehart)**

**A motion was made by Mr. Stanczyk, seconded by Mr. Corbett to approve this item. AYES: 6; NOES: 0; ABSTENTIONS: 2 (Mr. Warner, Mr. Jordan). MOTION CARRIED.**

**b. Changing the date of the January 2011 Legislative Session (Sponsored by Mr. Rhinehart)**

- Moving session from the first Tuesday in January to the 18th.

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

**c. Providing a Three Month Extension of the Project Labor Agreement for the ACJ Lake Improvement Project (Sponsored by Mr. Corbett)**

Mr. Corbett said that in 1998 there was a PLA; a study was done and implemented for the ACJ Lake project around 1999-2000. It has a sunset of December 2010. The resolution is to extend it for 3 months. The PLA is a means of saving money. Public works are done under Article 8 Section 220 of the State Labor and Wages – an 8 hour day constitutes a work day and everything over is subject to some form of overtime. The PLA in place is the only avenue to provide a legal alternative to Section 220 – uses shift language to reduce overtime; allows for flexible hour scheduling, eliminated guarantee pay for show up time and replaced it with a travel allowance equivalent to just one hour's pay – projected savings of \$1,695,000. In 2007 a snapshot was done – up until the end of October there were 62 contracts let in its entirety; 59 for construction work (not just supplies); of the 59 there were 53 awarded to local employers, 6 were awarded to non-local employers. 93% of all workforce were local (generally constitutes contiguous areas around Onondaga County); remaining 7% - drag along clause. PLA met and exceeded the 15% minority participation goal. The County Executive has asked the Comptroller to look at the current numbers and ascertain if the PLA has met stipulated goals. Mr. Corbett said that he does not feel that it needs to be done, but is trying to work within the parameters of cooperation. By allowing this extension, it could save up to \$20,000 if the new feasibility study were to be done. In 1998 the County Executive asked Camp, Dresser & McKee to put together a report on project labor agreements which included 3 tasks: prepare document - \$21,000; meetings and preparations to the legislature - \$55,000; assistance in negotiations - \$12,500. If the 2 tasks are taken out that have nothing to do with the feasibility study, it was approximately \$20,000 based on that work at that time. He is trying to present this as strictly a cost benefit to Onondaga County and its taxpayers. In our community there is a very large perception of union/non-union battles that go along with a PLA. Legislators have to focus on what is the most cost effective way of delivering this product to constituents. The basic question is do we want the labor services delivered in the most cost effective manner. The most cost effective manner is through PLA – the only way to circumvent Section 220 of NYS Labor Law. Mr. Corbett asked the Committee to bring forward the extension to continue to be the most cost effective manner to deliver these services for the balance of the project labor agreement.

In answer to Chairman Jordan, Mr. Britt, Deputy Comptroller, stated that the Comptroller's office has a copy of the feasibility study. Mr. Britt said he can provide a copy; it is very large. It was determined that **Mr. Britt would provide the summary of the report to the legislature.**

Mr. Corbett pointed out that the reason the PLA went from 1998 to the implementation was because there was a lawsuit brought against the PLA; the court deemed that the lawsuit be thrown out and was determined that the PLA was legal and should be implemented by

Onondaga County as a cost savings measure.

Mr. Stanczyk said that he asked for a resolution to have this PLA renewed for another 10 years based on the fact that the study did in fact show that the PLA met its stipulated goals – saving money, encouraging local contractors, local works, minority work participation. If it has already been litigated that it is proper and appropriate for Onondaga County to engage in a PLA, then he looks forward to bringing it forward. If there are opportunities to look at it and consider if there are things that can be modified to make more sense for the next 10 years, then he is in favor of that. He asked if the intent of the 3 month extension is to engage an outside firm to look at the stipulated goals or ask the Comptroller to provide a written opinion. Mr. Britt said that the 2007 study did not come from the Comptroller's office; there was a feasibility study done in 1998. He has a copy of the 2007 study summary. In answer to Mr. Stanczyk, Mr. Britt said that regarding the county's 1999 goals concerning local labor, the summary stipulates 93% was local labor and the other 7% was drag along.

The feasibility study said that "x" amount of dollars would be saved. It started with \$11.9 million. In 1998 a study projected out a series of projects in relation to the lake clean up – projected at \$380 million. The study assumed that out of that number 35% will be labor - \$108 million. It further determined that of the \$108 million, there would be a savings of \$11.9 million because of the PLA and modifications to the work force. It listed out the elimination of show up pay \$1.6 million; management's rights clause \$2 million; regular shift hours \$2.5 million; apprentice ratios agreement modification \$1.2 million, etc. It is difficult to look back and test those assumptions because it was based on 4 million hours worth of labor – would have to see how many hours there are now. Under law payroll information is only required to be kept for a certain time after a contract is completed. The Comptroller's Office was going to test some of the expectations to see if some of the goals were achieved and then verify, or come in conflict with, the 2007 study. Also they were going to attempt to look at modifications of any work rules and what that can save. In the absence of a PLA either Davis-Bacon will apply or Section 220. **Mr. Britt said that the Comptroller's office will provide the committee with the 2007 study and feasibility study summary.**

Mr. Corbett said that labor hours have been tremendously greater than what was anticipated in 1998, which means that savings have been a lot greater than anticipated. It is not because of cost overrun, it was a realization after the 2nd, 3rd and 4th stipulation as to how much work actually had to be done. Mr. Britt said that is what makes the assumption from 1998 so difficult to test.

Mr. Warner asked if he understands that a PLA is the only legal way to accomplish this. Mr. Corbett explained that it is the only legal way vs. having to comply with Wicks Law or Section 220. Mr. Britt said that the prevailing wage is pretty much the same – the savings or non savings would be seen through work rules and what is governed by Section 220 vs. what the PLA, or in absence of a PLA, what the standard would be. Mr. Warner asked what the need for the resolution is. Mr. Corbett said to save money. Mr. Warner said that the other side is contending that the figures are a little different. Mr. Corbett said it is philosophical; they have to pay the exact same amount of money whether working for a union or non union employer

Mr. Buckel said that it can be renewed on mutual consent of the two parties – conceivably the Executive could elect to sign it and renew it. Or the legislature could say it is a policy and renew it. There is no case that says that there has to be a new study to renew an agreement that had previously been justified and gone through the litigation process. Mr. Corbett's resolution is a good balancing middle ground – wants to see the economics of it, so that the legislature is not taking a philosophical position.

Mr. Lesniak questioned the legality of doing this; he understand that there needs to be a feasibility study to extend this or to reach a new one, and in turn this is saying that one could be entered into by mutual agreement. Mr. Buckel said that there is no clear cut answer either way – the law requires this to be justified; it was done and even challenged and sustained. Mr. Lesniak asked for the position of the county attorney's office. Mrs. Tarolli said that they would defer to attorney client privilege – would need to go into executive session specifically for the purpose. Mr. Lesniak said that he wants to see the independent study before he extends anything. Mr. Stanczyk said that all of the contracts that have been let under this PLA continue to exist. Mr. Corbett questioned if the study being done through the Comptroller's office will be a feasibility study. Mr. Lesniak said that he is looking for explanation that dollars can be saved on the work rules modification. If the Comptroller's office can justify that, then he would be much more inclined to support a PLA. At this point he has philosophical studies. Mr. Britt stated that if the Comptroller's office did that study, one way or another a feasibility study may be needed – they are two separate things.

**A motion was made by Mr. Corbett, seconded by Mr. Stanczyk to approve this item. AYES: 3 (Corbett, Stanczyk, Buckel); NOES: 2 (Kilmartin, Holmquist); ABSTENTIONS: 3 (Jordan, Lesniak, Warner). MOTION CARRIED.**

\*Mr. Stanczyk left the meeting.

**9. Law Dept.**

**a. Settlement of claims – John Sharon**

**A motion was made by Mr. Corbett, seconded by Mr. Lesniak, to leave regular session and enter into executive session for the purpose of discussing pending litigation in the cases of Keli A. Whittin vs. County of Onondaga and Donald T. Dimon, and Janice E. Burke vs. Cicero Police Department, Deputy K. Kruger, Deputy Bollinger, Deputy Wafer, Gillette Road Middle School, and Audrey Gangloff. Passed unanimously; MOTION CARRIED.**

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

No action was taken during executive session.

The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

\* \* \*

**FISCAL WAYS & MEANS COMMITTEE MINUTES – December 17, 2010**  
**CASEY JORDAN, CHAIRMAN**

**MEMBERS PRESENT:** Mr. Corbett, Mr. Lesniak, Mr. Buckel, Mr. Stanczyk, Mr. Holmquist, Mr. Warner, Mr. Kilmartin

**MEMBERS ABSENT:** Mr. Kinne

**ALSO ATTENDING:** *See attached list*

Chairman Jordan called the meeting to order at 8:35 a.m.

**1. MANAGEMENT AND BUDGET – Third Quarter Report – James Rowley, CFO**  
**(full report attached)**

- 2010 budget results through September
- Based on preliminary data happening to revenues and expenses in the 4th quarter
- Sales Tax and ROT above budget
- Property tax revenue slight shortfall due to drop in collection rates in towns
- Expenses reflect savings from retirees that left payroll
- Seeing additional savings from ERI in 4th quarter
- Net reduction in Medicaid costs – when State reconciled, FMAP came out in Onon. County's favor
- 2010 budget will end up in the black

**REVENUES:**

Sales Tax –

- Forecast in adopted budget was 1% yty growth – modified forecast to 3% in the 2nd quarter forecast
- 3rd Qtr forecast – revising forecast to 5%
- YTD sales tax revenues have not recovered to the 2008 level
- Collection statewide are a mixed bag--ranges from 17.5% in Tioga to +10.4% in Chemung; Onon. Co. is one of 11 in growth over 5%
- Reasonable to hope sales tax levels will grow a little faster than inflation, need to achieve sales tax forecast in 2011 budget
- In sharing the 3%, there is a hold harmless provision in old agreement--growth is capped at 2% - anything more the County retains; projecting \$3.5 million as result of hold harmless agreement
- About \$3.5 million is due to increased collections rate
- Increase of approx. \$4.5 million from recognizing sales tax revenues from 2011 collections into 2010 – 1st two payments in Jan and 1st payment in February gets accrued in 2010; used to keep 40.9% under old agreement; three payments in 2010 will recognize 67.9% under new sales tax agreement
- On the 1% approx. \$1.8 million projected based on increased collections and accrual

Deferred and Uncollected –

- Collection rate in towns dropped from 97.3% to 96.3% - for each 1% decline in collections, County loses about \$2.5 million in revenue
- Prior year taxes – discussed at 2nd quarter report – due to certificates sold to close 2009 gap – collections are reduced in 2010

FMAP -

- Medicaid - Reconciled number generated \$4.7 million windfall – State does not publish its reconciliation methodology; based on NYSAC information, County accrued \$1 million in 2009; actual revenue received from 4/1/09 – March 2010 is \$5.7 million – a one shot. The \$4.7 million will be recognized in 2010.

**EXPENDITURES:**

- Salaries & Wages – down \$1.8 million – due to ERI
- Salaries & wage adjustments - increase \$600k salaries – settled with DSBA
- Maint., Util, Rents – down \$400k – lower usage and lower off peak electricity use
- DSS Admin – up \$300k – due to change in state aid formula reimbursement of Child Preventative Programs
- Various mandates – overall approx. \$900k reduction
- Purchase of Svcs. – down \$400k because of reduced contract spending
- Sheriff overtime –increase \$400k due to constant watch and some on police side
- Other – indigent defense, college chargebacks, hospitalization are driving costs higher – increase \$300k.

In answer to Chairman Jordan; Mr. Rowley said that his projection is a \$13.8 million surplus for 2010. Mr. Jordan asked if it will go into fund balance. Mr. Rowley indicated that the Executive side wants to use part of it to pay the ERI in a lump sum payment. Mr. Jordan clarified that if the \$13.8 million wasn't used for anything, would it go into fund balance; Mr. Rowley said that it would.

Mr. Stanczyk said that the 2nd quarter forecast report was gloom and doom. There was argument about sales tax – it was up 6% and the numbers bear out the fact that the numbers that were in place are continuing. Also, FMAP money is continuing. The legislature relies on the CFO's numbers to set a budget, and set tax rates for the people of Onondaga Co. His forecast was to be at least \$5 million in the black for the year, and according to this report the County will be \$15 million in the black, because these numbers are conservative. Regarding sales tax, Mr. Rowley said that there was a tremendous drop in 2008 and a rebound that does not coincide with the data that they look at on a regular basis. To look at how sales tax grows in Onondaga County, it correlates very closely with CPI. Mr. Stanczyk said that the CPI is understated. Mr. Rowley said that FMAP is another big piece of the windfall. One big factor is what will happen at the State level -- they have budget deficit of between \$390 million - \$1 billion, dependant on information from the Dept. of Budget or the Comptroller's Office.

Regarding FMAP, Mr. Kilmartin asked if \$4.7 million is being appreciated this year. Mr. Rowley said that it is and noted that \$1 million was booked last year. **Mr. Kilmartin asked to be provided with the quarterly increase in sales tax.** He asked what the increase will be annualized; Mr. Rowley said that for the first part of Dec., it is running 5.74% over 2008 unreconciled. Reconciliation will be coming in February – feels it will hover around 5%. It is based on data through December that they are watching; they look at data, what other counties are experiencing; know that there is an adjustment coming. In answer to Mr. Kilmartin, Mr. Fisher said that the forecast for 2011 was \$197.5 million; if 2010 comes in at 5%, 2011 will have to go up another 2% to get to that number. Mr. Kilmartin asked what the actual

number is right now in fund balance; Mr. Rowley said they feel that the 2011 fund balance, assuming they hit budget will be \$71.3 million, 11% of revenues. Per the CAFR the unreserved fund balance at the end of 2009 was \$72.3 million – have to take out a portion of 2010 budget of \$7.9 million, and \$1.7 million for 2011 budget – an unreserved fund balance of \$60.7 million before the surplus is accounted. Mr. Maturo clarified that the undesignated fund balance at the end of 2009 was approximately \$73 million; \$7.9 million was taken this year. If the surplus is correct, the \$7.9 million will be made up, and in addition there will be another \$6 million on top of that; if everything remains equal, it will be up from \$70.23 million to near \$79 million. Mr. Rowley said that after surplus is figured in, the unreserved surplus will be about \$76.5 million; assuming that ERI will be paid out of that (\$5 million), and about \$200k is needed for the tax settlement for Anheuser Busch – it would bring it down to \$71.3 million. **Mr. Kilmartin asked for historical data for 2006, 2007, 2008 on end of year fund balance.** Mr. Maturo agreed with Mr. Kilmartin that fund balance was around \$60 million± in those years. He noted that in the past anything over the 10% was designated and used in the next year for budget adjustments.

Mr. Lesniak asked if the projection includes the \$600k for the DSBA settlement. Mr. Rowley said that it does; there is about \$1 million appropriated in the 2010 budget in anticipation of a settlement with DSBA; the settlement on the table will require an expense of an additional \$600k above what was budgeted.

Mr. Stanczyk said that it is Mr. Rowley's job to budget conservatively, but the members of this committee have to take that more closely in mind as they go forward. He is a little perturbed that they didn't have a better understanding of where they were when going through the budget. He pointed out that regarding sales tax, more was taken from sales tax expectations, but the projections given at that time were that for the next 6 months sales tax wasn't going to be increasing – it was going to be less than flat. Mr. Stanczyk said that now fund balance is above 10%, the most appropriate way to spend those dollars is to make a payment like the ERI to reduce going forward rather than reducing in one year. Mr. Rowley said that in 2009, the county was in trouble because of overly aggressive sales tax projections and engaged in certificate of participation transactions to close the gap. Mr. Stanczyk said that we were in trouble because of a mechanism that guaranteed the towns and city an amount of money regardless of whether there were increases or decreases. Mr. Rowley said that relative to policy, there is an above average fund balance use, but looks at 2011 and hopes it is not a 2009. The fund balance cushion is important for some very tight appropriations in the 2011 budget – if sales tax and property tax don't come in as projected, then the extra fund balance may have to be used.

In answer to Mr. Lesniak, Mr. Rowley said that the ERI payment would be recommended to pay by December 15, 2011 in order to take advantage of a discount; it is due February 2012. Mr. Lesniak said that during budget review there was discussion about waiting to pay it until later in the year to see how things are going. Mr. Fisher said that the County Executive would like to have it appropriated now. In answer to Chairman Jordan, Mr. Seitz said that the local dollar payment is roughly \$5 million; the total ERI payment is approximately \$10 million. To do the lump sum payment, it would be approximately \$10 million; to do the amortization it would be approximately \$2.6 million for 5 years at 8% interest. There is about \$1.7 million in the budget to pay the first amortization payment; to pay the lump sum another \$5 million is needed from the general fund, as well as another \$2 million in other funds needed - other departments have to come up with their share – WEP, Metro Water.

Mr. Stanczyk referred to deferred and uncollected – asked if it is modified from the 2nd quarter. Mr. Rowley explained that in the 2nd quarter they went from -\$1.6 to -\$2.8 million. The towns and schools collect taxes to a point, and then the delinquents come to the county; the county makes them whole. In the 2010 budget roughly a 97% collection rate was projected; it is down about one point. In answer to Mr. Stanczyk, Mr. Petrela said that in 2011 it is 96.6%. Mr. Stanczyk pointed out that even with a negative adjustment, eventually those monies will come back – it is an internal factor, a future receipt, and it is an estimate.

Mr. Kilmartin asked about the \$1.7 million installment payment for ERI; Mr. Seitz said a bill will be received in November and it will be paid by December 15th. The options are to make an amortization payment then or pay the whole bill off. If it is amortized, there over 8% interest for 5 years – paying almost \$3 million in interest. Mr. Maturo said he discussed options with the State; it can be amortized the first year; and then a payment can be made for whatever is owed the next year. Mr. Maturo said that by paying in December vs. February, the County saves about \$230,000.

**Mr. Lesniak asked to be provided with what the other counties are doing surrounding areas.**

Mr. Warner stated for the record that the legislature went through a very nasty budget process; during that process some legislators anticipated that sales tax revenue was going to be higher than what Mr. Rowley was projecting; Mr. Stanczyk was the biggest proponent of it. We were going to use some of that projected sales tax increase to offset property taxes in Onondaga County. However, at budget time there was a veto, and Mr. Stanczyk sustained the veto, which contradicts everything he said today in this meeting.

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,

DEBORAH L. MATURO, Clerk  
Onondaga County Legislature

\* \* \*