



Inclusion Through Diversity

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July 5, 2011
TWO PAGES

FOR IMMEDIATE RELEASE

Highlights of the **July 5, 2011** meeting of the Tompkins County Legislature

Property Tax Cap, No Mandate Relief? Legislators Want to Learn More

Now that the long-discussed New York State property tax cap has become reality, County officials are focusing on specifics and working to determine the actual magnitude of the cap and to clarify the real impact of any “mandate relief” that could be enacted. County Administrator Joe Mareane told Legislators that, although the State has enacted a 2% tax cap with adjustments for real growth in tax base and some of the increase in pension cost, much about that remains vague—especially concerning pensions and whether counties can expect any mandate relief at all. Although County officials are still working to clarify specifics, Mareane said the general concept concerning pensions is that if the County’s pension contribution rate grows by more than 2%, that excess amount is added to the cap, something that could add as much as 2% to the cap for Tompkins County.

The measure’s reference to mandate relief, he cautioned, includes “nothing of consequence to counties, where mandates amount to bills from Albany to pay for State programs. And while the State’s new Mandate Relief Council is empowered to identify and review mandates that are unsound, unduly burdensome, or costly, he said the legislation prohibits Council consideration of virtually any major mandates for counties—including those required to comply with federal laws or rules or to meet eligibility standards for federal entitlements (Medicaid); those implementing provisions of the State constitution (safety net); or those the Council determines necessary to maintain public health or safety for state residents. The administrator said a letter is being drafted to the County’s state legislative delegation asking to clarify how the provisions of the legislation would apply. Chair Martha Robertson said the County needs to invite Senators O’Mara, Nozzolio, and Seward to come here to address the cap, the restrictions on mandate relief, and what that means for the County.

Legislator Pam Mackesey remarked that the cap and its lack of any attention to mandate relief leaves her “dumbfounded” and asked “who are the winners” in it? Chair Robertson observed that people who will lose services, many of whom don’t have a voice, are the losers; the winners, she said, are “the millionaires who have received a tax break” as part of the State budget.

Discussion turned to the proper timetable, should the Legislature choose to keep its options open concerning possible override of the cap, which would be come through passage of a local law which must be approved by a 60% margin (nine Legislators). Legislator Mike Lane maintained the Legislature should consider the matter early on, to make sure the issue is decided well in advance of action on the 2012 budget.

Contact: Martha Robertson, Chair of the Legislature, 274-5434 or 272-0584; County Administrator Joe Mareane, 274-5551.

Courts Call for Additional Legislature Space

Legislature Chair Martha Robertson told Legislators the New York State Court System, which has called for the Legislature to vacate its chambers by the first of the year to make way for a Supreme Courtroom, has now told the County it needs all the space currently occupied by the Legislature, calling for all Legislature operations, not simply the Chambers, to move from the County Courthouse. A message from Court Clerk Paula Nichols received last week states, “it is imperative to our court operations to occupy the total space currently being occupied by the Legislative offices and staff. We therefore request the total space to be available to the Court effective January 1, 2012 as previously requested.” Supreme Court Judge Robert Mulvey, administrative judge

for the 6th Judicial District, had first proposed a plan for the Courts to occupy the Chambers with only minimal renovations and to contribute to the cost of further work as tenant improvements. In light of severe State budget cuts, the County then was told the County must fund the Chamber renovation. Need for the offices, Robertson said, is not in the spirit of what Judge Mulvey had stated earlier. Under the New York State Court Facilities Act, counties must provide adequate space to the State court system, a requirement that affects continued County use of Courthouse space and that has already forced County purchase of new space for its Office for the Aging.

The Courts have cited the need for security for a second building when court is in session in the Old Courthouse, which some on the Legislature have questioned as potentially a matter of convenience instead of absolute need. Legislator Mike Lane noted that it would be a lot less expensive for county taxpayers if the County could pay for security instead, an option Administrator Joe Mareane said has not been supported by the Courts in earlier discussions. Legislators questioned whether any recourse exists. Chair Robertson remarked, "We have been trying to be responsive, modest, and accommodating (in working with the Courts), and this is the response." Robertson said staff will compile information on courtroom use and security needs, as discussions proceed, as well as cost of improvements.

Contact: Martha Robertson, Chair of the Legislature, 274-5434 or 272-0584; County Administrator Joe Mareane, 274-5551.

Legislature Approves Airport Construction Project

The Legislature took several actions related to Ithaca Tompkins Regional Airport, including acceptance of a \$1.5 million dollar grant from the Federal Aviation Administration, approval of a consulting agreement, and award of bids to construct a new sand storage building at the airport. The grant was accepted by a 14-1 vote (Legislator Kathy Luz Herrera voting no.) The award of more than \$1.4 million in construction bids was approved by a 13-2 vote, with Legislators Kathy Luz Herrera and Pam Mackesey opposed. Before that vote, Legislators Luz Herrera and Leslyn McBean-Clairborne expressed concern that the general contractor, Gudabri, of Savannah, NY, does not operate a certified apprenticeship program, consistent with County policy. Airport Manager Bob Nicholas has indicated that very few firms in the State do this type of work and have such a certified program. Both said the Legislature at the committee level should take a look at proactive steps to take, perhaps through revised recruitment and screening processes to reduce the occurrence of this situation in the future. 95% of the construction project cost will be supported by the FAA. The Legislature, by a vote of 12-3 ((Legislators, Leslyn McBean-Clairborne, Dooley Kiefer, and Kathy Luz Herrera dissenting) also approved a nearly \$185,000 consultant agreement with C&S Companies of Syracuse, NY, to oversee the project. Kiefer said she believes the County should follow a practice of seeking project proposals for other engineering firms as well.

Legislators also, by unanimous votes, accepted a more than \$75,000 FAA grant to complete phase two of the airport's sustainable master plan, first plan of its type in the nation and awarded a five-year engineering consulting agreement with C&S Companies.

Contact: Carol Chock, Chair, Facilities and Infrastructure Committee, 273-9007

Legislators Prepare for Future Work Related to Gas Drilling

Legislators looked to what could be ahead regarding the State Department of Conservation's release of its Draft Supplemental Generic Environmental Impact Statement (dSGEIS) on hydrofracturing gas drilling in the Marcellus shale, beginning with official release of the revised document July 8. Legislator Carol Chock said there is nothing definitive yet regarding such issues as home rule and setbacks. She urged all to look at the report carefully and to consider cumulative and environmental impacts. Legislator Pam Mackesey cautioned that it is unrealistic to think that a few small towns in upstate New York can put a stop to such drilling and have the financial resources to battle one of the world's most powerful industries; the real heart of the issue, she maintained, must be that such drilling can be done safely. Legislature Chair Martha Robertson noted that two meetings are planned to inform the public about the document and to give the opportunity to provide input.

Contact: Martha Robertson, Chair of the Legislature, 274-5434 or 272-0584; Legislator Carol Chock, 273-900.