

**MINUTES
SPECIAL LEGISLATURE MEETING
TUESDAY, MARCH 16, 2010, 6:00 PM
160 GENESEE ST, 6TH FLOOR, CHAMBERS, AUBURN, NY 13021**

Welcome to tonight's Special Cayuga County Legislature Meeting, Tuesday, March 16, 2010, CCOB, 6th Floor.

CALL TO ORDER: Hon. Peter Tortorici, Chairman, AT 6:05pm.

ROLL CALL: Kim Taggerty, Deputy Clerk of the Legislature, all Legislators present, except Palermo, Pinckney and Sincebaugh excused.

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

RESOLUTIONS

**RESOLUTION NO. 119-10 3.16.10 GovOps&W&M-AppHireCountyAdminrtev2
AUTHORIZING THE HIRING OF A COUNTY ADMINISTRATOR; SETTING SALARY; AND,
AUTHORIZING CHAIRPERSON OF THE CAYUGA COUNTY LEGISLATURE TO EXECUTE AN
EMPLOYMENT AGREEMENT.**

BY: Cayuga County Legislature

WHEREAS, Local Law No. 2 for the year 2010 established the office of County Administrator; and
WHEREAS, Thomas G. Squires has accepted the position of County Administrator, subject to confirmation; now,
therefore, be it

RESOLVED, that Thomas G. Squires be hired as the County Administrator; and be it further

RESOLVED, that the salary shall be set as set forth in the employment agreement, a copy of which is attached; and be it further

RESOLVED, that the appointment of Thomas G. Squires as the Cayuga County Administrator is subject to and contingent upon the completion of a background check by the Cayuga County Sheriff's Office and the review and acceptance of said background check by the Chairperson of the Cayuga County Legislature and the County Attorney; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized to sign the employment agreement between the County of Cayuga and Thomas G. Squires; and be it further

Signed by Tortorici, Palermo, Chapman, Axton, Petrus, Mills, Fearon, Mitchell, Cuddeback, Barski, Mahunik, Lattimore, and Aikman, all in favor.

Chairman Tortorici welcomed Tom Squires as the New Cayuga County Administrator. Mr. Squires is looking forward to getting to know everyone and getting started.

Chairman Tortorici thanked Nick Mazza for a job well done and with his help selecting a new County Administrator.

PRESENTATION:

Ron Podolak Director of Soil & Water and Kamyar Zadeh President/CEO Blue Electron, RE: the Digester Project, Handout attached to original minutes. Working for funding sources, 1.5 million will be repaid to the county in full.

Discussion: Nick Mazza, when will you be fully operational?

Kamyar Zadeh, January 2011, depends on contractors.

Ron Podolak, it will depend on tonight's vote, if we start tomorrow. Every day the cost goes up.

Mahunik, concern with weather changes.

Ron Podolak, I'm on top of it.

Lattimore, cost keeps going up, what will the savings to county be?

Ron Podolak, with the 1 meter system \$30,000., per year.

Lattimore, total savings?

Kamyar Zadeh, \$200,000 to \$300,000.

Tortorici, sell the power, develop more, and move forward.

Ron Podolak, yes we can add on in the future.

Lattimore, it will save a lot of money at the Jail.

Mahunik, how do materials come in?

Ron Podolak, vacuum sealed tanks.

Mahunik, everything goes to County House road?

Ron Podolak, yes.

PRIVILEGE OF THE FLOOR:

Roger Mills for Terry Lattimore, Owasco Town Board, re: the Digester Project, handout attached to original minutes. My main concern is the transportation of manure sludge and the watershed. Chairman Tortorici suggested that Ron Podolak get together with Terry and discuss this issue.

Roger Mills for Joe Wasleski, President Owasco Lake Watershed, re: the Digester Project, handout attached to original minutes. I have concerns with storage facilities being in the watershed area, manure being brought in from outside the area.

Roger Mills for Mike O'Hora, re: the Digester Project, handout attached to original minutes. A potential problem is air quality and the manure to feed the project doesn't come from Cayuga County farmers.

Lattimore, call the question.

Motion by Mitchell to amend the last Whereas, 1,500,000; (together with all costs and expenses associated with the financing, including interest and legal fees incurred by the County), all in favor.

Motion by Mills to amend the 2nd to the last Whereas to add the year 2012, all in favor.

Resolution as amended, motion by Mills, 2nd by Petrus, all in favor.

Resolution No. 120-10 3.16.10 s&wamend resol 704-09rev4

Amending Bond Resolution 704-09 to set forth a clarification for the anticipated reimbursement for the Soil and Water Community Methane Digester Project

WHEREAS, Resolution No. 513-05 authorized the County Legislature to grant permission to the Cayuga County Soil and Water Conservation District ("District") and the Cayuga County Public Utility Service Agency to conduct planning and studies to build a community methane digester on County owned property; and

WHEREAS, Resolution No. 512-06 declared certain County owned property surplus and gifted same to the Cayuga County Soil and Water Conservation District so that the District could develop and construct a community methane digester (the "Project"); and

WHEREAS, the County of Cayuga (the "County"), as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations") has previously determined by resolution that the Project constitutes an "unlisted action" and will NOT result in any significant adverse impacts to the environment and issued a Negative Declaration with respect to the Project; and

WHEREAS, Resolution No. 704-09 authorized and directed Cayuga County Treasurer to create Capital "H" Project No. 09-3 (Soil and Water Community Methane Digester Project) in an amount not to exceed \$1,500,000.00 with source of funding to be by the issuance of serial bonds or bond anticipation notes in anticipation of the issuance and sale of the bonds of said County and the levy of a tax to pay interest on said obligations; and

WHEREAS, said Resolution also authorized the Chairperson of the Cayuga County Legislature to execute an agreement with the District pursuant to which the District will construct, operate and maintain the Project and reimburse the County with proceeds of a certain Stimulus Grant for all costs and expenses associated with the financing, including interest and legal fees incurred by the County, the form of such agreement to be subject to the review and approval of the County Attorney; and

WHEREAS, the District has informed the County that the District no longer intends to reimburse the County with stimulus grant proceeds but instead proposes to reimburse the County through in-kind services provided by District personnel and cash flow from operations of the Project during 2011; now therefore be it RESOLVED, that the eighth (8th) and ninth (9) "Whereas clauses" of Resolution No. 704-09 are hereby deleted in their entirety and are replaced as follows:

WHEREAS, the District and the County intend to enter into an agreement pursuant to which the District will construct, operate and maintain the community methane digester and reimburse the County through grant and cash flow from operations of the Project and the District during 2011 **and 2012** for all costs and expenses associated with the financing, including interest and legal fees incurred by the County;

WHEREAS, the County is advancing the monies to the District to facilitate the development and construction of the Project in anticipation of reimbursement from the District; and the County will not be obligated to fund the Project beyond the amount of \$1,500,000 **together with all costs and expenses associated with the financing, including interest and legal fees incurred by the County; and**

RESOLVED, that the remaining terms and conditions as set forth in Resolution No. 704-09 shall continue in full force and effect, as herein amended. This Resolution shall become effective immediately. The Clerk of the Cayuga County Legislature is hereby directed to cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Amending Bond Resolution.

Signed by Mills, Aikman, Lattimore, Mahunik, Axton, Cuddeback, Mills, Petrus, all in favor.

PRESENTATION: Motorola (Mr. Mc Mullen and Mr. Boon) and Langone and Associates, (Chick Langone) handout attached to original minutes.

Discussion: Chapman, how do you enhance analog?

McMullen, analog is on its way out.

Fearon, analog problems with hills?

McMullen, yes, digital P25 trunked will help with that.

Chapman, can we correct analog?

McMullen, no, only digital, it can be up-graded with latest software.

Mahunik, can we go analog with Auburn, trunked?

McMullen, won't be able to talk to each other.

Axton, Sheriff is low band.

McMullen, you get a lot of interference, we don't manufacture.

Boon, low band is not attractive.

Axton, could we at least look into?

McMullen, why invest in low band.

Brian Dahl, EMS Director, a lot of counties are using low band.

McMullen, manufactures in the United States are discontinuing low band.

Brian Dahl, Vertex is doing low band.

Lattimore, frequencies, do we have what we need?

McMullen, no.

Langone, I have filed for the frequencies, it takes time.

Lattimore, 20million towards project, then we find out we can't get frequencies.

Langone, Onondaga system is up and running, move forward, look at sites, process for FCC license. Madison County has received some licenses, frequency pool has been identified.

Lattimore, Onondaga may have more frequencies, can we get from them?

Langone, no, they come from the FCC, I have filed for frequencies, and they have to be coordinated with Canada.

Lattimore, what happens if we go back out to bid?

Langone, frequencies are independent, it's a FCC process.

Tortorici, we are in the process, UHF system.

McMullen, low band within Public Safety market.

Axton, coverage is the problem, being able to hear and communicate.

Fearon, 3 years from now, change the software and be able to up-grade without changes everything.

Tortorici, the issue is to be able to talk and communicate with each other; system may not be the Cadillac but address the issues we have right now.

McMullen, digital system has more coverage; analog can only go to analog.

Lattimore, will it stay working if one tower goes down?

McMullen, yes, re-routes automatically, you wouldn't even know you had a problem. Project 25 is a national requirement, there is grant money available.

Chapman, financing for Federal Broad Band?

Boon, New York State applied as a whole, it was denied.

Tortorici, I have spoken to Senator Schumer, he will get back to us.

Fearon, Broad Band Conventional, could it be trunked?

McMullen, yes.

Tortorici, go with middle of road with system.

McMullen, digital coverage, 95% for portable, analog poor coverage.

Chapman, 9 sites, is that using towers from other counties?

McMullen, yes.

Mills, 9 sites, can we go up to 15?

McMullen, yes you can expand.

Mills, 9 sites 95% for mobile and 15 sites 97% portable radio, 2 different designs.

Lattimore, we only received one bid.

Tortorici, we are part of the consortium, why do we have to hook up to a master site?

McMullen, the radio system is one component, you can have your own master site.

Ray Dygert, VHF is worse now in my area. The goal is coverage, it's a safety issue, we're going backward, low band not the way to go.

Tom Bagley, UHF is not good in the North end of the County, go with VHF, better for the North, we don't hear the page.

Fearon, a mobile has more power and portable you carry on your hip.

Brian Dahl, with UHF this time of year it works fine, but when you get leaves on the trees not so well.

McMullen, 5 channel, 9 site, P-25 Digital Trunked Shared System \$13,100,000, 5 channel, 9 site, P-25 Digital Trunked Standalone System \$14,100,000, and 5 channel, 9 site, P-25 Digital Conventional System \$9,100,000.

Fearon, operating costs?

McMullen, conventional – lower, shared – medium, standalone – higher.

Tortorici, 9 million un-trunked?

McMullen, yes.

Lattimore, how soon can we be up and running?

Langone, depends on your time frame, we will work with you, looking at 18 to 22 months.

Lattimore, where do we start?

McMullen, where sites are ready.

Fearon, turn on all at once or as they get completed?

McMullen, we prefer to turn on all at once, after it's tested.

Denise Stayton, can you do piece by piece?

Boon, complicated, and would cost more.

Mazza, site options, 9 sites, how many are ready?

Langone, 4 existing sites, 5 new sites.

Mazza, the county needs to acquire 5 plots of land.

Langone, sites can be moved around.

Mazza, 4 sites have towers, 5 sites need to buy real estate and build towers, costs involved.

Langone, sites need building, generator, equipment, roughly \$300,000 not including the land.

Tortorici, what about the frozen ocean site?

Cuddeback, we have Cato, Frozen Ocean, Seneca, Ovid, City of Auburn, and Onondaga, that's 6 sites not 4.

Langone, 4 sites not 6.

Boon, can't use the Frozen Ocean site, it's too high, goes over to Canada, need a lower site.

Mills, the City of Auburn not with us.

Chapman, what is the microwave cost?

McMullen, \$900,000.

Chapman, this meeting has generated more questions.

Mahunik, it's not a county wide system without the city onboard, their ready to sign and we don't have the frequencies.

Tortorici, can we do a patch or gateway to talk?

Axton, gateway at Oswego.

Langone, the city won't commit without frequencies, separate site.

Lattimore, city separate from county and they started their system first.

McMullen, Oswego is in the final agreement, will purchase UHF equipment.

Tortorici, how long is the process?

Langone, it depends.

Mahunik, the city has a system, we have a system taxpayers in city have to pay for county and city?

Denise Stayton, the proposal from Harris was 16-17 million, 15 towers, no site development, but did include the city.

Lattimore, 800 system does not work in the county, but is good for the city.

Tortorici, it's a 23 million dollar system, build a good system and up-grade with technology, come up with a plan. 23 million is a lot, I don't think you have the votes.

Lattimore, stimulus money, wish we had more options, 3yrs have past.

McMullen, 15 to 9 sites, reduce in size, time line, some sites are ready, schedule around 18 months.

Chapman, we still have a lot of homework to do, tons of things to do. What can you do right now to tide us over?

McMullen, nothing you can do right now.

Fearon, band-aid won't work.

Mazza, 3 options, numbers aren't going to change. Real estate, roads, SEQRA notification, public hearing, bond anticipation notes, you need to build into your budget so you don't get hit all in one year. The cost probably won't get lower than 9.1 million; a note can stretch out to five years.

Mills, how are we going to pay for it? We have existing debt, tax rate, we need to get it down some.

Mazza, digital.

McMullen, one trunk.

Mills, need to do it right one time.

Chapman, have we considered all existing cell towers?

Boon, yes, but we can go back and look at again.

Chapman, that would help.

McMullen, payment plan, phased in approach, upgrade.

Gary Giannotta, Auburn Police Chief, we put out for a RFP got an 800 system, frequencies aren't available as told.

The City has to move forward, we don't want to be on a separate system, not safe, need to work together. Is there an interest in re-bidding the project, we don't want to pay for 2 systems.

Tortorici, I don't want to pay for 2 either, go for UHF rather than 800 system.

Mike Hammon, Auburn Fire Chief, can we get the frequencies in time?

Langone, the City filed separately, I don't know the time frame.

McMullen, pursue the 800mh, Tompkins County system covers the lower half of Cayuga County, partner with and share cost to use system.

Lattimore, Fearon, need to build fires under our representatives to get these frequencies.

Tortorici, Mazza, we need to aggressively pursue time frame on these frequencies. We need to know when they will be approved, we're in a holding pattern, it's hard to go ahead without the frequencies.

Tortorici, we need to move.

Fearon, how are we going to pay for it.

Cuddeback, special Public Safety Committee, need information on frequencies, what if we don't get them.

Langone, I will get to you tomorrow.

Motion by Aikman to adjourn at 9:02PM, 2nd by Cuddeback, all in favor.

Motion by Lattimore to approve minutes of 3-16-10 on 4-27-10, 2nd by Pinckney, all in favor.