

Planning, Development, and Environmental Quality Committee

Regular Meeting Minutes

Thursday, November 12, 2009 3:15 PM

Scott Heyman Conference Room

Call to Order

Chair Mackesey called the meeting to order at 3:15 p.m.

Attendee Name	Title	Status	Arrived
Pamela Mackesey	Chair	Present	
Carol Chock	Vice Chair	Excused	
Will Burbank	Member	Present	3:20 PM
Frank Proto	Member	Present	
Martha Robertson	Member	Present	

Staff: H. Filiberto, Empire Zone Administration Board; J. Mareane, P. Younger, County Administration; J. Jurkowich, S. Doyle, L. Schill, K. Wilsea, E. Marx, Planning; D. Mengel, Department of Social Services; K. Fuller, Deputy Clerk

Guests: S. Shackford, Ithaca Journal; D. Kiefer, Legislator; E. Cameron, Health Department; C. Schutt, Soil and Water Conservation District

Changes to Agenda

There were no changes to the agenda.

Approval of Minutes

MINUTES APPROVAL (ID # 1556): PDEQ 10/14/2009 DRAFT MINUTES

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Martha Robertson, Member
SECONDER:	Will Burbank, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

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Appointments

REAPPOINTMENT TO TOMPKINS CONSOLIDATED AREA TRANSIT BOARD OF DIRECTORS

The following appointment was recommended for approval to the full Legislature:

Tompkins Consolidated Area Transit Board of Directors

Kathy Herrera - County Legislator (labor) – Term to expire 12/31/12

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Martha Robertson, Member
SECONDER:	Will Burbank, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

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Ms. Robertson said she believes a review of appointments to various advisory boards should be considered, noting Legislators could possibly place a limit on the number of years serving on a board.

Tompkins County Area Development

RESOLUTION (ID # 1455): AUTHORIZING THE FORMATION OF THE TOMPKINS COUNTY DEVELOPMENT CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND ISSUANCE OF BONDS ON ITS BEHALF

Ms. Mackesey noted the resolution had been amended and provided information on the language that was removed (see strikeout). In response to questions regarding membership, Ms. Filiberto said the membership would mirror the present Industrial Development Agency. In response to a question of whether it would allow ownership of real estate property, the Committee was informed the purpose of the formation of the corporation was to provide the ability to provide bonding for projects.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Frank Proto, Member
SECONDER:	Martha Robertson, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

WHEREAS, it the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, Tompkins County (the "County") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the County by, among other things, preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, it is essential for the County to support the operation by both for-profit entities and not-for-profit corporations within the County to increase the employment opportunities for residents of the County and the ability to provide financing through the issuance of tax-exempt and taxable bonds to projects of for-profit entities and not-for-profit corporations is essential to the continued development, construction, improvement and operation of projects by for-profit entities and not-for-profit corporations; and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of

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taxable and tax-exempt financing by the Tompkins County Industrial Development Agency (the "Agency") and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities as expressed above; and

WHEREAS, in order to further promote the public purposes of the County, the County desires to form "The Tompkins County Development Corporation" (the "Corporation") under Sections 402 and 1411 of the New York Not-For-Profit Corporation Law ("N-PCL") for the exclusive public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities and lessening the burdens of government and acting in the public interest ~~and which shall the powers, among other things, to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants, to assist financially in such construction, acquisition, rehabilitation and improvement, to acquire real or personal property and to issue bonds, notes and other obligations thereof; and~~

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to same, and to facilitate the ability of for-profit entities and not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the County, the County desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue bonds on behalf of the County for such purposes and to work cooperatively with the Agency to achieve such public purposes, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby authorizes and directs the formation of the Corporation and designates the County as sole member of the Corporation with the initial Board of Directors of the Corporation to consist of individuals that are the current members of the Board of Directors of the Industrial Development Agency, and thereafter to consist of such other individuals as may hereafter be appointed by the County, as sole member, and the Corporation is hereby designated as an on behalf of issuer of the County for the purposes of issuing bonds with authority to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the County, which such powers shall include, but not be limited to, those powers described in N-PCL Section 1411 and to be described in the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes, or other obligations on behalf of the County in furtherance of its purposes, provided, however, that any obligations issued by the corporation shall never be a debt of the state of New York, the County, or any political subdivision thereof (other than corporation) and neither the state of New York, the County, or any political subdivision thereof (other than corporation) shall be liable thereon,

RESOLVED, further, that the County is hereby authorized to covenant and agree with the Corporation in a transaction contemplated by this resolution for the benefit of the Corporation and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively, the "Securities") issued by the Corporation that the County will not limit or alter the rights of the Corporation to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders of the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. Authorized representatives of the County are hereby granted the power to make such a covenant to and agreement with the Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Corporation is hereby authorized to assign to or for the benefit of the holders of its Securities any covenant or agreement made by the County pursuant to the foregoing provisions,

RESOLVED, further, That all policies of the Industrial Development Agency related to such public interests as diversity in hiring practices, apprenticeships, wage levels for jobs created, LEED construction, green operation and other public interest stipulations that are in existence as of the date of issuing of any bonds, notes, or other obligations will apply to the contract related to the issuance of such

debt,

RESOLVED, further, that any and all fees resulting from the issuance and re-payment of such bonds, notes, or other obligations will be used to support economic development activities in Tompkins County,

RESOLVED, that these resolutions shall take effect immediately.

SEQR ACTION: TYPE II-20

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REPORT OR DISCUSSION ITEM (ID # 1541): EMPIRE ZONE UPDATE

Ms. Filiberto provided an update on the Empire Zone Program.

All of the applicants in the program passed the review and recertification process. As a result of the delay in recertification by the State, businesses were not able to file their 2008 taxes by the April 15 deadline and receive Empire Zone tax credits. This caused businesses statewide to express displeasure, however, some Tompkins County businesses were able to file an amended return and are now receiving the credits.

Ms. Filiberto reported there were changes at the State level to the program in April 2009 that: (1) reduced the benefit levels; (2) amended the review and recertification process; (3) added new certification requirements; and (4) moved the sunset date for the program up to June 30, 2010. Although a replacement program is expected to be developed, it is not yet known what it may be or when it would be implemented. The amendment of the sunset date is the most significant change and will mean that businesses that are already certified will still get their ten level-tax years program benefits but no new businesses may be certified. For the existing businesses the wage tax credit and investment tax credit for investors will expire on June 30th. In addition, the enhanced, qualified Empire Zone enterprise benefits will continue for the next ten years, the largest benefit being for property taxes. The majority of certified businesses operating within the County do not have title to the real property, therefore have lost most of their Empire Zone benefits. Ms. Filiberto anticipates the State would extend the program for a short period to provide time for the State Legislature to develop a replacement program that would provide enticements for new business.

Following the presentation a discussion occurred, noting often when a capital investment is made there may be a small increase in jobs, however the bulk of the growth occurs in year two and three. Since there is only one year's performance data it is unknown whether the positions for the second year have increased. Also noted was that there is no record of the type of job created, only the average salary for the new positions.

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REPORT OR DISCUSSION ITEM (ID # 1544): EMPIRE ZONE ADMINISTRATION RESOLUTION RECOMMENDING TOMPKINS COUNTY SUPPORT EFFORTS TO SECURE FUNDING SUPPORT FOR TOMPKINS COUNTY AREA DEVELOPMENT

The Committee reviewed a resolution adopted by the Tompkins County Empire Zone Administrative Board that expressed a desire to have continued funding support by Tompkins County due to the New York State Legislature reducing all Empire Zone administrative funding for local entities from the budget for the fiscal 2009-2010 budget year. Mr. Marx noted this resolution, and the subsequent one, would both require a careful review prior to making a determination. It is a situation the Tompkins County Empire Zone Board recognizes and wishes to make the Legislature aware of. The subsequent resolution is the Empire Zone's recognition that any further assistance should not come from property taxes and makes a recommendation of a possible funding source.

Ms. Robertson said she supports the information provided within the memo, but not the resolution; the memorandum indicates “alternate dedicated funding”, but the resolution indicates “dedicated County funding”. Ms. Filiberto clarified the intention is to seek County funding, which could be done in a number of ways.

Mr. Proto said a number of the new businesses lease property and therefore the property owner would not receive reimbursement for offset of property taxes; only the business would receive a tax credit. He expressed concern that it states finding “any and all secure funding resources”, which he cannot support. In addition, the resolution states to “take any action necessary”. He believes it would require a good deal of discussion and clarification before considering any action.

Ms. Robertson spoke of the resolution, making note of the newly formed corporation, which she believes could assist in supporting the Empire Zone administrative fees. Ms. Filiberto said it is one example of how funding support could be achieved. She said Mr. Stamm, Director of Tompkins County Area Development plans to speak to County Administration to find ways to support the administrative needs of the program for the future.

Mr. Burbank said he does not believe it should be acted upon at this time as there needs to be specific ideas put before the Committee.

The Committee will discuss the matter further in the coming year.

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**REPORT OR DISCUSSION ITEM (ID # 1545): EMPIRE ZONE ADMINISTRATION
RESOLUTION RECOMMENDING TOMPKINS COUNTY OPT IN TO EMPIRE ZONE SALES
TAX REFUND PROGRAM FOR EMPIRE ZONE CERTIFIED BUSINESSES**

Ms. Filiberto said if the County chose to pass a similar resolution to the one passed by the Empire Zone Administration, the refund of County taxes would be in effect for ten years.

Mr. Proto said this would be another way to fund the program, however, in order to get the State refund of sales tax it would now require the County giving up their portion as well. Ms. Filiberto clarified the refund would go back directly to the business and not be available for administrative costs. Mr. Proto said in light of the budget implications facing the County he would like to have Mr. Squires involved in any decision. In addition, as a result of existing agreements, it could affect the City of Ithaca sales tax as well.

Ms. Robertson noted if the County does not agree to the sales tax refund there is no State refund available to the businesses and asked if there are any benefits still remaining within the program. Ms. Filiberto said for existing businesses, the refund would be available for the State portion of sales tax; new businesses certified after April 1, 2009 would require both the State and local municipality refund for any benefit; if the County does not agree to a refund there is no State refund provided. The three benefits that would continue within the program are the sales tax credit, tax reduction credit based on wages paid and capital investments, and the property tax credit.

Mr. Proto said the businesses principally affected by exemption for both sales taxes are located within the City and it would require their involvement in a decision as well. Ms. Filiberto said a similar resolution is also being provided to the City.

Ms. Mackesey would not support the sales tax reduction, believing the request could not be acted upon at this time given the reductions the County has had to undertake due to the economic downfall. Perhaps at a later date it could be discussed.

Mr. Burbank asked if there is a timeframe for action; Ms. Filiberto said the State allows municipalities to do so once a year in the spring; there is time to further discuss the matter.

Following further discussion it was decided not to take action on the matter at this time.

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Transportation

RESOLUTION (ID # 1547): AUTHORIZING NEW YORK STATE DEPARTMENT OF TRANSPORTATION MASTER MASS TRANSPORTATION CAPITAL PROJECT SUPPLEMENTAL AGREEMENT #3 FOR 2009 – TOMPKINS CONSOLIDATED AREA TRANSIT AND TOMPKINS COUNTY

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Frank Proto, Member
SECONDER:	Martha Robertson, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

WHEREAS, the New York State Department of Transportation and Tompkins County executed a contract (No. TCA2MS, K006701) (County Resolution No. 228, 12/19/ 2006) to authorize payments to the County for the State Mass Transportation Capital Program aid, and

WHEREAS, the State Mass Transportation Capital Program includes two programs - the State Dedicated Fund Program (SDF), which provides up to 100% of project funding, and the Federal Transit Program Aid which provides 10% of funding for projects eligible for Federal Transit Administration (FTA) funding, and

WHEREAS, the New York State Department of Transportation awarded \$839,429 in state funds to Tompkins County, including \$325,000 in SDF Year 11 funds and \$514,429 in matching Federal Transit Program fund for two FTA Sec 5307 grants (NY-03-X0603 & NY-03-X618), to Tompkins County to reimburse the expense by Tompkins Consolidated Area Transit, Inc. and the County for capital projects previously applied for by the County, and

WHEREAS, the County's allocation is \$55,880, as follows:

<u>County Projects</u>	<u>State Aid</u>
Project Administration	\$ 11,300
Mobility Management	\$ 8,080
Small Paratransit Buses	\$ 32,500
Preventive Maintenance -TTI	\$ 4,000
Total County Projects	\$ 55,880

, and

WHEREAS, TCAT's allocation is \$ \$783,549, as follows:

<u>TCAT Projects</u>	<u>State Aid</u>
Preventive Maintenance - TCAT	\$295,848
ADP Hardware & Software	\$5,758
Passenger Shelters	\$3,500
Support Vehicles	\$1,600
Misc. Communication Equipment	\$4,125
Smartcard Fare Equipment	\$100,000
Facility Security Cameras	\$1,000
Rehab Buses - Clean Diesel Conversion	\$13,718
30 Ft Replacement Rural Buses (4)	\$48,000
40 Ft Buses for Rural Expansion (2)	\$63,500
Replacement Diesel Engines	\$7,500
40 Ft Hybrid Buses ARRA Grant (2)	\$225,000
Short Term Planning	\$14,000
Total TCAT Projects	\$783,549

, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, the Tompkins County Legislature authorizes said Mass Transportation Capital Project Supplemental Agreement #3, for \$839,429, be executed by the County with New York State Department of Transportation.

SEQR ACTION: TYPE II-20

Explanation:

By this agreement, the New York State Department of Transportation agrees to pay \$839,429 to Tompkins County to reimburse the County (\$55,880) and TCAT, Inc. (\$783,549), for capital projects authorized by prior federal and state grants.

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REPORT OR DISCUSSION ITEM (ID # 1558): ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL: UPDATE ON THE LONG RANGE TRANSPORTATION PLAN

At this time the item was withdrawn from the agenda; Ms. Robertson noted Mr. deAragon would be making a presentation of the plan to the full Legislature. Ms. Mackesey requested that in the future members communicate regarding changes that could affect Committee agendas.

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Planning Department

REPORT OR DISCUSSION ITEM (ID # 1551): COMPREHENSIVE PLAN FIVE-YEAR UPDATE - STATUS REPORT

Ms. Jurkovich reviewed information relating to the five-year plan update and explained the work completed since 2004 and action items to be considered during the next five-year period. There will be discussions with others to determine who might be willing to take the lead in the efforts. Ms. Jurkovich stressed the importance to find parties willing to undertake the work, without additional resources. The Planning Department will be taking the information to the public for their comment in the near future.

Mr. Proto asked if a list of completed projects from the current comprehensive plan is available; Ms. Jurkovich said each item in the current plan has either been completed or started, she will provide the

information requested. Mr. Marx said when it is necessary to take action on the revised comprehensive plan all information on work completed as well as proposed would be provided. Mr. Proto suggested the Water Resources Council could weigh in on some of the items listed. In response to Mr. Proto's question about financial resources, Ms. Jurkowich said if it is not thought the work could be completed without additional resources it will not be on the final list for the comprehensive plan.

Ms. Robertson asked that Marcellus Shale gas drilling be a topic included within the County Comprehensive Plan.

Ms. Kiefer said at the Planning Advisory Board discussed the downsizing of the Planning Department and the need not to take on new work and asked if the Comprehensive Plan update would include new elements. Ms. Jurkowich said it is possible it would; the plan is for the next five years and the economic climate could improve to allow work to be done. Ms. Kiefer said she believes an item of importance is the Historical and Cultural resources in the County and would like to see it included in the plan.

Mr. Proto said he would like to have a human service aspect considered for inclusion in the plan, noting the aging population and the need for additional senior housing. Ms. Jurkowich said that would require dropping another area of work within the plan. Ms. Robertson believes it would be more appropriate to have the Human Services Coalition review that area of concern. She agrees that perhaps the Historical and Cultural resource topic could be put in as a placeholder for future work.

Mr. Marx noted the areas of concern noted by Ms. Kiefer and Mr. Proto had been in an initial draft listing, however, it was removed due to what was thought to be a higher priority such as recreation. The Planning Advisory Board expressed an interest to focus on what is currently within the plan and do them well rather than add an element.

Mr. Burbank and Ms. Mackesey agreed that believes Historical and Cultural resources should be on the list within a five-year framework.

Mr. Proto spoke of the human services piece, noting it is also an economic development item to be reviewed; increased jobs and health care businesses could result from an aging population that requires services.

Ms. Jurkowich said she would include these items on the list to be reviewed by the public.

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**RESOLUTION (ID # 1568): RESOLUTION ADOPTING ADMINISTRATIVE POLICY NO. ____
- GREEN FLEET**

The Committee reviewed the policy presented for consideration and made minor amendments to the document. Mr. Marx explained there is not any direction regarding disposition of vehicles due to varied opinion of staff; normally they are sold or taken out of the fleet. He also noted the policy had been reviewed by the Department Heads.

Mr. Proto asked what the financial implications would be to the County. Mr. Marx said many departments have found that by replacing the least efficient vehicles they are able to exceed the policy's requirements. Some departments with specific vehicle requirements may need to get creative in how to follow the policy and an exemption is possible if authorized by the County Administrator. Mr. Marx also said the Federally mandated fuel efficiencies for vehicles will require manufacturers to produce more efficient vehicles as well. If departments are conscious of their purchase it will assist in reduction of Greenhouse Gas Emissions.

Mr. Proto asked about funding for the policy; specifically if there is a need for a plan to be developed prior to the policy being adopted. Mr. Marx said the policy should be first be adopted and that the Legislature would have the ability to approve funding for vehicles.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Martha Robertson, Member
SECONDER:	Will Burbank, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

WHEREAS, by Resolution No. 267 of 2008 the Legislature adopted the Energy and Greenhouse Gas Emissions element of the Tompkins County Comprehensive Plan, and

WHEREAS, the Energy and Greenhouse Gas Emissions element includes an action item to establish a green fleet policy for County government, and

WHEREAS, an ad hoc committee of county department representatives has worked throughout this year to develop the policy, and

WHEREAS, this policy has been reviewed by the appropriate Standing Committee and by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee and the Government Performance and Workforce Relations Committee, that Administrative Policy No. ___ Green Fleet is hereby adopted.

SEQR ACTION: TYPE II-20

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RESOLUTION (ID # 1552): AUTHORIZATION TO ACCEPT UNITED STATES DEPARTMENT OF ENERGY GRANT AND UTILIZE ALTERNATIVE FUEL INITIATIVE FUNDS; ANTICIPATED REVENUE FROM SALE OF CURRENT FLEET VEHICLES; AND 2009 ROLLOVER FUNDS FROM THE PLANNING DEPARTMENT TO PURCHASE THREE HYBRID VEHICLES IN SUPPORT OF THE COUNTY'S GREEN FLEET INITIATIVE

Ms. Mackesey expressed her interest to have American-built vehicles for future purchases.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Martha Robertson, Member
SECONDER:	Will Burbank, Member
AYES:	Pamela Mackesey, Will Burbank, Frank Proto, Martha Robertson
EXCUSED:	Carol Chock

WHEREAS, the Tompkins County Legislature adopted a resolution on April 7, 2009 to enter into a memorandum of understanding with Clean Communities of Central New York (CCCNY), and

WHEREAS, the United States Department of Energy (DOE) established the Clean Cities program to provide tools and resources for voluntary, community-based programs to help reach the goal of reduced dependence on foreign oil, and

WHEREAS, through its participation in CCCNY Tompkins County became eligible to apply for funding from the DOE for a green fleet initiative, and

WHEREAS, this is an interdepartmental initiative that furthers the County's greenhouse gas emissions goals and by expanding access via a new shared car pool of these three hybrid vehicles to all County staff in the downtown Courthouse Complex, and

WHEREAS, the County Legislature earmarked \$50,000.00 for this Alternative Fuel Initiative in 2009, and

WHEREAS, the United States Department of Energy has granted Tompkins County \$6,000.00 toward the differential cost of purchasing three hybrid vehicles in support of the County's Green Fleet Initiative, and

WHEREAS, Tompkins County has committed to fund the majority of the cost of three hybrid vehicles using \$50,000.00 allocated by the Legislature for the Alternative Fuel Initiative as well as anticipated revenue from the sale of three County vehicles that are currently in the fleet, and a small portion of previously approved 2009 rollover funds from the Planning Department, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, the Government Performance and Workforce Relations Committee, and the Budget and Capital Committee, That the County Administrator or his designee be authorized to sign all documents related to the acceptance of grant funds from the U.S. Department of Energy, and

RESOLVED, further, That the County Finance Director allocate anticipated revenue from the sale of three County vehicles that will be replaced by more efficient vehicles to fund the purchase of three hybrids, and

RESOLVED, further, That the County Finance Director be authorized to adjust the budget in the following manner:

FROM:

8020.44959	Federal Aid	\$ 6,000.00
1990.52231	Contingency Fund- Alternative Fuel Initiative	\$50,000.00
8020.42665	Planning Department - Sale of Equipment Account	\$ 6,000.00 (est.)

TO:

8020.52231	Planning Department - Vehicles Account	\$56,000.00
8020.52231	Planning Department - Vehicles Account	\$ 6,000.00 (est.)

SEQR ACTION: TYPE: II-25

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APPOINTMENT (ID # 1553): APPOINTMENTS TO THE WATER RESOURCES COUNCIL

The Committee discussed the need to review all appointments and to have information indicating the length individuals have held seats on the advisory board. Ms. Wilsea said at the time the Council reviewed applicants it was determined that due to reductions in staffing time for administrative assistance it would be beneficial to reappoint Mr. Proto to maintain the leadership of the group. Ms. Mackesey noted her concern is that there may be others who wish to serve on the advisory board with appropriate qualifications; they should also be provided an opportunity to contribute. Mr. Schutt said her concerns were considered, however, it was thought best to keep the present membership during this time. Ms. Kiefer noted the nominating committee was not able to have interviews with all prospective members. Mr. Burbank said he is impressed with the high level of interest and commitment of members and asked if there is a way to bring interested individuals to the group. Ms. Wilsea said often the interested parties are recommend as Associate non-voting members.

Motion to approve all appointments presented except Mr. Proto's At-Large Seat

RESULT:	FAILED FOR LACK OF A SECOND
MOVER:	Martha Robertson, Member
SECONDER:	None
EXCUSED:	Carol Chock

Motion to approve all appointments presented with the exception of the Economic Development Representative

RESULT:	FAILED [2 TO 1]
MOVER:	Will Burbank, Member
SECONDER:	Pamela Mackesey, Chair
AYES:	Pamela Mackesey, Will Burbank
NAYES:	Frank Proto
EXCUSED:	Carol Chock
AWAY:	Martha Robertson

Motion to Revisit

RESULT:	RECOMMENDED [3 TO 0]
MOVER:	Frank Proto, Member
SECONDER:	Pamela Mackesey, Chair
AYES:	Pamela Mackesey, Will Burbank, Frank Proto
EXCUSED:	Carol Chock
AWAY:	Martha Robertson

Motion to Recommend the following Appointments:

RESULT:	RECOMMENDED [3 TO 0]
MOVER:	Will Burbank, Member
SECONDER:	Pamela Mackesey, Chair
AYES:	Pamela Mackesey, Will Burbank, Frank Proto
EXCUSED:	Carol Chock
AWAY:	Martha Robertson

Water Resources Council

Edward Bugliosi	Municipal Representative	Term to expire 12/31/12
Lynn Leopold	Municipal Representative	Term to expire 12/31/10
Marjory Rinaldo-Lee	Environment Representative	Term to expire 12/31/12
Barry Goodrich	Watershed Organization Representative	Term to expire 12/31/12
Frank Proto	At-Large Representative	Term to expire 12/31/12
Mary Shelley	At-Large Representative	Term to expire 12/31/12
Rick Manning	Business/Industry Representative	Term to expire 12/31/12
Joan Jurkowich	Planning Department Representative	Term to expire 12/31/12
James McGarry	EMC Liaison	Term to expire 12/31/11
Patrick Barry	NRCS (ex-officio)	Term to expire 12/31/12

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REPORT OR DISCUSSION ITEM (ID # 1554): COMMISSIONER'S REPORT

Mr. Marx met with Assemblywoman Lifton to discuss the energy-efficiency financing concept. She expressed interest in the topic and discussed the County's concerns regarding deficiencies in the pending State legislation. She will take our suggestions and have her legislation drafting staff work to develop legislation specific to Tompkins County and will discuss with the author of an existing bill the possibility of amending it to take into account the concerns noted.

The Notice of Availability for the housing funds has been released and applications are being received. A meeting will take place next Friday for interested parties.

Next week experts in energy efficiency and renewable energy from Denmark will be in Tompkins County to discuss advances made in their country over the last twenty to thirty years. They will be at Ithaca College and will also meet with our Planning Department to discuss energy efficiency and economic development activities they may wish to undertake, perhaps in Tompkins County. There are other local individuals involved. Mr. Marx spoke of having seen a portion of a program relating to the Danish energy work that noted they had imported eighty percent of their energy in 1970's and is now a net exporter as a country. One of the individuals will speak at the Cooperative Extension annual breakfast meeting about the type of technology being used. It was noted that local developer, Bruce Abbot, has been involved with bringing the individuals to the community. Another individual working on the topic is John Graves.

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REPORT OR DISCUSSION ITEM (ID # 1555): COMMENTS TO DEC ON THE DRAFT SUPPLEMENTAL GEIS ON GAS DRILLING

Ms. Jurkowich provided an update on comments to the New York State Department of Environmental Conservation relating to the draft supplemental GEIS on gas drilling. She said the department is organizing comments around mitigation measures rather than a critique of the analysis of the work completed. Although there are some mitigation measures that seem appropriate it is unknown what the actual oversight would be. Ms. Jurkowich said there will also be comments relating to what was identified but used language such as "encourage" and "support"; stating it would be preferred to be more definitive by using "shall" instead. It will also include comments on what the mitigation measures where the GEIS is silent or not strong enough, and proposing mitigation measures for key cumulative impacts. She noted the review would be line by line.

Ms. Robertson asked if suggestions would be made to items thought not to be complete. Ms. Jurkowich said the comments would be silent on any highly technical aspect of the GEIS. The Environmental Management Council (EMC) and Water Resources Council (WRC), who have the expertise, would be commenting on these areas. The County Planning Department's comments would respond only to the areas they have knowledge on. Ms. Robertson then asked whether the areas included in the resolution passed by the Legislature regarding the scoping document would be included; Ms. Jurkowich said the responses are not within the scope. Ms. Robertson thought it may be stronger if the County spoke about the lack of inclusion of areas of concern documented within the resolution.

Mr. Proto spoke of the work being done by the EMC, WRC, and Health Department, and asked if the Planning Department is including some of their comments as well. Ms. Jurkowich said they would be sending their comments individually. She asked what the preference of the Committee would be regarding a resolution and suggested that for comments regarding the GEIS the more technical the better, however, there are a series of things not GEIS related. Some things are concerns regarding the areas of

fees and enforcement, what local governments can do, and what authorities are out there to do the work. She believes these are areas to be covered in the State legislative process as policy level items that should be addressed.

Ms. Robertson said there would be four documents sent in and that perhaps a resolution referencing them and/or attaching the reports, including the main points, could be beneficial. If reference is also made to fees and enforcement it would also be beneficial to show concern at the County level. She would like the Committee to see all the documents when complete. Ms. Mackesey thought being so inclusive may not be the best way to present concerns. She believes that Ms. Jurkovich's suggestion to have the Legislature comment on the legislative aspect would be appropriate and does not believe summarizing the other documents would be beneficial. Ms. Jurkovich said there are some comments such as the unfounded State mandate for the Health Department to do work without reimbursement that is appropriate.

Mr. Marx said there could be a resolution directed to the New York State Department of Environmental Conservation on those issues and a second to the Governor and Legislature on other areas of concerns on the process. Ms. Mackesey said she believes a very serious matter is the legislation passed by the State removing any power of local government over the matter.

Ms. Kiefer said if, as a Legislature, it is believed the State has enforcement authority under the Clean Water Act we should ask them to use it. If it is believed the Governor's Energy Plan relies on the development of Marcellus Shale for energy and economic development is what is driving the executive agencies like the Department of Environmental Conservation and Public Service Commission it is a huge problem and the Legislature could comment on these. Mr. Marx said he would work with the appropriate individuals on the two resolutions prior to the next meeting for consideration. Ms. Cameron requested the Health Department be included in the development of the resolutions.

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REPORT OR DISCUSSION ITEM (ID # 1550): BIGGS PROPERTY UPDATE

Mr. Marx reported work on the new Health Department is progressing and it is expected to move from the Biggs property in December. The County is now looking to move into the disposition stage of the project according to recommendations made at the Planning Advisory Board. At this time the County has entered into discussions with Cayuga Medical Center who has expressed a possible interest in some of the property. These discussions will continue, and the Town of Ithaca will also be contacted regarding property subdivision.

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EXECUTIVE SESSION

It was **MOVED** by Mr. Burbank, seconded by Ms. Robertson, and unanimously adopted by voice vote, to enter into an executive session to discuss real estate negotiations.

An executive session was held at 5:25 p.m. It was **MOVED** by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to return to open session at 5:54 p.m.

Adjournment

On motion the meeting adjourned at 5:55 p.m.

Respectfully submitted, Karen Fuller, Deputy Clerk