

**Planning, Development, and Environmental Quality Committee**

Regular Meeting Minutes

Wednesday, December 9, 2009 3:15 PM

Scott Heyman Conference Room

**Call to Order**

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

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Pamela Mackesey	Chair	Present	
Carol Chock	Vice Chair	Present	
Will Burbank	Member	Present	
Frank Proto	Member	Present	3:25 p.m.
Martha Robertson	Member	Present	

Present: J. Mareane, J. Kippola, P. Younger, Administration; E. Marx, J. Jurkowich, Planning; L. Cameron, Health Department

Guests: S. Shackford, Ithaca Journal; F. Bonn, Convention and Visitors Bureau; J. McPheeters, Chamber of Commerce

**Changes to Agenda**

The following resolution entitled Approval of Amended Bylaws of the Tompkins County Agriculture and Farmland Protection Board was added to the agenda.

**Minutes Approval**

**(DOC ID: 1672): Nov. 12, 2009 PDEQ Minutes**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Will Burbank, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Martha Robertson
<b>EXCUSED:</b>	Frank Proto

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**Appointment to the Agriculture and Farmland Protection Board - (DOC ID: 1592)**

The following appointment was recommended for appointment to the full Legislature

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

Agriculture and Farmland Protection Board

Irene Kehoe to replace Jay Franklin in Ex-Officio Director of Assessment (Designee) Seat  
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**Planning Department**

**Resolution: Determining that Certain Real Property Located on Harris B. Dates Drive in the Town of Ithaca is No Longer Needed for Public Use (DOC ID: 1660)**

Ms. Chock asked what the County process for selling land entailed. Mr. Marx said that per the County Attorney, passage of the resolution is the next step required.

Mr. Proto arrived at this time.

Following further discussion regarding the sale of the property, it was noted that the County was not required to sell to the highest bidder. Mr. Marx asked that questions regarding the requirements for disposal of the property be directed to Mr. Wood, County Attorney. Members of the Committee suggested Legislators be informed of the process to declare the property surplus and other aspects that should be taken into account when making the decision. Mr. Burbank expressed interest in zoning regulations for the property. By consensus, the resolution was placed on the table until additional information was received later in the meeting

**Environmental Management Council Appointments (DOC ID: 1665)**

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

The following appointments were recommended for approval by the full Legislature:

Environmental Management Council

- Roger Yonkin – At-large representative; term expires December 31, 2011
- Spring Buck – At-large representative; term expires December 31, 2011
- Gary Stewart – At-large representative; term expires December 31, 2011
- Mark Whitmore – At-large representative; term expires December 31, 2011
- Clement Chow – At-large representative; term expires December 31, 2011
- Steve Nicholson – Town of Caroline representative; term expires December 31, 2011
- Martha Ferger – Village of Dryden representative; term expires December 31, 2011

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**Resolution: Comments to New York State Department of Environmental Conservation on Draft Supplemental GEIS (DOC ID: 1621)**

The Committee reviewed the suggested amendments to the resolution and accepted them as friendly. Ms. Mackesey noted that Ms. Kiefer has suggested amendments to the resolution dealing with the precautionary principle and the need to address potential carcinogenic chemicals in the water used in the hydrofracking process that would be considered at the Legislature meeting. Mr. Proto asked about economic development aspects of the review. Mr. Marx said that NEPA, at the Federal level, does

address socio-economic factors, the New York State review process does not. In addition, Ms. Jurkovich said it is rare to have a full SEQR review include social, economic, and environmental review in the process; normally it is strictly environmental review.

*Ms. Robertson requested copies of submissions by the Health Department, Environmental Management Council, and Water Resources Council be provided to Legislators.*

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Carol Chock, Vice Chair
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Frank Proto, Martha Robertson

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the *Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs* (hereinafter referred to as the “Document”), and

WHEREAS, the deadline for submitting comments on the Document is December 31, 2009, and

WHEREAS, the Tompkins County Health Department, the Tompkins County Planning Department, the Tompkins County Environmental Management Council, and the Tompkins County Water Resources Council, among others, are planning to submit comments to the Department of Environmental Conservation on the Document, and

WHEREAS, in addition to the important technical comments provided by those groups, the Tompkins County Legislature has a duty to provide leadership to the community in evaluating the possible impacts associated with the proposed drilling of the Marcellus Shale, and

WHEREAS, many entities, including Tompkins County, are now striving for an 80% reduction in greenhouse gas emissions by 2050, and it is understood that natural gas could serve as a lower-emissions fuel source as the nation transitions to renewable sources of energy, and

WHEREAS, it is also recognized that natural gas is a finite resource and that total extraction of New York State’s natural gas resources will only meet national energy needs for a limited period of time that will be measured in years or decades, yet environmental damage, particularly to water, arguably New York State’s most valuable finite resource, could be permanent, and

WHEREAS, Tompkins County does not believe that the Document establishes adequate specific conditions, criteria, and thresholds to allow drilling permits to be issued without extensive additional environmental review needing to be conducted for each permit issued, and

WHEREAS, Tompkins County and its municipalities have a responsibility to preserve and protect natural resources, water resources, highway infrastructure, public health, and quality of life for our residents now and in the future, now therefore be it

RESOLVED, on the recommendation of the Health and Human Services Committee and the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature submits the following comments on the Document:

1. New York counties should not be required to bear the financial costs of implementing the natural-gas water-well monitoring and tracking described in the Document. This cost should be paid for by either New York State or the natural-gas industry. In describing the proposed approach to tracking the results of private well monitoring and responding to complaints concerning private well water quality, the Document states the NYSDEC’s intention to rely on county health departments, potentially requiring a large commitment of County resources to undertake such an unfunded mandate. Should the final regulations continue with this approach, New York State should provide 100% funding to county health departments in order to fully provide the staffing

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and other resources needed to track well monitoring results and to respond to public complaints and concerns. Funds for implementing this program should be provided to local health departments through gas well permitting fees. Fees cannot be raised directly by the local health departments since the NYSDEC has sole regulatory authority over gas wells.

2. Groundwater monitoring needs to be conducted near Marcellus shale gas wells; however, the program proposed by the NYSDEC is inadequate to detect and remediate contamination of drinking water aquifers. Water quality monitoring programs should focus on monitoring the groundwater resource, not just existing drinking water wells. Water supply wells should not be the sole means of determining if groundwater contamination has occurred near a Marcellus shale gas well due to the unknown or varying construction, operation, and availability of these wells. The permit applicant should be required to install and monitor groundwater wells to detect groundwater contamination before it reaches individual or public supply wells. At least 3 monitoring wells should be installed around each well pad and each centralized flowback water surface impoundment and these wells should be sampled and analyzed at the same frequency as the private water supply wells. The NYSDEC (in conjunction with the NYS Department of Health) should establish what is required to be tested for and what are the acceptable levels. Sharing the results of all sampling programs with the public should be a requirement.
3. In many places throughout the Document, specific mitigation measures are “proposed,” “encouraged,” “suggested,” etc. Regulations must require the most protective mitigation measures or best management practices available to assure the protection of the public health and welfare and the natural environment.
4. The Document, in several places, most notably page 7-64, identifies additional mitigation measures for well-drilling operations in the New York City Watershed. Such standards must apply equally to all watersheds with municipal water supplies. In Tompkins County this would include the entirety of the Cayuga Lake watershed.
5. To alleviate adverse road use impacts, the Document (page 7-109) requires operators to “attempt to obtain a road use agreement with the municipality or document the reasons for not obtaining one.” The Document should require, not just the attempt, but the development and execution of binding road use agreements. Operators should be required to notify all local municipalities, including villages, towns, cities, and counties, that their vehicles will travel through, even if there is no drilling operation in the municipality itself. Operators should then be required to sign binding road-use agreements for those municipalities, as well as with municipalities where the drilling operation is located.
6. Tompkins County has established a policy to “Reduce community greenhouse gas emissions by at least 2 percent of 2008 base year emissions per year to reach, at a minimum, an 80% reduction from 2008 levels by 2050.” [Tompkins County Comprehensive Plan: Energy and Greenhouse Gas Emissions Element, 2008] In response to a request from the NYSDEC, Tompkins County reiterated this commitment by signing on to the DEC’s Climate Smart Communities Pledge in April 2009. According to the Document, over the 30-year well lifetime, emissions from 100 one-well projects will more than double all community emissions in Tompkins County over that same 30-year time period. The result is that the proposed gas drilling, if implemented, will make it impossible for Tompkins County to meet its greenhouse gas emissions goals. The cumulative impact of drilling in the Marcellus Shale may make it impossible for New York State to meet its greenhouse gas emissions goals. This cumulative impact should be clearly evaluated in the Document. The Document should require operators to detail how their drilling operation will meet specific emissions thresholds, and what mitigation measures will be implemented to accomplish those emissions levels.
7. EAF Addenda should be required before drilling permits are issued. Furthermore, EAF Addenda should be required to be submitted to local, county, and regional planning boards for review and comment to the DEC prior to drilling permits being issued. Page 7-2 of the Document proposes that EAF Addenda be submitted for all permits. In addition, page 7-23 of the Document states that many adverse impacts may be avoided by planning a drilling operation to fit site

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characteristics, like avoiding steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands. Finally, Page 7-111 of the Document indicates that “the EAF Addendum submitted with each well permit application will require the applicant to attest to having reviewed any existing comprehensive, open space and/or agricultural plan or similar policy document(s).” Such EAF Addenda should require that well permit applicants comply with the existing plans and the addenda should be submitted to local, county, and regional planning boards for review and comment as such agencies are in the best position to identify the potential site-by-site environmental impacts of proposed drilling operations and are best suited for determining the consistency of proposed drilling operations with existing plans and policies.

8. The method described in the Document for disposal of flowback water and fracking fluids is totally inadequate. Although methods of disposal are discussed in the Document, it is also stated that flowback water must be characterized before the suitability of a treatment option can be determined. The problem is that the constituents of the flowback water cannot be known until after drilling activity has occurred and the wastewater produced. The document acknowledges that some potential constituents of the flowback water could make it unsuitable for treatment at a previously designated treatment plant. In addition, the type and concentrations of flowback-water constituents can vary daily, which makes the entire concept of characterizing flowback water suspect for use by waste water treatment plants. We face the prospect of holding ponds of toxic wastewater scattered across our landscape indefinitely. No drilling can be permitted until it is determined that a safe method for disposal of flowback water and other wastes is in place. It should be required that storage facilities for such wastewater be enclosed, covered tanks, not open ponds.
9. The Document does not address in any meaningful way the cumulative impacts of Marcellus Shale development on a substantial region of New York State. And yet every EIS is supposed to focus on cumulative impacts rather than allowing segmentation. We recognize the challenges of this requirement, but that does not mean it should be brushed off as “difficult”.
  - Industrial use. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. In virtually every instance, existing industrial land use was sited after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.
  - Local landscapes. Furthermore, local authority to review gas drilling activity has been precluded by the State of New York. The result will almost certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the “edges” of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.
  - Water resources. Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are barely addressed in the document.
  - Gas processing and transmission. Pipelines and compression stations are not addressed by the Document; the NYSDEC must establish a mechanism to coordinate with the Public Service Commission, requiring that cumulative effects of the entire industry are considered together.

- Thresholds. In sum, there is no attempt in the Document to establish thresholds of activity that the environment could sustain without permanent damage. In the Document, the spacing unit is the only limiting factor on development. The NYSDEC must establish a pace and level of development that it deems the human and natural environment could tolerate, rather than leaving the pace and extent of development to be determined by the industry (e.g., by the number of drill rigs available).

The failure to address cumulative impacts on the landscape and on communities is a fatal flaw that undermines everything else in the Document.

10. The only conclusion that can be drawn from the Document in its current form is that it does not comply with the SEQRA requirement to evaluate the impacts of Marcellus Shale drilling on the environment and public health, and does not propose mitigation measures that sufficiently protect the public health and environment to allow permitting of drilling in the Marcellus Shale to proceed. The many flaws in the Document, including failure to assess the life cycle analysis of greenhouse gas emissions from natural gas and the fact that the EPA will soon begin a study of Marcellus Shale drilling, require that the entire process be reevaluated and a moratorium on drilling maintained indefinitely until and unless an adequate review is completed, and that the results of the EPA study be included in that review.

**SEQR ACTION:** Not a SEQR Action

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**Resolution: Determining that Certain Real Property Located on Harris B. Dates Drive in the Town of Ithaca is No Longer Needed for Public Use (DOC ID: 1660)**

The resolution was lifted from the table. Discussion regarding procedure continued, and it was noted that if the County wanted to specify how the building was used it could be done at the time of sale. Mr. Marx said that if Cayuga Medical Center chose to purchase the property they may not have an intended use at the time. It was also noted this resolution only affects the Biggs B building and surrounding 9 acres.

<b>RESULT:</b>	<b>RECOMMENDED [4 to 1]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Pamela Mackesey, Chair
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Martha Robertson
<b>NAYES:</b>	Will Burbank

WHEREAS, the County is the owner of certain real property in the Town of Ithaca designated as part of Tax Parcel No. 24.-3-2.22 1285 Trumansburg Road, said parcel being otherwise known as Biggs B, adjacent to the Cayuga Medical Center and including a total of approximately 37 acres, and

WHEREAS, Biggs B is currently occupied by the Tompkins Health Department and the Health Department is scheduled to move its entire operation to 55 Brown Road on or about January 15, 2009, and

WHEREAS, the Biggs B building is located on a parcel of land comprising approximately 9 acres bordered by Harris B. Dates Drive to the West, Indian Creek Road to the North and by lands owned by Cayuga Medical Center to the East and South, and

WHEREAS, when the Health Department vacates Biggs B the building and the parcel of land on which it is located is no longer used or needed for any County purpose, and

WHEREAS, there is no other County purpose for this parcel, now, therefore, be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, the Facilities and Infrastructure Committee, and the Government Performance and Workforce Relations Committee, it is hereby determined that once the Health Department and its entire operation has

vacated Biggs B Building and the 9 acre parcel of land on which it's located as described above is no longer needed for public use.

**SEQR ACTION:** TYPE II-20

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## **Commissioner's Report**

### **Grant Information**

Mr. Marx reported the Planning Department is in the process of submitting an application with the Department of Energy Efficiency Financing Program for a grant in the amount of approximately \$2 million. Letters of support from Assemblywoman Lifton and others in the community are being provided to assist in the effort. The program would provide start-up funding for staff and a series of financing loans to establish the program. The program would require the hiring of two staff members for the start of the marketing aspect. The grant is similar to the Community Block grants that are provided to larger communities.

Ms. Robertson spoke of the President speaking of \$2 billion in TARP funding and a program called "Cash for Caulkers", a weatherization program. Mr. Marx said the money for weatherization under the stimulus program will be phasing out in 2011. The program noted may be an effort to keep part of the current program moving forward. Mr. Marx said he anticipates applying for a similar grant from NYSERDA in December. Ms. Robertson suggested Mr. Marx check the information available at the White House website.

### **Planning Department Budget**

Mr. Marx, as a follow-up to the budget, reported he has a staff member that will be on an extended medical leave and as a result will not reduce hours of the remaining staff members.

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## **Planning Advisory Board Appointments (DOC ID: 1663)**

The Committee discussed the terms of members on the Board. Ms. Robertson believes that reappointing individuals does not provide diversity. Mr. Proto asked to have an opportunity to review applications of individuals not selected and suggested they be included when making appointments. Mr. Marx noted the Board is advisory to the Planning Department and appointments are recommended by the Commissioner. He said the individuals bring professional skills or specific perspectives that assist the Department. Presently, there are still some openings, including an At-Large seat. Mr. Marx said those not chosen could have other opportunities to volunteer.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Vice Chair
<b>SECONDER:</b>	Will Burbank, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Frank Proto, Martha Robertson

The following appointments were recommended for approval by the full Legislature:

### **Planning Advisory Board**

Monika Roth – Agriculture representative; term expires December 31, 2012

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Peter Penniman – Business representative; term expires December 31, 2012  
Richard Coogan – Local Planning representative; term expires December 31, 2012

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**Strategic Tourism Planning Board**

**Resolution: Approval of Contract Between the County and the Chamber of Commerce/Convention and Visitors Bureau for Tourism Services (DOC ID: 1647)**

Ms. Chock expressed appreciation to everyone who worked on the agreement with the Chamber of Commerce. Mr. Proto expressed concern that a dollar amount is not listed within the resolution. Ms. Kippola said the amount changes annually and that the Committee and Legislature are required to approve the budget each year. Mr. Proto requested the information regarding the agreement be provided to the full Legislature.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Vice Chair
<b>SECONDER:</b>	Martha Robertson, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Frank Proto, Martha Robertson

WHEREAS, the Legislature has contracted with the Tompkins County Chamber of Commerce (the "Chamber") since 1987 to market Tompkins County as a tourism destination as part of the County's tourism promotion program, and

WHEREAS, The Chamber, through its Convention and Visitors Bureau, has built countless highly successful marketing campaigns that motivate thousands of visitors to stay here overnight and infuse new income into the local economy through hotels, retail, restaurants, recreation, and arts and cultural establishments, and

WHEREAS, The Chamber, through its Convention and Visitors Bureau, has created a vibrant network of tourism partnerships within the communities that work collectively toward a common goal of attracting overnight visitors while enhancing the quality of life for residents, and

WHEREAS, that current five-year contract will expire on December 31, 2009, and

WHEREAS, the County has provided funding for this contract entirely from the Room Tax account, now therefore be it

RESOLVED, upon advisory of the Strategic Tourism Planning Board, and on recommendation of the Planning, Development and Environmental Quality Committee, That the contract between the Chamber and the County for the period January 1, 2010, through December 31, 2011, is hereby approved, and

RESOLVED, further, That the County Administrator or his designee is authorized to execute all contracts and documents necessary pertaining to this agreement.

**SEQR ACTION:** TYPE II-20

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**Resolution: Funding of Tourism Marketing & Advertising Grants (DOC ID: 1623)**

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

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising grants using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Community Arts Partnership	2010 Finger Lakes Literary Arts Fest	\$1,375
PRI/Museum of the Earth	09-10 Amber: Letting the Past Shine Through	2,250
Community Arts Partnership	2010 Arts Trail	<u>5,000</u>
		<u>\$8,625</u>

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

**SEQR ACTION:** TYPE II-20

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**Resolution: Funding of Community Celebrations Grants (DOC ID: 1616)**

Ms. Chock said the Strategic Tourism Planning Board has a separate committee that reviews the information provided on applications prior to recommendation from the Board and subsequently the Legislature. Ms. Kippola said there were amendments to the grant approval process that limited the grants to event-specific assistance. As an example, at an event funding would not be provided to someone simply wanting to be a popcorn vendor.

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

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, the Tompkins County Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Village of Groton	2010 Groton Winterfest	\$ 470
City of Ithaca	2010 Martin Luther King, Jr. Day of Celebration	1,000
Village of Trumansburg	2009 Tru-Ulysses Winter Festival	1,500
Town of Groton	2010 McLean Happenin' in the Hamlet	<u>1,100</u>
		<u>\$4,070</u>

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

**SEQR ACTION:** TYPE II-20

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**Appointment to the Finger Lakes Tourism Alliance Board (DOC ID: 1650)**

Mr. Bonn said that Mr. Wiggins has done an excellent job in this position and has served as head of the Finger Lakes Tourism Alliance Board.

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

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

Finger Lakes Tourism Alliance

Scott Wiggins – At-large representative; term expires December 31, 2012

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**Appointments to the Strategic Tourism Planning Board (DOC ID: 1671)**

Members of the Committee expressed an interest in looking at all advisory board seats as vacant, not just the individuals seeking reappointment. The request would be provided to the Strategic Tourism Planning Board nominating committee.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Vice Chair
<b>SECONDER:</b>	Frank Proto, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Frank Proto, Martha Robertson

The following appointments were recommended for approval by the full Legislature:

Strategic Tourism Planning Board

Todd Miner – At-large representative; term expires December 31, 2012

John C. Mitchell – At-large representative; term expires December 31, 2010

Kathryn Pearce – Arts/Culture representative; term expires December 31, 2012

David Sparrow – At-large representative; term expires December 31, 2012

Ken Jupiter – At-large representative; term expires December 31, 2012

Beverly Baker – At-large representative; term expires December 31, 2012

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**Agriculture and Farmland Protection Board**

**1. Motion to Adopt:** Agriculture and Farmland Protection Board Amended Bylaws and recommend for approval by the Legislature.

Ms. Mackesey said the suggested changes offered by Ms. Kiefer were reviewed by the Agriculture and Farmland Protection Board and what was being presented is the result of their review.

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

**Transportation**

**Resolution: Authorizing the Execution of an Agreement with New York State Department of Transportation - Job Access and Reverse Commute and New Freedom Rural Assistance Grant - 2010 (DOC ID: 1546)**

Mr. Proto expressed concerns regarding where the funds are being managed; presently they are within the Tompkins Consolidated Area Transit budget.

<b>RESULT:</b>	<b>RECOMMENDED [4 TO 1]</b>
<b>MOVER:</b>	Will Burbank, Member
<b>SECONDER:</b>	Martha Robertson, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Will Burbank, Martha Robertson
<b>NAYS:</b>	Frank Proto

WHEREAS, the United States Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support eligible projects under Sections 5316 JARC (FTA C 9050.1), and

WHEREAS, New York State Department of Transportation (NYSDOT) was designed by the Governor of the State of New York to administer 5316 Federal formula reimbursement funds for projects designed to increase access for welfare recipients and low income persons to employment, as identified through a coordinated planning process, and consistent with eligible activities described in FTA Circular 9050.1, and

WHEREAS, Tompkins County will enter into contract with NYSDOT for the Tompkins County 2010 Rural JARC for FTA Section 5316 Federal funds to implement eligible JARC services in Tompkins County for an awarded Federal Share amount of \$206,159 and including provision by it of the FTA required local share of \$178,051, for the following projects:

<u>Projects</u>	<u>Federal Funds</u>
Operating Assistance - Rural Subscription Van Program	\$ 162,159
Mobility Management - Way2Go Program	\$ 44,000
Total JARC Funds	\$ 206,159

WHEREAS, Tompkins County has fulfilled the FTA coordinated plan requirements that the project “must be derived from the project area Coordinated Plan”, by action of the Ithaca-Tompkins

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County Transportation Council, and  
, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, the Tompkins County Legislature authorizes the County Risk Manager to execute and file a Job Access and Reverse Commute grant agreement with NYSDOT to aid in the financing of an operating assistance and mobility management projects, for a total of \$206,159, pursuant to FTA Section 5316 JARC (FTA C9050.1), as amended.

RESOLVED, further, the County Contracts Coordinator is authorized to sign any and all agreements between Tompkins County and the State of New York for the Project and FTA annual certifications and assurances or other documents required by NYSDOT.

RESOLVED, further, the County Finance Director is authorized to submit and approve payment requests for reimbursement for Section 5316 funds from NYSDOT for eligible activities pursuant to FTA Section 5316 JARC (FTA C9050.1), as amended.

**SEQR ACTION:** TYPE 11-20

Explanation:

This grant provides funding for the rural subscription van service approved by the County Legislature in Resolution No. 174 of 2009 (10/20/2009) and for the Way2Go (RIDEWISE) Program approved in Resolution No 66 of 2008 (4/15/2008). The local match is provided by Medicaid, Community Solutions for Transportation and other TANF funding and eligible in-kind contract expenditures.

County DSS administers JARC Grants through the 5631 Transportation Planning account.

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**Report: Indicators of Success 12/2009 (DOC ID: 1666)**

A request was made to include the report on the January 2010 agenda.

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**Adjournment**

On motion, the meeting adjourned at 4:48 p.m.

*Respectfully submitted by Karen Fuller, Deputy Clerk*