

**REGULAR MEETING
FACILITIES AND INFRASTRUCTURE COMMITTEE
TUESDAY, JANUARY 23, 2007
3:30 P.M. - SCOTT HEYMAN CONFERENCE ROOM**

APPROVED APRIL 24, 2007

Present: K. Luz Herrera, Chair; D. Kiefer, Vice Chair; P. Mackesey; D. Randall; G. Stevenson,

Staff: C. Nelson, Public Works Administrator; E. Marx, Commissioner of Planning and Public Works; R. Nicholas, Airport Manager; S. Whicher County Administrator; W. Sczesny, Highway; B. Eckstrom, L. Short, K. Thompson, T. Richardson, Solid Waste Division; M. Lynch, Public Information Officer; J. Wood, County Attorney; K. Fuller, Deputy Clerk

Call to Order

Chair Herrera called the meeting to order at 3:32.

Agenda Additions or Deletions

The Committee added the following item to the agenda:

- Appointment - Hillview Road Landfill Citizens Advisory Committee

There were no deletions from the agenda.

Persons Wishing to Address the Committee

No one was present to speak.

Chair's Report

Ms. Herrera welcomed those in attendance and noted that as a new member to the Committee she will be seeking assistance from the incumbent committee members as well as staff. She then outlined meeting administration details, including the following:

- Minutes – the minutes shall be considered as offered in the agenda packets. If there are suggested modifications/corrections presented at the meeting, the minutes will be deferred to the following meeting. The modifications/corrections shall be provided in writing to the appropriate staff of the Legislature for inclusion at subsequent meetings.
- Documents relating to resolutions and other committee decisions should be submitted with the agenda to provide adequate time for review of the material to be considered. If additional material is required the item will be deferred to the following meeting.
- Last minute submission of resolutions is to be avoided.
- The Committee will make every effort to maintain the time schedule and end meetings on time. Ms. Herrera encouraged a team effort to shorten meetings. She suggested that later in the year it might be possible to have only one meeting per month.

Ms. Herrera then spoke of Committee goals, noting she has met with the division managers, staff and Ms. Younger, Deputy County Administrator, to discuss the goals of the Committee. She presently is working on a list of goals that takes into account the information obtained from the discussions. She plans to send the goals list out to the Committee for comments and will present it at the next meeting. She stated that applying Ms. Younger's methods is a valid discipline, as this Committee is very task-oriented. She believes that it may be possible to bring the Committee's goals down to seven distinct areas to focus upon.

Committee members briefly discussed the topic of meeting minutes, noting they are the official record of the committee's work and may require some discussion. In addition, Ms. Kiefer asked if draft

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minutes could be obtained prior to inclusion in the agenda in order to have the agenda packet include suggested changes. Ms. Herrera stated it could be possible to do so.

Approval of Minutes of December 12, 2006

The minutes of December 12, 2006, were deferred to the next meeting so that Ms. Kiefer could offer amendments.

Report from the Commissioner of Planning and Public Works

Mr. Marx welcomed members of the Committee and noted it will be a good group to work with. He reported on the following items:

- Health Department Building Committee – a new Committee has been created to move forward on this project. He believes there is a level of interest for the Facilities and Infrastructure Committee regarding the end product design as well as maintaining the building, and therefore, hopes that the Committee will have some input regarding the construction.
- County Office for the Aging (COFA) – discussions regarding the potential lease and/or purchase of space in a proposed development continue. At this time there is a possibility of a second building being included in the project that may provide better siting for the department. In response to questions it was noted that there is the potential for more property being included in this development that would accommodate the second structure and additional parking. Ms. Kiefer requested that, if there is time, a brief executive session be held at the end of the meeting to provide new members with background information.
- Transportation Improvement Program (TIP) Projects – the County as well as the City of Ithaca have submitted project requests for the upcoming fiscal year. It was noted the projects are costly and it is not expected that all will be approved for Federal funding. A meeting will take place on February 2nd with the Department of Transportation to determine which projects submitted were more likely to receive funding. Mr. Marx stressed knowing the funding level is an important factor in determining budgeting over the next five years.
- Black Diamond Trail – Mr. Marx, Mr. Sczesny, and Mr. deAragon (MPO) have met with New York State Parks officials regarding the trail. It appears that a combined project with staff and equipment resources from the Town of Ithaca, City of Ithaca, and Town of Ulysses is possible to open up some of the Black Diamond Trail. He believes that with the combined resources working several days a good deal of progress can be made toward the goal of having the trail open by 2010. Two issues regarding the trail are in the process of being resolved; one is a railroad bridge that requires redecking and railings, the other is that another bridge will need to be replaced. There is approximately \$500,000 available for this project, which should cover the major bridge repairs; other funding would need to be sought for the balance of the work.
- Mr. Marx is in the process of meeting with division managers and Ms. Nelson to review their 2007 goals; he expects to bring this information forward in the near future.

Weights and Measures – Annual Report

Pricing Accuracy Law

Mr. Ellis reported that the New York State Agriculture and Markets Pricing Accuracy Law, which relates to scanning devices, was passed in September 2006. He met last week with other directors in the Central New York area and was informed that it appears the State has not set fee schedules or method of testing and therefore is not going to require full verification of products, but will allow counties to choose between full verification or enforcing the law when a consumer files a complaint. Overall, counties, including Tompkins, do not have the manpower to provide full verification of scanning devices and will operate on a consumer-complaint basis. A brief discussion occurred during which it was noted that scanners

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are to be within 98 percent accurate, and that each store should have posted a policy concerning remedies if a price is incorrectly input into the computer system.

Annual Report

Members of the Committee were provided with a copy of the annual report submitted to New York State. Mr. Ellis reported he was required to fine two organizations this year., One was Ehrhart Propane Gas, which did not provide final invoices for products within the prescribed timeframe (five days) on two separate occasions. Although there was a potential for a \$38,000 fine it was not imposed due to a first-offense; upon the second instance a fine of \$400 was imposed. He indicated that the propane retailer has worked with him to determine whether the delay occurs in the business office, and it appears that it does; the retailer is working to correct the situation. The second fine was issued to Northstar Dining for not remitting the scale testing fee charged; subsequently an additional \$50 late fee was imposed.

Neighbor Notification Law

In response to a question regarding compliance with the law relating to pesticide application, Mr. Ellis said within the next several months he will be checking retail establishments to be certain the appropriate signage is in place. It was noted that complaints should be made to the Health Department and that contractors, regardless of the base of operation, are required to make the appropriate notification to residents in the proximity as well as posting signage.

Ms. Kiefer suggested that a press release would be appropriate to inform consumers of the pricing accuracy law. Consensus was to have the information provided to Ms. Lynch, Public Information Officer.

Appointment to the Hillview Road Landfill Citizens Advisory Committee

It was moved by Mr. Randall, seconded by Ms. Mackesey, and unanimously approved by voice vote by members present, to recommend approval of the following appointment to the full Legislature:

Hillview Road Landfill Citizens Advisory Committee

Dooley Kiefer, Legislature representative, term to expire December 31, 2007.

Capital Payment Summary Report

It was clarified that the amount paid to LaBella Associates for the Annex C Standby Generator is for design services associated with the placement of the generator.

Ithaca Tompkins Regional Airport

Change of Rule Concerning Legislative Representative on the Air Service Board

Mr. Nicholas stated that the intent of the resolution is to provide consistency between the bylaws and the resolution that created the Air Service Board. He said that Mr. Shinagawa, who has been a member of the Air Service Board, was nominated by Mr. Baum to continue, however, Mr. Shinagawa is no longer a member of the program committee noted in the resolution as a requirement. Mr. Nicholas noted that a revised resolution that clarifies the change is available.

Ms. Mackesey asked who initiated the request for the change to the original resolution and was informed by Mr. Nicholas that the request was brought forward as a request from the Air Service Board (ASB). Ms. Mackesey and Mr. Randall expressed concerns that the appointment is a recommendation from the ASB, although the resolution notes the appointment is to be a member of the program committee. Ms.

Mackesey asked whether it is standard procedure to have an outside group make the recommendation. Mr. Randall also shared these questions.

Ms. Herrera noted that it is not unusual for members of a Board to make a recommendation, however, she noted that in previous discussions at Government Operations these same questions occurred. She said the ASB is pleased with Mr. Shinagawa's representation on their board, however, he is no longer a member of the program committee. Ms. Herrera said she was not contacted in advance regarding this matter and said she would like to offer current Committee members the opportunity to serve. In addition, she spoke of becoming aware that the members of the Committee had not been receiving the minutes of the ASB. She stated that oversight of the ASB is an important matter. Ms. Kiefer said she was puzzled by the resolution and desired to know the intent of the Legislature when creating the position. Was it to have a Legislative representative on the ASB or was it to provide the ASB with a direct contact with the program committee? She hoped that minutes of the various groups involved would shed light upon this; she has not yet had the opportunity to review the material. Ms. Kiefer noted that Mr. Shinagawa reports to the Legislature, and that Mr. Marx, who attends Facilities and Infrastructure, is also a member of the ASB and could thus keep the Committee timely informed. Ms. Herrera said that having the opportunity to review this information would be good. She stated that it would not be fair or appropriate to provide the information immediately before a vote.

Mr. Marx reported that at an ASB meeting Mr. Shinagawa expressed a desire to continue to serve as a member of the ASB, however, under the resolution would not be able to. The ASB felt Mr. Shinagawa was doing a good job and supported his continued involvement. Mr. Marx recalled that Mr. Shinagawa had indicated he would talk to Ms. Herrera about the situation; Mr. Nicholas then prepared the resolution as a result of the discussion.

Ms. Herrera said she did not recall Mr. Shinagawa mentioning the resolution and apologized if this was the case. She said the resolution will be set aside until the next meeting in order to afford members the opportunity to review appropriate materials and make an informed decision.

Budget Transfers

Members of the Committee received copies of budget transfers for review.

RESOLUTION NO. – EXTENSION OF CONTRACT FOR WIRELESS INTERNET SERVICE - ITHACA TOMPKINS REGIONAL AIRPORT

Mr. Nicholas reported that for the last three years there has been a contract with Clarity Connect to provide wireless service at the airport. The present contract allows Clarity Connect subscribers to receive free wireless service, and for those non-subscribers desiring to utilize the service there is a cost of \$6.95/24-hours. The contract expiration is December 2006. Mr. Nicholas said at the present time Clarity Connect receives approximately \$6,000 and the airport share is ten percent of that amount. Customers have expressed a desire for free access to internet service. He explained that some airports provide free service to all customers (Syracuse invested \$24,000 in equipment and pays \$400/month). Clarity Connect has offered to place a computer with internet access on site for airport-customer use; this will provide some information on the demand for internet use by customers. He is requesting a six-month extension of the present contract in order to provide the opportunity to obtain usage information as well as receive proposals from other interested companies. Ms. Herrera said that having free internet access is extremely beneficial when traveling, particularly when flight delays occur. Ms. Mackesey said she does not think that one computer will provide accurate information regarding customer demand. She also suggested that local businesses may be willing to contribute to provide internet access to airport clientele. She will support the resolution, but would also like to have other options considered, including a service that is revenue neutral.

It was MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously approved by voice vote, to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, by Resolution No. 267 on the 16th day of December 2003 the Tompkins County Legislature did award a three-year contract to Clarity Connect, Inc. of Ithaca to provide Wireless Internet Service at the Ithaca Tompkins Regional Airport, and

WHEREAS, it is desirable to investigate whether certain improvements can be made to said Wireless Internet Service that would benefit airport customers, with such improvements being the possible provision of free access and/or the use of an airport-owned computer, and

WHEREAS, said investigation would include collection of pertinent information over a six-month period to be evaluated prior to issuing a Request for Proposals that would allow the airport to more clearly state our customer service and operational goals, now therefore be it

RESOLVED, on recommendation of the Facilities & Infrastructure Committee, That the contract with Clarity Connect Inc. of Ithaca be extended for a six-month period from the 1st day of January 2007 until the 30th day of June 2007 and that the County Administrator be and hereby is authorized to execute a contract extension with Clarity Connect Inc.

SEQR ACTION: TYPE II-20

Ansbro Petroleum Company - Discussion

Mr. Nicholas indicated that he had hoped to receive a proposal from Ansbro Petroleum Company but to date has not received one. He asked that Ansbro provide copies of contracts with other airports and municipalities to review as well. Mr. Nicholas expressed his belief that more research is required prior to approval of an agreement. He intends to speak to John Majeroni, Director of Real Estate at Cornell University who was also approached by the firm. With regard to Federal Aviation Authority issues, Mr. Nicholas believes that the area being considered for the drilling process would not have height restrictions.

Members of the Committee discussed the topic and noted the following:

- Ms. Herrera said it is important to look at the possibility of potential revenue for the County, however, it is a very complex project and will require staff time. She also said that more companies might be interested in making a proposal to the County.
- Mr. Stevenson said he believes that a Request for Proposals should include multiple companies. In addition, he shared his knowledge that an operation such as this may require more cost for staff than the benefit is worth.
- Ms. Herrera said Ms. Kiefer's suggestion of obtaining leasing language would be beneficial; she also noted that if this were approved, the majority of work associated with the project would be staff-driven with periodic review by the Legislature.
- Ms. Mackesey recalled Mr. Joseph's comments that leasing County land for natural gas exploration may not be something worthwhile to consider. She said that if the majority of the Legislature were not in favor of the proposal it would be good to know prior to investing staff time. Ms. Herrera acknowledged Ms. Mackesey's point and said the Committee will have to determine the appropriate time to take a poll of Legislators.
- Mr. Wood, County Attorney, gave background on his experiences with gas companies, noting that there have been numerous times that companies have expressed the desire to drill on County property. He said companies seeking mineral rights are highly regulated due to State laws. He stated that it requires approximately three acres to set up drilling equipment; the actual gas plume could be miles away from the drilling site. He explained that a company could obtain gas from beneath your property without a lease; however, the landowner is entitled to a fair share of the value of the gas. The lease provides the mechanism for the company to set up the equipment; generally they seek out as much property as possible. Mr. Wood shared information on more recent activities

pertaining to County-owned property regarding mineral rights; one in the Newfield forest and the other for seismic testing in Newfield.

- Ms. Kiefer spoke of work done by Ms. Borgella from the Planning Department with regard to those recent activities Mr. Wood mentioned and suggested that she be invited to a future committee discussion.
- It was noted that although the proposed drilling would be on airport property, it would not necessarily be a source of revenue for the airport due to the fact that the airport is County-owned property.
- Ms. Herrera said Mr. Nicholas is taking the right steps; staff will make the appropriate contacts and obtain additional information as necessary.
- Mr. Stevenson strongly cautions that the revenue from gas drilling may not be as successful as portrayed.
- Ansbro is tentatively scheduled to be on the Committee agenda on February 27th. Ms. Herrera said the proposal has to be received with adequate time for the committee to review the information prior to scheduling the item on the agenda.

Highway Division

RESOLUTION NO. - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE COUNTY OF TIOGA – HARFORD ROAD BRIDGE MAINTENANCE AND FUTURE BRIDGE RECONSTRUCTION (BIN 3314090)

Mr. Sczesny, Highway Manager, reported that this jointly owned, one-lane bridge was deficient and required approximately \$9,000 to \$10,000 in repairs, which was undertaken by Tompkins County to provide for passage of emergency vehicles. The purpose of the resolution is to allow an agreement that will outline the joint responsibility of Tompkins and Tioga Counties, as well as provide the mechanism to receive Tioga County's share of the above-noted expense. He also noted that neither county has the rehabilitation of this bridge on their present work plan and it is unknown how many years it will be before the work is completed.

A brief discussion occurred regarding bridge ownership designation. Ms. Kiefer thought there may be an earlier written document indicating the ownership of the bridge, and also noted that due to the GASBY requirements for accounting and setting value of assets that background information would be available. Mr. Sczesny noted that recently the Speedsville bridge also falls into the joint-ownership category, with the State law specifying an equal responsibility for maintenance costs.

It was MOVED by Mr. Stevenson, seconded by Ms. Kiefer, to recommend approval of the following resolution to the full Legislature. Mr. Stevenson stated he would not support the resolution due to the language contained. A voice vote on the motion resulted as follows: Ayes – 4; Noes – 1 (Legislator Stevenson). RESOLUTION ADOPTED.

WHEREAS, Tompkins and Tioga Counties cooperatively maintain a bridge on Harford Road (BIN 3314090) over the West Branch of Owego Creek, and

WHEREAS, in response to deterioration of the Bridge, the Counties are preparing plans, specifications, and estimates, and Tompkins County has done temporary repair to allow plow trucks and emergency vehicles to pass safely over the structure, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be and hereby is authorized to execute an Agreement with the County of Tioga to obtain reimbursement of costs already spent by Tompkins County and continued cooperative maintenance of the bridge, and design and construction costs associated with the bridge reconstruction, including completed repairs.

SEQR ACTION: TYPE II- 20

Highway Capital Project Status Report

The Committee reviewed the written report and noted the following:

- Although it may seem logical to change ownership of certain municipal bridges, it would be difficult to have either party accept full responsibility due to the potential increase in budget. It was reported that due to a State ruling many years ago, the County had opted to take ownership of bridges in excess of 25’.
- Red Mill Bridge – due to a change in staffing at State Historic Preservation Office (SHPO), it may be possible to have the reconstruction completed sooner than originally anticipated.
- McLean-Cortland Road – Mr. Sczesny was asked to provide clarification of how the increased costs for Phase 2 was determined. Mr. Randall asked to be provided with information regarding maintenance of the sidewalks that were included in this project.
- The Committee inquired whether the funds for bridge painting were maintained in an interest-bearing account. Mr. Sczesny will obtain this information and report back to the Committee.
- The Committee was informed that since the printing of the document all reimbursement requests for the projects have been submitted.
- The Committee was notified they would receive full project reports quarterly, with monthly updates on current projects.

Solid Waste Division

Ms. Eckstrom, Director, introduced Ken Thompson, who will coordinate the work associated with the resolution presented.

RESOLUTION NO. - AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT AN EASEMENT TO THE CITY OF ITHACA TO CONSTRUCT AND MAINTAIN A WATER MAIN

Mr. Thompson informed the Committee that the City is seeking to resolve two dead-end mains by creating a loop under Commercial Avenue and near neighboring businesses. He stated it would be beneficial to the businesses as it will improve both the water pressure and quality. Mr. Thompson stressed the importance of involvement in the project to assure the project is undertaken in a manner that will not disrupt services at the Solid Waste facility. Ms. Eckstrom will report on details of this project as it comes forward and noted that Mr. Wood assisted in preparation of the resolution. Ms. Mackesey stated that the City of Ithaca water system is 60 to 70 percent gravity fed. Mr. Stevenson noted he is employed by the City of Ithaca Fire Department; Mr. Wood indicated there is no direct conflict involved.

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously approved by voice vote of members present, to recommend the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the City of Ithaca has requested that the County grant it an easement on certain property owned by the County near Commercial Avenue in the City of Ithaca for the purpose of constructing and maintaining a water main, and

WHEREAS, the anticipated water main project would benefit the County by providing a more reliable water supply and will increase water flow and pressure to the Recycling and Solid Waste Center which would be beneficial in the event of a fire, and

WHEREAS, in order to ensure that construction work does not interfere with operations at the Solid Waste Center, no work will take place without the approval of the Solid Waste Manager, now therefore, be it

RESOLVED, upon recommendation of the Facilities and Infrastructure Committee, that the County Administrator is authorized to grant any necessary easements to the City of Ithaca in order to construct and maintain the water main.

SEQR ACTION: TYPE II-20

Disposal Fee Waiver Request

Ms. Eckstrom provided members with information supporting a request to waive the solid waste fee for an emergency situation. She informed members that the request is due to a recent house fire and the need to dispose of damaged property that otherwise could be disposed of improperly. The Committee discussed the matter, noting that it is not the intent of the Committee or the Solid Waste facility to allow a blanket waiver for emergency situations... Ms. Eckstrom also reported that a thorough investigation was completed to confirm the information that is contained in the request.

It was MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously approved by voice vote to approve the American Red Cross waiver request on a one-time basis.

Recycle Tompkins Website

Ms. Eckstrom reported that the Recycle Tompkins website is up and can be reached from the Solid Waste Division site. She provided bookmarks to members of the Committee with information about this program.

Executive Session

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, and unanimously approved by voice vote, to enter into an executive session to discuss potential real estate negotiations. An executive session was held from 5:20 p.m. On motion by Mr. Stevenson, seconded by Ms. Mackesey, and unanimously approved by voice vote, the Committee returned open session at 5:25 p.m.

Adjournment

On motion the meeting adjourned at 5:25 p.m.

Respectfully submitted – Karen Fuller, Deputy Clerk.