

Facilities and Infrastructure Committee

Regular Meeting Minutes

Friday, February 5, 2010 9:30 AM

Scott Heyman Conference Room

Approved 3-5-10

Call to Order

Chair Kiefer called the meeting to order at 9:32 a.m.

<u>Attendee Name</u>	<u>Organization</u>	<u>Title</u>	<u>Status</u>
Dooley Kiefer	Tompkins County Legislature	Chair	Present
Michael Lane	Tompkins County Legislature	Member	Present
Pamela Mackesey	Tompkins County Legislature	Member	Present
Leslyn McBean-Clairborne	Tompkins County Legislature	Member	Present
David McKenna	Tompkins County Legislature	Member	Present

Present: D. Ellis, Weights and Measure; B. Nicholas, Airport; J. Mareane, N. Jayne, Administration; C. Nelson, Public Works Administrator; E. Marx, Commissioner of Planning and Public Works; W. Sczesny, J. Lampman, Highway Division; K. Fuller, Deputy Clerk

Guests: Mary Ann Sumner, Town of Dryden Supervisor

Changes to Agenda

There were no changes to the agenda.

Comments from the Public

No one was present from the public.

Report from the Committee Chair

Ms. Kiefer said she is happy to Chair the Committee this year. She then announced she would set aside a portion of each meeting to have an in-depth review of the departments under the Committee's review.

Report from Commissioner of Planning and Public Works

Mr. Marx reported on the following items:

- Biggs Building/Brown Road (Health Department) – it is anticipated that occupancy will occur in March; delays are the result of issues with the floor tiles. The floor tiles are unique, with only one manufacturer, and are a part of the LEEDS credits connected to the building. With regard to other aspects of the building, Mr. Marx said it is very good and he believes Legislators will be pleased with the construction. *In response to Ms. Kiefer's question about signage on Warren Road to indicate the location of the Health Department, Mr. Marx said there was not a plan and he asked Mr. Sczesny to look into the matter.*
- Highway Division - Next month the Committee will have a discussion about amendments to the Highway Division budget to balance the equipment rental, material, and labor accounts. The equipment rental account was under-funded and the adjustment is necessary to balance the account prior to construction season.
- Truck Legislation – Mr. Marx will be presenting an updated draft of the proposed road preservation law regarding heavy-truck traffic on County roads to the Committee. It would outline possible bonding or payments to the County for extraordinary truck traffic on the roads. The legislation does not apply to any one activity but would have specific thresholds that would

apply. Mr. Wood is working with local municipal counsels to craft the law in a fashion consistent with local municipal highway law.

- Grant Applications – a grant application is being prepared by Mr. LeMaro for the NYSERDA Federal Energy Block Grant Program for solar panels at the Human Services Building and Solid Waste is working on a pilot project to compost organic waste at the household level. Both projects are eligible for this block grant and the New York State Department of Environmental Conservation would like to have someone in New York undertake the composting project. The Solid Waste pilot may have three aspects: (1) a drop-off center at the Solid Waste Recycling Center; (2) a neighborhood-based education program for individuals desiring to compost at home; and (3) a pick-up collection pilot in Trumansburg.

Weights and Measures

Presentation of Annual Report

Mr. Ellis provided members with the annual report for his department. He said his revenue decreased due to loss of business for 9 fuel trucks at a cost of \$100 each. Overall there were no major complaints throughout the year, however, there have been some problems with a local wood supplier. The supplier, who provided wood for HEAP recipients, was shorting loads and delivering green wood. This individual is located in Tompkins County but also delivers to Cayuga and Cortland Counties, who also have had complaints with this provider. At this time the Attorney General is investigating the complaints.

With regard to the decrease in revenue, Mr. Ellis said Ehrhart both moved to Seneca County and Suburban Propane and purchased another company and downsized. He also believes Lincare has moved out of the area as well. Fees that had been collected on delivery vehicles are gone.

In response to Ms. Kiefer's question, Mr. Ellis said he does all his own work, including clerical. Ms. Kiefer also noted that administration takes the majority of his time and said it may not be the best use of his time. She informed members of the County Legislature previously having considered a local law regarding pricing accuracy for scanning and pricing. Although it was not undertaken it is something to consider for the future.

Mr. Lane said Chemung and Schuyler counties are sharing the Weights and Measure staff and asked if it would be worthwhile for Tompkins County to consider as well. Ms. Mackesey also thought it would be worthwhile to consider. Mr. Ellis said when he was an inspector he worked four days in Tompkins County and one in Cortland County; payrolls were totally separate. With regard to the sharing being done in Chemung and Schuler counties, Mr. Ellis said Chemung has taken the lead and Schuyler reimburses them for salary for the Weights and Measure Director who works for 15 hours in Schuyler County.

Mr. Ellis explained what he looks for on packaging labels and indicated that when a packaging problem occurs they are sent back to the packaging company.

The Committee discussed the possibility of administration for the department being done in-house with shared staffing. Ms. Jayne will coordinate this option through Administration. Mr. Ellis noted Cortland County may have an office worker in their Facilities division assisting with administration; most counties do their own work.

* * * * *

Airport

Capital Payment Summary Report January 20, 2010 (DOC ID: 1775)

The Committee received a written report.

Enplanements

Mr. Nicholas reported that passengers in 2009 were up twenty percent from 2008. Compared to similar-sized airports in our area Tompkins County are ahead of Binghamton who decreased 9 percent, Elmira increased 13 percent, and Tompkins County is the same as Syracuse. He attributed the increase to the addition of Continental at the end of 2008; fares decreased and made our airport competitive with Syracuse causing passengers to fly locally. Mr. Nicholas said the increase at Elmira was also due to more competitive fares.

Mr. Nicholas believes the increase is due to the gas drilling activities and he anticipates a more moderate growth in the future.

Mr. Nicholas reported there may be an additional flight to Detroit mid-day; he hopes that the flights would have enough passengers to maintain it.

In response to Mr. Lane's question about the increased passenger numbers, Mr. Nicholas said it has not caused any difficulty in his operation which is administration of the facilities.

Obstruction Lighting

Mr. Nicholas reported the obstruction lighting in the Sapsucker Woods Road location is moving forward and he anticipates bringing bids forward to the Committee in March.

A discussion followed regarding the lights and it was noted they are designed by C&S Engineers who have spoken to the Federal Aviation Administration (FAA) about using marker lights versus removal of the trees. The poles for the lights may be artificial that could blend into the woods better.

Ms. Mackesey asked if the airport experiences problems with birds so near the airport. Mr. Nicholas explained the problems occur mainly with Canadian Geese and larger flocks of birds. When large flocks or geese are located steps are taken to notify appropriate personnel and remove them from the runway area.

* * * * *

Highway Division

Proposed 2010-2014 Tompkins County Five-Year Bridge Plan (DOC ID: 1776)

The Committee reviewed the proposed 2010-2014 Five-Year Bridge Plan and noted the following:

- Game Farm Road – the bid will occur in 2010 with construction in 2011.
- Seneca Road – the County is awaiting design report approval from New York State Department of Transportation. It is expected bid and construction construction would occur in 2011.
- Newfield Depot Road – the Division is putting together a bid and anticipate it would be complete in April 2010 with actual construction occurring this year.
- Low-Volume Bridges would be maintained at a lower level.
- Due to unexpected winter damage a detour has been set on the west side of Kraft Road.

Minutes
Facilities and Infrastructure Committee
Friday, February 5, 2010

- After 2012 the projected need increases in expenses. Mr. Lampman said the practice has been to replace two bridges per year based on projected life-span. By 2013 or 2014 it is anticipated that only one bridge project per year could occur and that the local share budget significantly increases. The increase is due to the cost of products and the bridges being more complicated in design. Mr. Lane said he hopes a review of budget projections would look at the proposed increased budget to continue replacing two bridges per year.
- It was noted that there are 109 bridges, to replace two bridges per year would be in excess of 50 years work.

* * * * *

Status of Red Mill Road Bridge (DOC ID: 1794)

Mr. Marx reported the bridge has been closed for several years. There have been discussions with the Town of Dryden and others regarding possible funding for this bridge, however, it was indicated this bridge is not a high priority. Federal funding was made available for the bridge design but not construction. As a result of the work previously completed and lack of funding, a determination needs to be made as to what the County would like to do. Both Red Mill Road bridge and the Malloryville Road bridge would require major work and are low average daily traffic volume. It would be cost prohibitive to replace both bridges and perhaps it would be best to design and replace one bridge that would service both areas. He noted the Town will look at that perspective and approach to determine who would be affected by the decision.

Mr. Lampman said the project has been on the books for over ten years with the funding advanced for several years. Some funding for the preliminary engineering was requested for reimbursement and received. Because the project has not moved forward for many years it is now at a point that funding, in the amount of \$78,000, could be targeted to be taken back by the Federal government. The \$78,000 could be taken by reducing any Federal funding received by the County, not just the Highway Division.

Mr. Marx said that in order to avoid this possibility the County would need to file a design report stating the County is not proceeding with work on the bridge and that it appears it is better not to replace the bridge. Mr. Lampman said if a comparison was made between the Red Mill Road bridge and Malloryville Road bridge, both on the same road, it may be possible to indicate a preference for the Malloryville Road bridge and shift funding to that project if it is available. Although this possibility was given to the State, no response has been received regarding this potential option.

Ms. Robertson said when the funding was initially provided for Red Mill Road Bridge it was a special funding project for low-volume roads. When reviewing projects available for the Federal Stimulus Funding, it was decided it was not a high priority and not eligible. If the County continues with the Federal project the cost would be higher than a locally designed project between the Town and County. On Wednesday a meeting with the Town looked at various options and Ms. Robertson suggested setting aside the Federal project and determine what is desired locally. She asked how much it would cost to determine a no-build option. Mr. Lampman indicated it is estimated it would cost at least \$50,000.

In response to Ms. Kiefer's question about what the Town thinks about the situation, Ms. Sumner said she has been involved in discussions for the past five years. There are two bridges, Red Mill and Malloryville, that are approximately one mile apart by roads. Ms. Mackesey asked if building the Red Mill Bridge would that be the preferred solution. Ms. Sumner said it would extend the life of the Malloryville bridge. Mr. Sczesny said Malloryville bridge has deck problems, needs painting, and has some other maintenance completed. Many other communities have the same problem of justifying a large expense for a low-volume bridge. Ms. Sumner said decisions should not be about the volume but the value to agriculture and carbon footprint as well.

Minutes
Facilities and Infrastructure Committee
Friday, February 5, 2010

Ms. Mackesey asked if only one bridge could be maintained, which would be the preferred location. Ms. Sumner said there are four houses west of the Malloryville bridge; she believes the preference would be for the Red Mill Road bridge to be replaced. The Malloryville bridge would still need some repairs and could be used.

Mr. McKenna asked what the total investment, including roads would be. Both roads are very narrow and winding, with some road work completed. Ms. Sumner noted the roads are Town roads and would require the Town to do road repairs. Malloryville Road had work done last year and it has been several years since Red Mill Road was worked on. Ms. Sumner noted the houses are not set back far from the roadways.

Mr. Marx said there would need to be community input to determine what the better choice for the community would be. When reviewing the bridge program to do both bridges that would eliminate other bridge construction for several years.

Ms. Kiefer disagreed with Ms. Sumner's comment that the County should consider agriculture or carbon footprint when making a decision. Her view of the farm is that it is a great and successful operation that has made money even with the Red Mill Bridge road closed for five years. The fact that the farm is sending some of their vehicles over Malloryville Road, possibly illegally due to weight restrictions on the bridge is a problem. She would like to see a decision on these bridges sooner than later. Ms. Kiefer said it seems incorrect to use County funds which are needed in so many places in the county to benefit mainly one good farm. Ms. Kiefer spoke of previous attempts to get industrial access funds for the farm, which were not successful. She said what seems to have come out from the meeting she was unable to attend is to look at the two bridges and determine if both should be repaired or just one. She referenced the discussion of getting feedback from the residents, which she believes should be the next step.

Mr. Marx said the next step would also be to prepare a design report indicating the Red Mill Road project outlining the recommended option, which should be done within the next month.

Mr. Lampman noted there are historic implications when making a decision as both bridges are eligible for State historic listing. If a decision is made to proceed to reconstruct Red Mill Road Bridge, a second sight would be required to place the current Red Mill Road bridge structure on, per the State Historic Preservation office. One sight is a walking trail in the Village of Freeville, the other a snowmobile trail in Dryden. He said if a decision is made now not to build Red Mill bridge it may be possible in the future to combine the project with Malloryville Road bridge to obtain Federal funding, however, one of the bridges would need to be eliminated as a vehicle bridge.

Mr. Lane said that if Malloryville Road bridge was rehabilitated to extend its life it is not a long enough span for flood issues. He asked what other superintendents are doing with low-volume bridges such as these. Mr. Sczesny said the other two counties also had low-volume bridges that are being addressed and each have closed two bridges. Because the Red Mill Bridge is historic it would cost at least \$50,000 to just relocate it.

Ms. Robertson said the most cost effective option is to keep Red Mill Bridge closed and maintain Malloryville Road bridge until it could be rebuilt it with a longer span. Mr. Lampman said it would be approximately \$1 million for Malloryville Road and \$1.17 million to rebuild the Red Mill Road Bridge with a narrower width.

Ms. Sumner said cost effectiveness is not the only consideration to be made and that just because it is a low-volume bridge it should not be viewed as a major factor in a decision. She suggested a review

Minutes
Facilities and Infrastructure Committee
Friday, February 5, 2010

of the regional traffic plan should occur to help determine the best course of action. Mr. Sczesny said the County has approved taking over part of Salt Road in the Town of Groton, with a future plan of using Salt Road as a truck by-pass route. How that would affect traffic patterns south of Peruville Road and in the area of the bridges is unknown.

The discussion continued regarding the State Historic Preservation concerns associated with the bridges, with the possibility that both could have restrictions due to the historic nature.

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, to prepare a design report with a no-build option for Red Mill Road Bridge to be brought to the full Legislature (null alternative with regard to the Federal project).

A brief discussion followed, with it noted that the County would be working collaboratively with the town and residents to determine the best possible solution to the area. Mr. Sczesny said the design report could cost up to \$50,000. Mr. Lampman noted it would also remove the Red Mill Road Bridge from the Transportation Improvement Plan (TIP) for stimulus funding.

RESULT:	RECOMMENDED [4 to 1]
MOVER:	Pamela Mackesey, Member
SECONDER:	Leslyn McBean-Clairborne, Member
AYES:	Kiefer, Mackesey, McBean-Clairborne, McKenna
NOES:	Lane

* * * * *

Resolution (DOC ID: 1792): Authorization to Conduct a Public Hearing - Proposed Acquisition of Property for Public Purpose of Reconstruction of Hanshaw Road, CR 109, in the Towns of Ithaca and Dryden and Village of Cayuga Heights, PIN 3753.25

Mr. Sczesny said the consultant currently is negotiating with individuals regarding the purchase of rights-of-way easements. The resolution is being brought forward to have it in place only if needed.

Mr. Marx said a great deal has been done to reach the public and to try to balance the needs of both the County and local residents. He believes the work that has taken place meets the need of most of them. He also said improvements to the road will benefit all users.

Mr. Lane suggested the title be amended to include “for Public Purpose” to show the distinction of the reconstruction being for public use.

Mr. Lampman said not all property owners have been approached at this time; the County is awaiting a determination from the Town of Ithaca regarding the possible extension of sidewalks east of Salem Drive. Property owners west of Salem Drive have been approached, but no agreements are signed at this time. The appraisal process is underway, with everyone having spoken to the negotiation team, seeing the package of information and maps regarding the project; no offers have been made yet.

In response to a question from Ms. Jayne, the right of way plan is online and interested parties may view the Highway Division’s website for maps that show limits of grading for this project

Minutes
Facilities and Infrastructure Committee
Friday, February 5, 2010

In response to Ms. Mackesey's question about process, Mr. Lampman said the eminent domain process has taken place for other projects such as the McLean-Cortland Road and North Triphammer Road projects. Mr. Lane said previously the County did not have to do this; the State requested the County follow their procedures which includes this step.

Mr. Marx said by having the resolution and ability for eminent domain it does not hold up a project.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Leslyn McBean-Clairborne, Member
SECONDER:	Pamela Mackesey, Member
AYES:	Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna

WHEREAS, Resolution No. 9 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 109, Hanshaw Road, (the "Action") in the Towns of Ithaca and Dryden and Village of Cayuga Heights, and

WHEREAS Resolution No. 166 of 2007 issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, Resolution No. 167 of 2007 granted Design and Right of Way Plan approval of the referenced project in accordance with applicable Federal regulations and guidelines finding that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

WHEREAS, negotiations regarding approximately fifty-seven permanent and sixty-four temporary easements for the project have not yet been completed, and

WHEREAS, the County intends to pursue all means to complete these negotiations in a timely manner without necessitating legal measures, but must provide for the contingency that the properties in question may need to be acquired via eminent domain procedures as a last resort, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law at the Tompkins County Courthouse on the 16th day of March, 2010, at 5:30 o'clock in the evening thereof,

RESOLVED, further, That the purpose of said hearing is to inform the public and to review the public use to be served by the reconstruction of the Hanshaw Road in the Towns of Ithaca and Dryden and Village of Cayuga Heights, and the impact on the environment and residents of the locality where said project will be constructed,

RESOLVED further, That pursuant to Section 202 of the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten days and not more than thirty days prior to said hearing a notice of same in at least five consecutive issues of the Ithaca Journal.

SEQR ACTION: Unlisted
Negative Declaration Issued (No further action required)

Capital Payment Summary Report (DOC ID: 1771)

The Committee received the report. In response to a question by Mr. Lane, Mr. Sczesny said the work on Warren Road is progressing on schedule and will start again in the spring.

Highway Capital Status Projects (DOC ID: 1793)

The Committee reviewed the report and noted the following:

- Ellis Hollow Road – the anticipation is to begin work between April to June of this year.
- Game Farm Road – design work includes raising the bridge to eliminate the dip in the road and improve the sight distance area.
- Peruville Road – the Federal government had earmarked funding for an overpass at the intersection with Route 38. It was determined it was not feasible to do this and a request was placed with Congressman Arcuri to allow use of the money for improvements. Although a request was made to allow use of these funds in another manner no amendments have been made to allow the County to do so. In response to Mr. Lane’s question, although the intersection had a high-mortality rate, improvements have been made which reduced accidents.
- Bridge Painting Project – although it was hoped that 12 bridges would be painted it appears the funding will only cover 10.
- Red Mill Road Bridge – traffic counts will be verified.
- Hanshaw Road Reconstruction – once the Town of Ithaca meets on February 12th, more information will be known about what the Town wishes to fund for inclusion in the project.
- Coddington Road Reconstruction – Mr. Lampman provided information to new members regarding the State Appellate Court decision regarding right-of-way limitations and how it will not only affect this project but others as well.
- Warren Road – it was noted there would be a traffic signal at the Post Office and that the project is 100 percent funded through the Federal Stimulus program.

* * * * *

Lease Agreement

Resolution (DOC ID: 1810): Authorizing the County Administrator to Enter into a Lease for Property Located on Elmira Road in Ithaca

Mr. Mareane explained this is a renewal of the lease agreement for the piece of County-owned property that the Wal-Mart sign is erected, for the amount of \$2,000/year. Although Wal-Mart has asked to purchase this property it was decided to renew the lease at this time. Mr. Lane recalled when the initial lease agreement was made and noted there were a number of small parcels owned by the County along Route 13 (Elmira Road); it was determined at that time the County wished to maintain ownership. Mr. Mareane said Mr. Wood is working with the development corporation regarding the matter and the renewal allows additional time to consider other options in the future, including a longer term.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Pamela Mackesey, Member
SECONDER:	Leslyn McBean-Clairborne, Member
AYES:	Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna

WHEREAS, Will-Ridge Associates, LLC (a company associated with Benderson Development Corporation) constructed a retail commercial development on Elmira Road in the City of Ithaca including a road providing access to the development and a sign for advertising purposes, on an irregularly shaped 0.25 acre parcel, which parcel is owned by Tompkins County and located in a heavily developed urban corridor, and

WHEREAS, the City of Ithaca had no interest in purchasing the property, and

Minutes
Facilities and Infrastructure Committee
Friday, February 5, 2010

WHEREAS, the County and Will-Ridge executed a lease Agreement commencing December 28, 2005, with subsequent lease modifications on December 4, 2006, December 13, 2007, and September 19, 2008, which extended the lease for a period of one year until December 31, 2009, and

WHEREAS, the County desires fair compensation for the use of its property, now therefore be it
RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator is authorized to enter into an agreement to extend the lease through December 31, 2010, with an annual rental of \$2,000.

SEQR ACTION: TYPE II-26

Appointment: Hillview Road Landfill Citizens Advisory Committee (DOC ID: 1790)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Pamela Mackesey, Member
SECONDER:	Leslyn McBean-Clairborne, Member
AYES:	Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna

Reappoint Dooley Kiefer for one-year term (expiring 12/31/10) representing Legislature Program Committee on the Hillview Road Landfill Advisory Committee.

* * * * *

Minutes Approval: January 5, 2010 (DOC ID: 1795)

RESULT:	COMMITTEE APPROVED [UNANIMOUS]
MOVER:	Leslyn McBean-Clairborne, Member
SECONDER:	Pamela Mackesey, Member
AYES:	Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna

* * * * *

Adjournment

On motion the meeting adjourned at 11:34 a.m.

Respectfully submitted by Karen Fuller, Deputy Clerk