

Facilities and Infrastructure Committee
March 19, 2009
3:30 p.m.
Courthouse Conference Room

ADOPTED 4/16/09

Present: L. McBean-Clairborne, Chair; K. Luz Herrera, D. Kiefer, M. Koplinka-Loehr (temporary member)
Excused: D. Randall, M. Sigler
Staff: E. Marx, Commissioner of Planning and Public Works; C. Nelson, Public Works Administrator; B. Eckstrom, T. Richardson, Solid Waste Division; D. Gregrow, Highway Division; A. Lemaro, Facilities; N. Jayne, County Administration; K. Fuller, Deputy Clerk

Call to Order

Mrs. McBean-Clairborne, Chair, called the meeting to order at 3:35 p.m.

Agenda Additions and Deletions

There were no additions to or deletions from the agenda.

Persons Wishing to Address the Committee

No one wished to address the Committee.

Chair's Report

Mrs. McBean-Clairborne spoke of her desire to request the Air Service Board, which expired on December 31, 2008, be extended with the 2008 membership until later this year to allow time for review of all facets of operation relating to the board. She would like to provide an open process for membership on the board as well as have an opportunity to review the bylaws.

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, to request the Legislature extend the Air Service Board, which by resolution was to sunset December 31, 2008, with its 2008 members through May 31, 2009 to allow time for the committee to review the bylaws. It was noted that the committee recommends and the Legislature appoints Air Service Board members. A lengthy discussion took place regarding the extension, with the focus on the appropriate process of how the extension could occur, which was determined to be by resolution. The Committee also spoke of the need to determine whether there was consensus to continue the Air Service Board. Ms. Herrera specifically expressed concern regarding the lack of information coming from the airport with regard to the purchase of hangars as a result of an agreement made many years ago. Mr. Marx spoke of the need to keep the Air Service Board functioning at the present time, noting it is a critical period for the airport as a result of recently obtaining a new carrier and negotiations occurring with Cornell University. He also clarified the Air Service Board's duties are working on promotion of the air service, not administrative functions, which is why they were not informed or involved with the purchase of the hangar by the airport.

At this time, Mr. Koplinka-Loehr appointed himself as a temporary member of the Facilities and Infrastructure Committee.

A voice vote on the motion resulted as follows: Ayes – 3 (Legislators Kiefer, Koplinka-Loehr, and McBean-Clairborne); Noes – 1 (Legislator Herrera); Excused – 2 (Legislators Randall and Sigler). MOTION CARRIED. [A resolution is to be prepared for presentation to the full Legislature].

Ms. Herrera appreciated Mr. Marx's explanation of the reason the Air Service Board had not been informed of the contractual obligation to purchase the hangar. *She would like to have further discussions regarding budgetary items submitted by departments/divisions/enterprise operations received by the Committee without prior notice.*

Mrs. McBean-Clairborne expressed her desire to clearly indicate the request for the extension to review the components of the Air Service Board is in no way a reflection of work done by the present board members, nor is it to select all new members; the purpose is to perform a total review of the Board to determine its efficiencies and effectiveness. She appreciates all the efforts made by the Air Service Board.

Report from the Commissioner of Planning and Public Works

Stimulus Program

Mr. Marx reported there has not been any new information regarding awards to the County under the Stimulus Program. The delay in hearing information is not fully known whether it is at the State or Federal level, however, he has been informed that all awards require the Governor's certification. Mr. Marx spoke of how it is disappointing not to have heard anything further, particularly concerning the Warren Road Project, which would have been sent out to bid by this time to get the best figures and have an early start on the project. NYSERDA has indicated it would be several months before they would be able to award grants.

Ms. Kiefer inquired about the transit funding, noting she thought it was already approved. Mr. Marx said the transit funding applied for had been approved, but until the money is received it is still not certain what would occur. Ms. Kiefer said at the Metropolitan Planning Organization Policy Committee meeting the State Department of Transportation representatives said the Governor's press release site was the best source of information at this time. Mr. Marx spoke of the Conference of Mayors held in Washington, D.C., where information was provided on what would happen, but no timeline was provided.

Mr. Koplinka-Loehr said he has had conversations with representatives from Representative Arcuri and Senator Schumer's offices as well as with Mr. McCabe, the Governor's representative who are attempting to obtain additional information. Ms. Kiefer asked whether State representatives should also be contacted. Mr. Koplinka-Loehr offered to contact their offices.

Stimulus Program Prioritization

Ms. Kiefer inquired whether any information from the prioritization survey of stimulus projects is available. At this time there is no information, Administration is in the process of compiling the responses.

Ms. Eckstrom said the New York State Recycling and Solid Waste Management Association has indicated there are no approved Stimulus Package projects for waste reduction and solid waste submitted by New York.

Solid Waste Division

RESOLUTION NO. - IN SUPPORT OF THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND

Ms. Eckstrom spoke of having received several million dollars from the Environmental Protection Fund. It has been recommended in the Governor's proposed budget to eliminate this funding stream and the resolution asks that the funds be maintained. Ms. Eckstrom said there is enough funding for 2008 and 2009 and the concern is continuation beyond that time. The New York State Association of Recycling and Solid Waste Management is also asking to continue the funding. She spoke of the need for the continued funding to allow continuity of operations and funding to move to single-stream operations and to do required maintenance on the aging equipment.

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

WHEREAS, the New York State Environmental Protection Fund (EPF) of 1993 established the state's first-ever environmentally dedicated funding mechanism to provide critical funding for the New York State Department of Environmental Conservation, the Office of Parks, Recreation, and Historic Preservation, and grants to local governments and non-profit organizations, and

WHEREAS, EPF funding has helped to implement a variety of environmental programs in New York State to reduce waste, protect public health, and ensure that communities have clean water, land, and air; to preserve open space and working farms; and to create and maintain public parks, and

WHEREAS, the Environmental Protection Fund has provided dedicated funding for programs that benefit Tompkins County including municipal recycling, smart growth planning, open space protection, farmland protection, non-point source pollution prevention, waterfront revitalization, municipal parks, zoos, botanical gardens and aquaria, biodiversity research, estuary programs, pollution prevention, landfill closure, and water quality protection, and

WHEREAS, the Environmental Protection Fund has benefited Tompkins County by providing 50% funding for recycling capital projects such as the improvements to the Recycling and Solid Waste Center and educational programs for waste reduction and recycling, and

WHEREAS, the Environmental Protection Fund is primarily financed through the New York State Real Estate Transfer Tax (RETT) but also receives revenue from income derived from the sale of surplus state lands, the leasing of underwater state-owned lands, and New York's "open space" license plate, and

WHEREAS, it was the intent of the New York State Legislature to protect the integrity of the Environmental Protection Fund through times of economic prosperity as well as during economic crisis by providing a stable, dedicated source of funding for these critical programs, and

WHEREAS, despite current and projected decreases in real estate sales in New York State, the State Real Estate Transfer Tax generates revenue at a level that is nearly triple what is statutorily required to fully fund the Environmental Protection Fund, and

WHEREAS, in a time of increasing global water shortages, climate warming, and peak oil it is more important than ever to have environmental funding levels in New York State adequately meet current and future needs, including the Environmental Protection Fund which should be fully funded according to the current statutory funding schedule as established by the Environmental Protection Fund Enhancement Act (Chapter 256 of the Laws of 2007), and

WHEREAS, the Environmental Protection Fund Act should be implemented and receive \$300 million in the FY2009-10 State Budget and that its primary funding mechanism should continue to be from the State Real Estate Transfer Tax, as it has been for the past 15 years, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure and the Planning, Development and Environmental Quality committees, That the Tompkins County Legislature strongly supports the Environmental Protection Fund and urges New York State to include a \$300 million Environmental Protection Fund in the FY 2009-10 State Budget,

RESOLVED, further, That Tompkins County opposes changing the revenue source of the Environmental Protection Fund and urges New York State to ensure at least \$287 million in revenue from the State Real Estate Transfer Tax is dedicated to the Environmental Protection Fund in the FY 2009-10 State Budget,

RESOLVED, further, That this resolution shall be transmitted to the Governor, New York State Legislature County Representatives, and the New York State Association of Counties upon passage.

SEQR ACTION: TYPE II-20

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Recognition of Former Employee Lynn Leopold

Ms. Eckstrom spoke of the Women Making History Day that is taking place 7:00 p.m. on March 26th at the Women's Community Building, noting that former employee Lynn Leopold is being honored for her leadership.

Ms. Kiefer shared information that Rebecca Elgie, a retired teacher who devotes her time to healthcare reform, would also be honored.

Capital Payment Summary Report – Solid Waste

In response to Ms. Kiefer's question, Ms. Eckstrom reported the SPDES permit for leachate treatment study at the Caswell Landfill has been developed and upon signing by the Commissioner of Planning and Public Works would be submitted.

Next Month's Reporting

Ms. Eckstrom said she will have a report concerning the budget projections, revenues, commodity pricing, etc., at the April meeting.

Facilities

Capital Payment Summary Report – Facilities

In response to questions, Mr. LeMaro reported the new Health Department has an emergency generator installation included in the plans; this equipment requires increased pressure for the gas and it is a one-time service charge. The Raster scanning/digital mastering expense was related to the production of drawings and materials associated with the Health Department bid process. Contractors requesting drawings were required to pay a \$150 refundable deposit for the drawings. The pest control is an annual charge of \$420/year and is the monitoring of traps around the perimeter in the Brown Road building area.

Health Department General Contract Bid Process

In response to a request by Ms. Herrera, Mr. LeMaro reported the contracts had been awarded for the various areas of construction required: General Work Contract - William H. Lane, Inc., Binghamton, NY; Mechanical Contract - Piccirilli-Slavik & Vincent Plumbing & Heating, Inc., Binghamton, NY; Electrical Contract - Concord Electric Corp., Rochester, NY; and Plumbing Contract - Kimble, Inc., Elmira, NY. A brief discussion regarding the subcontractors occurred, with Mr. LeMaro reporting that as part of the bid a list of potential subcontractors was requested, with most of the subs declared. He said a finishing contractor for the general contract is John C. Lowrey, a local company. Ms. Herrera said she has had a good deal of questions regarding the Health Department general contracts not being local companies. Mr. LeMaro informed members the contractors had indicated they would draw on local labor unions for the job. Certified payrolls of the subcontractors would be submitted to the Department of Labor. He said the County has no obligation to enforce the payroll, but the information is available under Freedom of Information. Ms. Herrera asked the contractors be informed the added value to our community when they hire local individuals for the work.

RESOLUTION NO. - AWARD OF BID - TOMPKINS COUNTY COURTHOUSE MAIN ENTRANCE STAIR REPAIR PROJECT

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Herrera, to recommend adoption of the following resolution to the full Legislature. Mr. LeMaro said the bid was done at an opportune time, resulting in ten contractors reviewing the specifications and six having bid on the project. As a result, the bid was significantly lower than initially thought (\$300,000 estimated budget) and allowed for the base bid and all three alternates being completed. It was noted Dutchman repair is the removal of just the face of the stone that is damaged. The contractor will be using Seven Valley Electric, Southern Tier Custom Fabricators, and Traver Construction, local vendors, for portions of the work. The main entrance will be closed, with the public utilizing the handicap entrance on the lower level. The length of time for the actual construction is anticipated to be short.

A voice vote on the motion resulted as follows: Ayes – 4; Noes – 0; Excused – 2 (Legislators Randall and Sigler).
RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for the Tompkins County Courthouse Main Entrance Stair Repair project, and

WHEREAS, six (6) bids were received and publicly opened and read on March 5, 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the base bid plus three (3) alternates for removal and replacement of front stone railing (Alt. No. 1), Dutchman repair on building wall stone veneer

(Alt. No. 2), and removal and replacement of stone landings (Alt. No. 3) be accepted and awarded to the lowest responsible bidder as follows:

General Contract	McPherson Builders, Inc.	\$131,787
	Ithaca, New York	

RESOLVED, further, That the County Administrator or his designee is hereby authorized to enter into a contract with McPherson Builders, Inc. and to execute change orders of up to five (5) percent of the contract total, and

RESOLVED, further, That the Facilities Division be authorized to implement this bid on behalf of the County, funds being available in Account No. A1620.54470.

SEQR ACTION: TYPE II-2

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Old Courthouse Structural Evaluation and Report

Mr. LeMaro reported the structural evaluation and report on the Old Courthouse is completed. There are not any significant issues but there are items of note to be taken care of within the next one to two years. Over the course of this year there will be structural monitoring to monitor displacement of various areas of the building through the use of a specific program to automatically record and send the data to the consultants (LaBella Associates). In the event the monitoring shows movement in areas of the building where it should not be occurring, the County would need to strengthen the structure. Phase I is the monitoring described; Phase 2 would be to repair stucco and strengthen trusses as needed. The work, if needed would be bid out in 2010. Mr. LeMaro reported the 3-D imaging company being used for the structural monitoring is Erdman, Anthony & Associates, Inc. - Rochester, New York. The cost of potential repairs is \$230,000.

RESOLUTION NO. -AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CLEAN COMMUNITIES OF CENTRAL NEW YORK (CCCNY)

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to recommend adoption of the following resolution to the full Legislature. Ms. Kiefer expressed her displeasure regarding the inclusion of language referencing the United States Energy Policy Act (EP Act) of 1992, which is the Act that deregulated the electricity generating industry as well as language in the Memorandum of Understanding that addressed the following alternative fuels: methanol, ethanol, natural gas, propane, hydrogen, coal-derived liquids, biodiesel, and electricity. She said it was a broader memorandum of understanding than she is comfortable with and she does not support the County joining the group. She said not all alternative fuels are desirable and she is not familiar with coal-derived liquids. Ms. Kiefer believed the County would do just as well to get information from the Federal Clean Communities Program directly rather than join this particular group.

Mr. Marx said Ms. Nelson's conversations with this group have been ongoing and he is bringing the resolution forward at this time as he believes joining could open up some funding sources for the County. He explained the contacts are the same people in the Department of Energy and the Greenfleet group with whom he has worked with previously. Mr. Marx said there may be funding within the stimulus program available to the County as a result of joining. He also indicated the County is under no obligation to do anything it is not willing to do. In response to Mr. Koplinka-Loehr, Mr. Marx noted there is no cost associated with joining the group. It was not believed that the Memorandum of Understanding could be amended to enable Ms. Kiefer to support the resolution to participate.

Ms. Herrera explained she is willing to support the resolution, but would like it to be clear that in doing so the County does not automatically sign-on to the various types of alternative fuels listed within the memorandum. Ms. Kiefer said she understands that joining a group provides more strength when applying for funds, however she believes the local municipalities could create their own group. Mrs. McBean-Clairborne did not see the reason to create something that already exists. She noted there are areas we may refuse to support. Ms. Nelson stated the County could withdraw from membership at any time. In response to Ms. Kiefer's question, Ms. Nelson said the initial information from the Cornell University intern, who now operates a Clean Cities Program in California and who has spoken to individuals at the national level. He provided information on the steps the County should take. Subsequently, she spoke to Barry Carr, who

operates the Clean Communities of Central New York program. Mr. Carr has provided a great deal of information and joining the group would provide additional resources.

Ms. Kiefer expressed a desire to have language crafted indicating the alternative fuel statements are too all-encompassing for the County to sign on to.

A voice vote on the resolution resulted as follows: Ayes – 3 (Legislators Herrera, Koplinka-Loehr, and McBean-Clairborne); Noes – 1 (Legislator Kiefer); Excused – 2 (Legislators Randall and Sigler). RESOLUTION ADOPTED.

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, the Clean Cities program is a government-industry partnership with a mission to advance the energy, economic, and environmental security of the United States by supporting local initiatives to adopt practices that reduce the use of petroleum in the transportation sector, and

WHEREAS, the Clean Cities program provides information about financial opportunities and coordinates technical assistance projects related to the promotion of alternative fuels and advanced vehicles, fuel blends, fuel economy, hybrid vehicles, and idle reduction, and

WHEREAS, Clean Communities of Central New York (CCCNY) is an organization formed to support the Clean Cities program with the goals of reducing dependence on imported oil, reducing air pollution from vehicle emissions, assisting local business and government with regulatory environmental compliance, encouraging economic development through job creation, and creating a positive community image, and

WHEREAS, being a member of CCCNY will assist Tompkins County in meeting its Greenhouse Gas emissions reduction and energy efficiency goals by forming partnerships to develop markets for alternate fuels and by providing funding sources regarding the purchase of alternative fuel vehicles (AFV's) and AFV fueling facilities, now therefore be it,

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be authorized to sign a memorandum of understanding with Clean Communities of Central New York.

SEQR ACTION: TYPE II-20

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Highway Division

RESOLUTION NO. – AWARD OF BID – BIODIESEL FUEL

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to recommend adoption of the following resolution to the full Legislature. Ms. Nelson explained the current bid expires at the end of August 2009, this bid would be utilized until that time when a new state bid process would occur. If the County and consortium associated with this bid (Tompkins County Highway Division, Airport, Ithaca College, Town of Dryden, and Cornell University) are not pleased with the State bid, it is possible for the County to seek a bid independently.

Ms. Kiefer inquired what the source of Mirabito's biodiesel fuel was and was informed it is 60 percent soy, 40 percent animal and yellow grease. Ms. Herrera spoke of individuals at her place of employment speaking of using biodiesel fuel and how it is better for the environment and actually is better for equipment.

Mr. Gregrow said the fuel is being made to Federal criteria; B20 is no different than straight diesel in performance. He added it lubricates the equipment and is therefore better to use. Mr. Gregrow did indicate that due to the cleaning ability of the fuel it would require additional filter changes for the first several tanks of B20 as the new fuel removes debris from the engines. He reported that last year he used 74,000 gallons of diesel; by using the B20 fuel CO₂ would be reduced by 106 tons in a year compared to 663 tons last year.

Ms. Kiefer inquired whether Mirabito has information on cradle-to-grave factors for the fuel (who grows it and what emissions are used in manufacture and transport). Ms. Nelson reported the biofuel comes from Lake Erie Biofuel, the main source for this part of the country. She did not have the information specifically requested at this time.

Mr. Marx indicated the group seeking the bid had concerns regarding Ms. Kiefer's questions, however, B20 is not like Ethanol. The biodiesel is made from forty percent waste, the current EPA estimate is a seventy percent reduction for B20. Although the cradle-to-grave information is not available at the present time, he said it is a step in the right direction. Mr. Marx also reported there is a premium being paid for the B20, however, it is a reasonable spread for going to the biodiesel. Mr. Gregrow shared some information indicating biodiesel is four times as efficient as using regular diesel. *Mr. Gregrow will provide committee members with the information on the fossil fuel comparison.*

Ms. Herrera spoke of hearing information about the possibility of starting biodiesel operations locally, including growing their own soy. Mr. Marx spoke of a county in Washington state who is purchasing soy from local farmers to make their own biodiesel.

A voice vote on the resolution resulted as follows: Ayes – 4; Noes – 0; Excused – 2 (Legislators Randall and Sigler). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for Biodiesel Fuel for use by the Highway Division and the Airport, as well as other members of the Alternative Fuels Consortium, and

WHEREAS, two (2) bids were received and publicly opened and read on March 11, 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Mirabito Energy Products of Binghamton, New York, as the lowest responsible bidder,

RESOLVED, further, that the Finance Department be authorized to implement this bid on behalf of the County.

SEQR ACTION: TYPE II-20

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Update on Timber

Mr. LeMaro reported approximately 37.5 trees ranging from 4 inches to 28 inches in diameter, located on the County property adjacent to the Biggs complex, have been cut down and removed from the premises. Naturally-fallen trees were not removed from the premises. The timber theft has been reported and is under investigation.

Sustainability Team Report

Ms. Nelson reported she would be providing an update on the Sustainability Team's work over the course of the past year.

Ms. Nelson expressed her appreciation to Mr. Gregrow for his work regarding the purchase of biodiesel fuel for the County, noting his knowledge was extremely useful in this process.

Ms. Herrera was excused at this time (4:59 p.m.).

Minutes of February 3 and 19, 2009

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve the minutes of February 3 and 19, 2009. MINUTES ADOPTED.

Goals

Mrs. McBean-Clairborne requested copies of the 2008 goals for review at the next meeting.

Adjournment

On motion the meeting adjourned at 5:02 p.m.

Facilities and Infrastructure Committee
March 19, 2009

Respectfully submitted by Karen Fuller, Deputy Clerk