

Facilities and Infrastructure Committee
Regular Meeting Minutes
Thursday, November 19, 2009 3:30 PM
Tompkins County Courthouse

Call to Order

Chair McBean-Clairborne called the meeting to order at 3:42 p.m.

<u>Attendee Name</u>	<u>Organization</u>	<u>Title</u>	<u>Status</u>
Leslyn McBean-Clairborne	Member	Chair	Present
Kathy Luz Herrera	Member	Vice Chair	Excused
Dooley Kiefer	Member	Member	Present
Duane Randall	Member	Member	Present
Michael Sigler	Member	Member	Absent

Staff: W. Sczesny, Highway Division; C. Nelson, Public Works Administrator; N. Jayne, Administration; E. Marx, Commissioner of Planning and Public Works; B. Eckstrom, Solid Waste Division; J. Wood, County Attorney; A. LeMaro, Facilities Director; K. Fuller, Deputy Clerk

Changes to Agenda

There were no changes to the agenda at this time. [Later in the meeting the following items were withdrawn: Resolution – Authorization to Execute a Contract with Delta Engineers, Architects, and Land Surveyors, P.C., for Bridge Replacement Design Services - Game Farm Road Over Cascadilla Creek - Bin 3209880 (Dryden and Ithaca) and Appointment to the Hillview Road Landfill Citizens Advisory Committee.]

Comments from the Public

No one was present from the public.

Report from the Chair

Mrs. McBean-Clairborne spoke of the City of Ithaca having difficulties concerning their apprenticeship policy and asked if there are any similar concerns regarding the County's policy with use of apprentices on projects. Mr. Marx said this is a topic that should be discussed with Ms. Kippola, Contracts Coordinator.

As the last Legislature meeting is scheduled prior to the next Committee meeting, the Committee agreed to change the date for the December Committee meeting to December 10th at 3:30 p.m.

Mr. Burbank said a constituent contacted him about an exposed roof at the Public Works Facility on Bostwick Road. Mr. Sczesny stated a roof over the equipment area had received wind damage; bids for the repair are pending.

Report from Commissioner of Planning and Public Works

Highway Access Law: (DOC ID: 1593)

Mr. Marx explained the draft law is the result of concerns expressed by many municipal officials at Tompkins County Council of Governments (TCCOG) meetings regarding potential road damage and mitigation due to repeated use of local roads by large equipment. Mr. Wood drafted the proposed law as a general template for use by municipalities and with modifications it could be amended to a County law. The law would have effect on any operation that could damage roads and would require a permit as well as bonding for damages.

Mr. Wood said discussions at TCCOG were initially positive, however, some municipalities received opinions indicating such a law was not permissible. Mr. Wood is not certain he agrees with that opinion and believes there may be a way to put more confidence by municipalities in a law. He said the State has exclusive jurisdiction over the gas drilling operations and local municipalities can govern their roads. The issue is whether local municipalities can put restrictions on the roads for heavy truck traffic, and although there may be obstacles, he believes it is possible and should be pursued.

In response to a question regarding authority to write town law, Mr. Wood explained he wrote the law at the request of TCCOG as a template for discussion. In response to Ms. Kiefer's question regarding TCCOG's discussions and concerns, Mr. Wood said there is a clause in the Vehicle and Traffic Law which says "except as otherwise provided in the law", that municipalities cannot impose restrictions on roads. He believes the issue to be "as otherwise provided" to mean many other sections of the Vehicle and Traffic law. It is possible by law to ban these vehicles, and therefore, he believes they could be regulated. He thinks if he could develop the restrictions to tie in closely to an existing law it may be feasible. Ms. Kiefer asked if counties are treated differently than villages and towns in the Vehicle and Traffic Law. Mr. Wood said in many ways they are; the general list of powers the County has is separate from Towns, but many are the same powers.

Mr. Marx said he hoped to have a similar law for the County that would be applied in conjunction with the towns. He said the dGEIS makes reference to road agreements with municipalities but does not discuss the authority or how the municipality gets the agreement. Also, some towns are concerned about the cost to develop a law such as this, making it a form of unfounded expense just to get a law through, along with possible litigation.

Mr. Wood will bring back another draft that is similar but with a different approach and will let the Committee know how TCCOG receives it.

Mr. Randall believes it is the wrong approach; having served at the Town level, he believes many will be hesitant to approve it. Mr. Marx said TCCOG had asked to have a law that could be coordinated with a County law, which is why Mr. Wood drafted the law in the manner he has. He agrees that there will be some municipalities not wanting to pursue the issue, and also knows some towns who are in the southern part of the county have the least capacity to deal with these issues and are having to spend a lot of time on it.

Mr. Wood explained the concerns are those where activities do not require a permit, and who would be responsible. He clarified that it was drafted to have the least possibility of transferring blame to another party and creating potential litigation. Gas drilling projects would be subject to the permitting law. Mr. Sczesny clarified the law would cover any operation with continual heavy truck traffic in specific areas.

Mr. Sczesny noted that depending on road design the vehicle weight limit it varies. The proposed law would require examining routes and the condition of the road prior to the operation and upon completion to determine if there is damage and the cost to bring back to the original condition. It was noted there are no restrictions to road use. The Committee was informed that historical information shows there are approximately 1,200 truck trips per gas well.

Consensus of the Committee was to continue to move forward on the development of a local law.

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Biggs/Brown Road Update

Mr. Marx reported the new Health Department building at 55 Brown Road is virtually complete. At this time the State Health Inspection needs to take place and scheduling of phone switch-over and items of that nature are still pending. The actual move has been rescheduled to take place on January 11th, which should provide adequate time to complete all necessary work and the coordination of the move itself. The parking lot and outside plantings are also complete. Mr. Marx spoke of the tremendous effort Mr. LeMaro, Facilities Director, has put in to ensure the project is successfully completed.

With regard to the Biggs property, Mr. Marx said discussions have been held with Cayuga Medical Center regarding availability of the building for purchase, but no offers have been made. There may also be discussions with Cayuga Medical Center regarding availability of additional land at that location as well. In the interim, the County will move ahead with the Town of Ithaca to complete a review of subdivision of the property into three separate parcels.

Airport

Information Item or Transfer (DOC ID: 1574): Capital Payment Summary Report - October 2009

The Committee asked if the work listed as a final payment would require a committee resolution, and if the work was completed satisfactorily. [Subsequent to the meeting, Mr. Nicholas, Airport Manager, noted the committee resolution for the final payment was submitted at the October 15th meeting.]

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Highway Division

Resolution (DOC ID: 1590): Authorization to Execute a Contract with Delta Engineers, Architects, and Land Surveyors, P.C., for Bridge Replacement Design Services - Game Farm Road Over Cascadilla Creek - Bin 3209880 (Dryden and Ithaca)

Ms. Kiefer asked if there is a signed agreement with the Town acknowledging payment of their share of the Bridge project. Mr. Sczesny said not at this time and that a Memorandum of Understanding is being prepared to have the County take over Game Farm Road from the Town of Dryden. Once this document is signed, the Town of Dryden would not have any financial responsibility for the road. It was noted that Cornell University will also share expenses for a portion of Game Farm Road.

Following further discussion, the item was withdrawn pending a signed agreement regarding the Town of Dryden's willingness to share the expenses to the bridge. The Committee also asked that action be deferred regarding possession of the road until the agreement by the Town for their share of bridge replacement occurs.

RESULT: WITHDRAWN

WHEREAS, replacement design of the bridge carrying Game Farm Road over Cascadilla Creek (BIN 3209980) in the Towns of Dryden and Ithaca is included in the County Highway Division's five-year bridge plan, and

WHEREAS, with County Highway Division input, the New York State County Highway Superintendent's Association developed a short-list of five consulting firms for work in Tompkins County for Federal-aid projects, and

WHEREAS, the Facilities and Infrastructure Committee, with input from the County Department of Finance, has authorized consultant selection from said short-list for locally funded bridge replacement design services, and

WHEREAS, the Tompkins County Highway Manager has recommended Delta Engineers, Architects, & Land Surveyors, P.C., being on said short-list, as best qualified to provide design services for this project, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a contract with Delta Engineers, Architects, & Land Surveyors, P.C., of 184 Court Street, Binghamton, New York, for design services in connection with replacement of the Game Farm Road Bridge over Cascadilla Creek for an amount not to exceed \$61,825.00,

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned contract amount, funds to be provided from the Bridge Contracts Operating Account (D 5111.54411).

SEQR ACTION: TYPE II-2

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Budget Adjustments

Mr. Sczesny said the budget adjustments were the result of reimbursements from the Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office (SEMO) for Banks Road reconstruction over the period of 2006-2008. The funds will be used for equipment purchases and will assist in offsetting the deficit in the equipment purchase line for 2009. Mr. Marx stressed funding for equipment purchases will be a concern over the next two years and will be addressed during next year's budget process.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Duane Randall, Member
SECONDER:	Dooley Kiefer, Member
AYES:	Leslyn McBean-Clairborne, Dooley Kiefer, Michael Sigler
ABSENT:	Kathy Luz Herrera, Duane Randall

(DOC ID: 1597)

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$114,620	5110.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$342,963	5110.54424	Equipment Rentals
5111.42701	Refund of Prior Year Expenses	\$100,000	5110.54424	Equipment Rentals
5110.43960	Emergency Disaster Assistance (State)	\$ 35,604	5110.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$106,813	5110.54424	Equipment Rentals

Explanation: Accounts under-budgeted. Anticipated revenue.

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RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Duane Randall, Member
SECONDER:	Dooley Kiefer, Member
AYES:	Leslyn McBean-Clairborne, Dooley Kiefer, Duane Randall
ABSENT:	Kathy Luz Herrera, Michael Sigler

(DOC ID: 1598)

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$ 2,500	3310.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 5,000	3310.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

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RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Duane Randall, Member
SECONDER:	Dooley Kiefer, Member
AYES:	Leslyn McBean-Clairborne, Dooley Kiefer, Duane Randall
ABSENT:	Kathy Luz Herrera, Michael Sigler

(DOC ID: 1599)

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$ 8,750	5111.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 26,250	5111.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

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RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Duane Randall, Member
SECONDER:	Dooley Kiefer, Member
AYES:	Leslyn McBean-Clairborne, Dooley Kiefer, Duane Randall
ABSENT:	Kathy Luz Herrera, Michael Sigler

(DOC ID: 1600)

Highway

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
5110.43960	Emergency Disaster Assistance (State)	\$ 18,750	5142.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 56,250	5142.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

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Solid Waste

RSWC Operations Draft RFP Comments: (DOC ID: 1579)

The Committee reviewed the draft written comments for the Recycling and Solid Waste Center Operations Draft Request for Proposals (RFP). Ms. Eckstrom reported the pre-proposal conference took place and five national vendors were present, of which one was a waste hauler. As a result of numerous holidays, the due date for the RFP has been extended. Ms. Eckstrom said the meeting was very positive and she is anticipating there will be an alternate proposal to include on-site single-stream recycling. Ms. Kiefer asked if the words listed in the query were provided definitions. Mr. Wood said the document has been updated; noting several terms are located in the service agreement and others could be understood within the context and would be fully defined in the service contract. The final proposal is anticipated to be complete by February 2nd.

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Recycling Financial Summary: (DOC ID: 1578)

The Committee was provided a written summary of the revenue generated by recycling (paper and containers). Ms. Eckstrom reported the low price of \$33/ton has increased to \$73/ton at the end of October, which is still 35 percent lower than it was last summer. Ms. Eckstrom said the summary indicates that through the end of September the Division lost \$129,000 in revenue. She is anticipating a loss of \$282,000 compared to the budgeted figure for the year in this area. Last spring she had cut the budget by \$200,000 to offset anticipated losses; this will bring the deficit to just under of \$100,000. She is reviewing her year-end spending needs and is seeking further reductions in expenses to offset the loss.

Ms. Eckstrom said the 2010 budget was based on approximately \$68/ton for 2010; given the current \$73/ton rate she believes the Division will be within the budget next year. Ms. Eckstrom noted the reduction in product is mainly due to reduced consumption of cardboard; with the increase in the annual fee she does not believe the reduction will result in a deficit in 2010.

Ms. Kiefer asked how the Solid Waste Plan would be developed. Ms. Eckstrom said since it is in the beginning phases she would bring the information to the Committee at the beginning of next year. The Plan is not due until 2011 and she anticipates the majority of the plan to be developed in-house by staff. Ms. Eckstrom will be working with the same group that developed the existing Solid Waste Plan, noting they are well accepted by the Department of Environmental Conservation. Ms. Kiefer said at Environmental Management Council meeting they discussed 2010 committees and perhaps it would be suitable to have one working on the topic. Ms. Eckstrom said there would be a lot of partners involved on the project.

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Facilities Division

Minutes
Facilities and Infrastructure Committee
Thursday, November 19, 2009

Capital Payment Summary Report - Date of Payment 10/20/09 (DOC ID: 1583)

The following items were clarified:

- 55 Brown Road - the stone beds are for a roof overhang drip edge.
- Main Courthouse - The renovation is almost complete with the inspection taking place tomorrow. There are some small items to be completed on the punch list, but they should not affect the use of the stairs.

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Minutes Approval

October 15, 2009 Minutes

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Dooley Kiefer, Member
SECONDER:	Leslyn McBean-Clairborne, Chair
AYES:	Leslyn McBean-Clairborne, Dooley Kiefer, Duane Randall
ABSENT:	Kathy Luz Herrera, Michael Sigler

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Appointments

Hillview Road Landfill Citizens Advisory Committee (DOC ID: 1588)

RESULT:	WITHDRAWN	Next: 12/10/2009 3:30 PM
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Adjournment

On motion the meeting adjourned at 4:46 p.m.