

Facilities and Infrastructure Committee
Regular Meeting Minutes
Friday, November 5, 2010 9:30 AM
Scott Heyman Conference Room

Approved 12/3/10

Attendee Name	Title	Status	Arrived
Dooley Kiefer	Chair	Present	
Michael Lane	Member	Present	
Pamela Mackesey	Member	Present	
Leslyn McBean-Clairborne	Member	Present	
David McKenna	Member	Present	9:35 AM

Staff: J. Mareane, County Administrator; E. Marx, Commissioner of Planning and Public Works; C. Nelson, Public Works Administrator; J. Lampman, Highway; R. Nicholas, Airport; B. Eckstrom, T. Richardson, Solid Waste; M. Lynch, Public Information Officer; K. Fuller, Deputy Clerk

Legislator: P. Stein

Guests: Bernard Hutchins, Citizen; Liz Lawyer, Ithaca Journal

Call to Order

Chair Kiefer called the meeting to order at 9:33 a.m.

Changes to the Agenda

There were no changes to the agenda at this time. Later in the meeting the resolution entitled "Authorizing the Filing of an Application with the New York State Environmental Facilities Corporation for the Green Innovation Grant Program (GIGP)" was added to the agenda. Due to lack of time, the resolution entitled "Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing" was deferred to the December meeting.

Comments from the Public

Mr. Hutchins, 1016 Hanshaw Road, made the following statement:

"Today's agenda seems to have an item regarding a public meeting concerning Hanshaw Road. Inasmuch as previous public meetings have not been particularly useful, more careful consideration of any new meeting is essential.

"In particular, accurate, detailed maps and descriptions of the boundaries of proposed easements, relative to proposed improvements, need to be provided. Without these, the property owner has no way to judge whether or not the County is complying with the Coddington Road Decision (CRD) regarding Right-of-Way by use.

"On Sept. 3, 2010, you had a memo and corresponding resolution increasing the ROW budget by 222k, and the number of parcels from 121 to 153. The resolution originally suggested the increase was due primarily (by inference to its being listed first) to walkway extension, and secondly, to the Coddington Road Decision. I suggested then that the CRD was almost entirely responsible for the increase. I was right, as I show below. I appreciate the fact that you reversed the order of the causes listed.

"On Oct. 19, 2010, I obtained, using FOIL, the actual taking list. To my surprise, it now had 178 parcels, up from the 153 quoted in the memo you had on Sept. 3. That's a 50% increase over the taking list at the March 16, 2010 Eminent Domain Hearing. The county lists did not order parcels either by street address or by owners, so it is hard to interpret. I am submitting a "marked up" copy of their list, to which I have added house numbers, indicated new easements, and the areas of original easements.

"But my list is not much better, so please instead look at the five colored map sections, which are very useful.

"On this map, the first page, Cayuga Heights, has nothing new to note. The second page, however, is important. Note at the top (north side) the 9 properties between 1020 and Blackstone. These all have added Permanent Easements (PE). [Here PE is permanent easement, TE is temporary easement,

Red means new (post March 16, 2010) and Green means original.] These parcels, are those where the County was ignoring the CRD (ROW by use), as contested at the March 16 hearing.

“Looking now mainly to the south side, and continuing on to page 3 of the maps, we have the 15 properties (black stars on houses) that the County admits it did not notify of the March 16 hearing. Now, most of these have an added TE and an added PE (24 added parcels total).

“Page 4 has nothing new, but page 5, the portion between Salem and Sapsucker is very important. This is the range where the County claimed new parcels due to the extended walkway. Between 1426 and 1452, there are 13 properties, and they all have new permanent easements (12 originally had TE's). The situation here is identical to the 9 properties to the west, and for the same reason - the CRD, not a walkway extension.

“As to the "Decision to Compensate" we have two points to make: First, how are we to characterize what the County was then doing prior to March 16 - what is the opposite of Deciding to Compensate? One answer is 222k they didn't want to pay! Secondly, is the decision to compensate a decision to compensate fairly and completely in compliance with the CRD? We must have proper maps for study, prior to any public meeting.

“As a legal issue, please understand that compliance with the CRD is a matter of potential contest that is distinct from the current lawsuit concerning the Eminent Domain Procedures Law, or from any eventual Eminent Domain taking actions.

“The county has not dealt with us in a manner we can accept and their delays and evasions continue to frustrate us. As previously, I urge members of the Legislature to recognize that they represent the people of the county first, and the County, as a governmental entity, only second.”

Ms. Kiefer said she had not been to meetings and asked if they had occurred. Mr. Marx said there have been meetings and there will be more in the future.

Mr. Stein noted the request was for accurate maps and asked if there was anything further desired. Mr. Hutchins wanted assurance the changes to the maps were due to the Coddington Road decision and not the requested changes to the walkway.

Report from the Committee Chair

Ms. Kiefer did not have a report.

Report from the Commissioner of Planning and Public Works

Mr. Marx reported the Environmental Management Council asked for clarification of the type of low-cost energy purchased from Municipal Electric and Gas Alliance (MEGA), specifically if it is dirty energy and how it relates to the County Greenhouse Gas Emission goals. He was informed by MEGA that their criteria is low-cost rather than the source of energy. They have offered to buy a portion of greener energy. Mr. Marx said the overall question is whether to pay more for a combination of low-cost and greener energy or should the County purchase its energy elsewhere. At this time, there is not enough information available to make a determination and MEGA will provide additional information in the near future. The current contract with MEGA has been extended through 2011 and a new option of purchasing a portion of green energy will be received soon. He has received a letter from Gordon Boyd of Energy Next who works with MEGA and will share with the Committee if requested.

Mr. Lane said when MEGA was set up the purpose was to be able to purchase energy at a reduced cost. Although the County has a goal to reduce greenhouse gas emissions he does not want MEGA to be criticized for the work that the County initially requested it do.

Ms. Kiefer said the discussion at the Environmental Management Council came about due to the assumption the contract was up this year. She believes it is a serious question that requires a review of policy decisions. Mr. Marx noted future discussions would take place by this Committee.

Mr. Lane said he would like to have more information about whether purchasing of “green energy” actually reduces the production of “dirty energy” or if it just provides the appearance of emission reductions. Mr. Stein said when he was on the Town of Ithaca Board the topic was discussed and said it is not a topic that provides a conclusive result. Mr. Marx said he will explain the outcome at a future meeting. Ms. Kiefer said the Environmental Management Council felt strongly about not purchasing the attributes and to use the funds for a new facility.

Minutes Approval

It as MOVED by Mr. Lane, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the minutes of October 1 and 19, 2010, as amended. MINUTES APPROVED.

Highway Division

Ditching (In Regards to Clean Water) (DOC ID: 2281)

Ms. Kiefer said as part of the review of the Chesapeake Bay Watershed directives, the Water Resources Council was seeking information on the County’s ditching practices.

Mr. Marx said Mr. Sczesny was unable to attend today’s meeting and that this item will be placed on the next agenda. He reported the County has been working with the Soil and Water Conservation District to provide hydroseeding of ditches, which help reduce sediment. In addition, a project is also starting in Taughannock Creek. He noted an issue that has come up is the result of increased moisture in fields. Farmers are installing drainage tiles in the fields that run into County ditches. Mr. Marx said Mr. Sczesny has seen this runoff as a problem in some areas.

* * * * *

Public Meetings - Pine Tree Road and Hanshaw Road (DOC ID: 2285)

Mr. Lampman expected to have the public meetings scheduled by the end of November, however, due to technical problems with vehicle counting equipment it will be delayed. Additional counts are underway on Pine Tree Road and it is now anticipated the public meeting will take place around November 30th.

For the public meeting regarding Hanshaw Road, Mr. Lampman said work is still being done to right-of-way maps. He noted there have been some changes, partly due to requests from Cayuga Heights. He anticipates the maps to be completed by Thanksgiving and in the hands of residents by the first full week in December.

In response to questions about the traffic counting equipment failure, Mr. Lampman said he has borrowed equipment from the City of Ithaca and Town of Ithaca to complete the work. He said it would be good to replace the faulty equipment, however, the units are very expensive. Ms. Kiefer suggested the possibility of municipalities sharing the expense.

Mr. Stein said there is increased interest in traffic counts and noted not all counters are equipped with the ability to count double axles. He believes it would be a good investment to have reliable equipment. He is reluctant to have the Pine Tree Road meeting without the completed traffic count data. He said residents are very concerned about the possibility of increased truck traffic from Cornell

University's potential excavation project and he believes it is necessary to have information on the impact of the Cornell University proposed project as well. Mr. Marx responded that the County cannot speak about a project that is unknown. There is no information to tell where the trucks would be directed and the answer may be years away. Mr. Stein said that the County should indicate that the potential increase in traffic has been thought about. Mr. Lampman said the majority of vehicles that may be used for a project could travel on a country road. In response to Mr. Stein's question of whether there is a conflict between the two meetings, Mr. Lampman said the work is being completed by different consultants and would not create a problem.

Mr. Lane asked to be provided with the project maps for Hanshaw Road at the December meeting (those that will be on display).

Mr. McKenna said with regard to Cornell University's potential project he believes the removed soil may not go off Cornell's property. Mr. Marx said he does not think it would all remain on site and he will contact them to obtain available information. Mr. Lampman said he has spoken to Cornell University and they were not able to speculate what would happen if their project proceeds.

Ms. Kiefer asked what changes were requested by Cayuga Heights for the Hanshaw Road project. Mr. Lampman said they have requested to set back the walkway from the curb with a grass strip between the curb and walkway. This would make the concrete five feet wide and approximately 4-5 feet between the walkway and curb.

Ms. Kiefer noted Ms. Bissell's request to be notified of the future meeting for Pine Tree Road, even if it was next year. She would like to see the Hanshaw Road hearing move forward when ready. Mr. Marx said the likelihood of obtaining additional funding if the project is delayed is remote.

Mrs. McBean-Clairborne said the work needs to be complete and that the Legislature needs to take time to hear the residents concerns. Mr. Marx said that with regard to Pine Tree Road he will prepare for the hearing to the best of the County's ability. He expressed concern that with continued budget reductions in the Highway Division and delaying projects will create cost escalation. Mrs. McBean-Clairborne understands his concerns but asked that everyone be aware of residents concerns.

Budget Adjustment - Sale of Equipment (DOC ID: 2276)

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

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5130.42665	Sale of Equipment	\$27,332	5130.54306	Automotive Supplies

Explanation: Auction revenues exceeding budgeted amount.

SEQR ACTION: TYPE II-20

Budget Transfer (DOC ID: 2275)

The Committee received this item for information only.

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Airport

Resolution (DOC ID: 2268): Authorizing Acceptance of Supplemental Grant Agreement (No. 3 - Schedule A-7 & A-8) to the 10-Year Master Agreement from the New York State Department of Transportation (NYSDOT) for Project Identification Numbers (PIN) 3902.18 and 3902.19 (K006848) - Ithaca Tompkins Regional Airport

Mr. Nicholas said this is the State portion of the grant to conduct the wildlife assessment study.

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$9,007 being fifty percent (50.0%) of the non-Federal share for the following projects:

- Install Obstruction Light Towers and Design Apron Expansion (\$6,375)
- Conduct Wildlife Hazard Assessment (\$2,632)

, and

WHEREAS, said grant may be increased by up to fifteen percent (15.0%) to \$10,358.05 in the event of there being increases in eligible costs, and

WHEREAS, the County has already accepted Federal (FAA) grants that cover ninety-five percent (95.0%) of the above-named and projects' costs, and

WHEREAS, the equivalent local share of \$9,007 has been factored into the Airport's operational budget and will be paid for through airlines fees, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the New York State Department of Transportation (NYSDOT) Supplemental Grant Agreement (No. 3 - Schedules A-7 and A-8) be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-2

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Resolution (DOC ID: 2269): Award of Contract - Wildlife Hazard Assessment - Ithaca Tompkins Regional Airport

Mr. Nicholas said the project is required due to the animal collision with a plane that occurred last summer. Upon reviewing the request for qualifications Loomacres of Warnerville were chosen to complete this study. In response to Mr. Lane's question about their experience at airports, Mr. Nicholas said they have completed studies at Syracuse and Elmira. Once approved, the actual negotiations on price will take place; their bid was within the Federal Aviation Administration grant, which would include funding for the mitigation plan and any recommended equipment that may be required.

Mrs. McBean-Clairborne asked Mr. Nicholas to obtain information regarding the company's diversity.

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

WHEREAS, the Ithaca Tompkins Regional Airport has been required by the Federal Aviation Administration (FAA) to conduct a Wildlife Hazard Assessment as a result of an arriving aircraft hitting a deer on the runway on July 25, 2010, and

WHEREAS, the Finance Department advertised a request for qualifications (RFQ) and received nine (9) sets of qualifications to conduct a Wildlife Hazard Assessment at the Ithaca Tompkins Regional Airport, and

WHEREAS, Loomacres of Warnerville, New York, are considered the best-qualified consultants for this project, and

WHEREAS, reviews of their previous Wildlife Hazard Assessment work and general training in the field of wildlife management revealed a company that is held in the highest esteem, and

WHEREAS, after negotiations, a budget for the work was set at \$89,258, and

WHEREAS, the financing of the Wildlife Hazard Assessment will be as follows:

Federal Aviation Administration (95.0%)	\$84,795
New York State Department of Transportation (2.5%)	\$ 2,232
Airport Budget (Airline Fees)	<u>\$ 2,231</u>
Total	\$89,258

now therefore be it,

RESOLVED, That the contract to conduct a Wildlife Hazard Assessment be awarded to Loomacres of Warnerville, New York, and the County Administrator be and hereby is authorized to execute the necessary paperwork.

SEQR ACTION: TYPE II-2

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Resolution (DOC ID: 2270): Authorizing Supplemental Consultant Agreement No. 20 with C&S Engineers Inc. for Additional Inspection Services in Connection with the Runway Safety Improvement Project and the Parallel Taxiway Relocation (Phase III) Project - Ithaca Tompkins Regional Airport

Mr. Nicholas explained the resolution is necessary for overruns on the contract that required additional inspection services by C&S Engineers. The C&S legal department was involved and an agreement was made that the contractor, Sealand Contractors Corporation, would be responsible to cover the additional costs. He noted the contractor did not finish in a timely manner and had problems with the cost of asphalt. It was noted the contract did include a specific timetable and clause indicating the contractor would be responsible for the additional costs.

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

WHEREAS, contracts were awarded to Sealand Contractors Corporation of Rush, New York to

construct the Runway Safety Area Improvements and the Parallel Taxiway Relocation (Phase III) at the Ithaca Tompkins Regional Airport, and

WHEREAS, the Runway Safety Area Improvements and Parallel Taxiway Relocation (Phase III) projects both overran their allotted contract time, and

WHEREAS, C&S Engineers were required to add time for inspection and other services beyond the number specified in their inspection contracts for these two projects at a total cost of \$15,000, and

WHEREAS, after protracted negotiations, it was agreed that the contractor, Sealand Contractors Corporation, would pay liquidated damages to cover the additional costs of C&S Engineer's services, now therefore be it

RESOLVED, on recommendation of the Facilities & Infrastructure Committee, That Supplemental Agreement No. 20 with C&S Engineers for \$15,000 be and hereby is approved and that the County Administrator is authorized to execute the required documents,

RESOLVED, further, That approval is subject to the entire cost of C & S Engineers' additional inspection services being covered by the liquidated damages assessed against the contractor, Sealand Contractors Corporation, of Rush, NY.

SEQR ACTION: TYPE II - 20

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Request to Purchase Snow Equipment (DOC ID: 2272)

Mr. Nicholas reported that although in 2005 the Airport purchased Federal Aviation Administration (FAA) approved friction-testing equipment that determines if it is safe for planes to land in the winter months, it has never worked appropriately. There are many airports that also have problems due to this products deficiency, however, it ultimately is a matter for the FAA to resolve since the majority of funding came through them. Mr. Nicholas requested permission to purchase a vehicle from the Syracuse Airport for \$500 to use with the friction testing equipment currently in use in an older vehicle. The FAA has agreed to pay the \$25,000 it will cost to refurbish the equipment and install it on the new vehicle.

It was MOVED by Mr. Lane, seconded by Mr. McKenna, and unanimously adopted by voice vote, to authorize \$500 for the purchase of the used 1991 Saab vehicle from the Syracuse Airport to be used with friction measuring equipment at the Airport. MOTION CARRIED.

Ms. Kiefer asked about the possibility of disposal of the faulty equipment. Mr. Nicholas said another airport sent their faulty equipment back to the manufacturer and is in the process of bringing forward a lawsuit. Since the FAA paid for the equipment he does not think he can do anything at the present time.

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

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Report on TC3 Conference Room RFP (DOC ID: 2271)

Mr. Nicholas reported he sent the request for proposals and also lobbied Cornell University, Tompkins Cortland Community College, and Ithaca College to determine an interest in leasing the TC3 Conference Room without success. It was suggested that the room be placed on the list of available conference rooms that is maintained by the Human Services Coalition.

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County Attorney

Mr. Wood reviewed the resolution and local laws, noting they had been presented to Tompkins County Council of Governments for review. He explained the documents were created to use existing State laws that apply to road protection. The Generic Environmental Impact Statement (GEIS) completed by the New York State Department of Environmental Conservation also addresses the need for road protection.

Resolution (DOC ID: 2290): Urging the State Legislature to Clarify the Environmental Conservation Law to Expressly Authorize Municipalities to Protect Their Roads from Damages as a Result of Gas Drilling Operations

Mr. Wood said the New York Association of Towns created the resolution and at least one town has adopted it.

It was MOVED by Mrs. McBean-Clairborne to recommend approval of the following resolution to the full Legislature. MOTION FAILED FOR LACK OF A SECOND.

Mr. Lane expressed concern that if the County were to adopt one of the Local Laws, passing the resolution and taking a position as outlined in the resolution could be detrimental. Mr. Wood said some others municipalities were in agreement with Mr. Lane’s opinion, including the Town of Newfield.

Mr. Marx said the topic is difficult. It is hoped to have a uniform approach by the County and municipalities. The New York State Association of Towns also expressed concern that actions taken by municipalities may not stand up if challenged.

RESULT: NO ACTION TAKEN

WHEREAS, Section 23-0303 (2) of the Environmental Conservation Law provides that the State Oil Gas and Solution Mining Law superseded all local laws relating to the regulation of oil and gas development except for local government jurisdiction over local roads and rights of local governments under Real Property Tax Law, and

WHEREAS, the New York State Department of Environmental Conservation issued a draft generic environmental impact statement which advises local municipal governments to “be proactive in exercising their authority under New York State Highway Vehicle Traffic Laws” to ensure the appropriate “maintenance and improvement” of local roads (DSGEIS p 7-109), and

WHEREAS, the draft GEIS provides that drilling companies “should attempt to obtain a road use agreement with the municipality” to ensure appropriate maintenance and improvement of local roads (p 7-110), and

WHEREAS, it is clear from the draft GEIS that the DEC contemplates that local municipalities will govern the use of their roads through agreements with mining companies and regulation through State Highway and Vehicle Traffic Laws but neither the New York State Highway Law nor the State Vehicle and Traffic Laws provide such clear authority, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County of Tompkins requests that the New York State Legislature clarify Section 2303 (2) of the Environmental Conservation Law to read as follows:

“Provisions of this Article shall superseded all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over

local roads or the rights of local governments under real property tax law. **Local governments are authorized to establish reasonable rules and regulations to protect local roads from damage and require well operators to post reasonable bonds or other security to ensure that local roads are adequately maintained and improved to handle traffic associated with oil, gas and solution mining activities.”**

SEQR ACTION: TYPE II-20

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Mr. Wood said there are two options for a Local Law. Although the preferred law is the first being proposed, it is speculated that it would not stand up in court, therefore, the second option is offered for consideration.

Mrs. McBean-Clairborne was excused at this time (10:40 a.m.).

Mr. Wood reviewed each of the Local Law options, noting the differences between the two and reasons for the concern that the first would be most likely challenged. The Committee was informed of the manner the law would be enforced and the responsibilities given to the Highway Manager to erect signage and provide public notices, etc. It was clarified the permits would be for non-permanent activities only and is not exclusive to specific operations such as gas drilling.

Various suggestions were made regarding language in the laws and the lack of inclusion of the Bond Release clause in the second option.

Following the review of the documents, it was **MOVED** by Mr. Lane, seconded by Mr. McKenna, to select the second option (DOC ID 2288) as the preferred Local Law to move forward, with changes discussed.

Mr. Marx explained the law would require monitoring of various sites to determine companies seeking permits from the New York State Department of Environmental Conservation and other agencies. He noted it is a process that would be burdensome but necessary. In response to Mr. McKenna, Mr. Marx said that when a business receives a permit the County would notify them by mail of the need to contact the County to obtain the necessary permit for the operation. In response to Mr. Lane’s question regarding fees, Mr. Marx said the fee structure would be set by a Legislature resolution.

Ms. Kiefer said she will not support the motion at this time.

A voice vote on the motion resulted as follows: Ayes – 3; Noes – 1 (Legislator Kiefer); Excused – 1 (Legislator McBean-Clairborne). **MOTION CARRIED.**

Local Law (DOC ID: 2288): A Local Law to Amend the County Code, in Relation to Temporarily Excluding Certain Commercial Traffic that Would Materially Injure County Roads

The County Code is amended by adding a new Chapter _____ which shall read as follows:

SECTION I: AUTHORITY

The County is authorized to adopt this local law by Section 1650(4) of the New York State Vehicle and Traffic Law as well as by the Municipal Home Rule Law which authorizes the County to adopt local laws to protect the health and safety of its citizens.

SECTION II: PURPOSE

The purpose of this law is to maintain the safety and general welfare of County residents by regulating heavy commercial uses of County roads that have the potential to adversely affect such roads. Well maintained roads are important to the economic well being of the County. Commercial endeavors, such as timber harvesting, mining and natural gas drilling are also economically beneficial. This law is not intended to regulate such businesses: the intent is to protect the public roads from damage.

SECTION II: DEFINITIONS

1. *High Frequency, High Impact Truck Traffic:* Traffic to or from a single project site that generates more than ten truck trips per day for more than three days in a week (any consecutive 7 day period) involving trucks with a gross weight that exceeds 20 tons (truck and load combined).
2. *Bond:* A commercial bond to ensure that the condition of the County roads is not adversely impacted by high frequency, high impact truck traffic. The County Legislature may accept an equivalent financial guarantee in lieu of bond.
3. *Permittee:* The permittee is the person responsible under this law to obtain a permit regardless whether the person in fact obtained a permit. The permittee is the person responsible for the project generating the truck traffic. In any instance in which another permit is required, such as a building or mining permit, any person who obtained any such permit or was required to obtain such other permit shall be deemed the permittee for purposes of this law. In the event no other permit is required, the owner of any property on which the activity is taking place shall be deemed the permittee for purposes of this law.
4. *Person:* Any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.
5. *Temporary Project:* Any non-permanent commercial activity that generates high frequency, high impact truck traffic on County roads whether or not the project itself is located in the County. Projects include, but are not limited to, construction projects, mining and drilling activities. *Here list any exclusions that the County may desire e.g. permanent facilities, agricultural uses , preexisting facilities, etc.*

SECTION IV: GENERAL PROVISIONS

1. The County Legislature determines that high frequency, high impact truck traffic associated with temporary projects would materially injure County roads.
2. Upon a determination by the County Highway Manager that a temporary project may generate high impact, high frequency truck traffic, the Highway Manager shall erect signs on the appropriate sections of County highways setting forth the notice that such vehicles are excluded, and the notice shall also be published in a newspaper in Tompkins County.
3. Any permittee may apply to the County Highway Department for a permit providing for an appropriate exemption for the vehicles serving the temporary project. Such permit shall be granted, upon appropriate terms and conditions, if the vehicles are performing essential local pick-up or delivery. For purposes of this law, pickup and delivery associated with New York State permitted mining or gas drilling operations shall be deemed essential local pickup or delivery.
4. Any such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary by the County Highway Manager. The permit shall be carried on all vehicles serving the project and shall be open to inspection by any peace officer acting pursuant to his

special duties, or police officer. Such permit shall be for the duration of the temporary project.

5. In order to obtain a permit the permittee must submit a permit application, which shall include all information required by the County Highway Manager including but not limited to: vehicle identification and owners/operators, vehicle weights, load weights, materials carried, route to be followed from State Highway to site, duration of activity (beginning date and end date), frequency of trips and times of operation.

6. The County Highway Manager may require the permittee to submit documentation of the condition of the roads, shoulders and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic as a condition of the permit.

7. In addition to the restrictions on routes and other reasonable restrictions, the County Highway Manager will decide if the scope of work is such that a Bond is required and the amount of any such bond. The determination of the need and amount of any bond shall be based on a determination of potential damage to County roads based on the truck routes, weight of the vehicles, frequency of travel and the type-category of the roads on the approved routes.

8. Upon completion of the project, the permittee will apply to the Highway Manager for a Bond Release. Upon inspection of the traveled roads, as necessary, the Highway Manager may approve the release of the Bond. If the release is not approved, the Highway Manager will specifically document the tasks that must be accomplished in order for the Bond to be released which may include, but will not be limited to, the payment of money for the repair to damaged roads. The permittee must remedy the specified problems before the bond may be released.

9. If the permittee does not comply with all the terms and conditions of the permit and operate within the parameters specified on the permit application, the permit may be revoked in the discretion of the Highway Manager. In the event that high frequency high impact truck traffic uses any County roads without a required valid permit, the Highway Manager, any law enforcement officer or Code Enforcement Officer has the authority to deny access to the roads and, in cases where a County permit was required, to shut down the project. This relief is in addition to any and all damages and penalties.

10. The permittee will be responsible for the repair of any damages that occur to any County road when a project proceeds with or without a proper permit, as well as for all fines and penalties specified in this law.

SECTION V: ENFORCEMENT

The Highway Manager, in consultation with the County Attorney, shall enforce the provisions of this article and all rules, regulations and designations made pursuant thereto. Such enforcement shall include but not be limited to legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the County.

SECTION VI: PENALTIES FOR OFFENSES

A. Any person who violates this article shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days. Each and every act committed which is prohibited by this law shall constitute a separate offense. Each time a vehicle travels on a County Road without a permit as required by this law shall constitute a separate offense.

B. Upon failure of any permittee to comply with the requirements of this article, the permit shall be subject to suspension, revocation or to the imposition of conditions.

SECTION VII: INVALID SEGMENT

Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof-other than the part declared to be invalid.

SECTION VIII: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of New York State.

* * * * *

Local Law (DOC ID: 2289): A Local Law to Amend the County Code in Relation to Regulation of Commercial Activities that Have the Potential to Adversely Affect County Roads

RESULT: NO ACTION TAKEN

The County Code is amended by adding a new Chapter _____ which shall read as follows:

SECTION I: PURPOSE

The purpose of this law is to maintain the safety and general welfare of County residents by regulating commercial activities that have the potential to adversely affect County roads. Well maintained roads are important to the economic well being of the County. Commercial endeavors, such as timber harvesting, mining and natural gas drilling are also economically beneficial. This law is not intended to regulate such business: the intent is to protect the public roads from damage. The County Legislature hereby enacts the following Road Preservation Local Law pursuant to the provisions of the Municipal Home Rule Law, the Highway Law and Traffic Law.

SECTION II: DELEGATION OF POWERS

The County Legislature delegates to the County Highway Manager the powers described herein in order to oversee the use of town roads to ensure that commercial activities do not have an adverse impact on County roads.

SECTION III: DEFINITIONS

1. *High Frequency, High Impact Truck Traffic:* Traffic to and from a single project site that generates more than ten truck trips per day for more than three days in a week (any consecutive 7 day period) involving trucks that exceed 20 tons (truck and load combined).
2. *Bond:* A commercial bond to ensure that the condition of the County roads is not adversely impacted by high frequency, high impact truck traffic. The County Highway Manager may accept an equivalent financial guarantee in lieu of bond.
3. *Permittee:* The permittee is the person responsible under this law to obtain a permit regardless whether they in fact obtain a permit. The permittee is the person responsible for the project generating the truck traffic. In any instance in which another permit is required, such as building or mining permit, any person who obtained any such permit or was required to obtain such other permit shall be deemed the

permittee for purposes of this law. In the event no other permit is required, the owner of any property on which the activity is taking place shall be deemed the permittee for purposes of this law.

4. *Person*: Any individual, public or private corporation, political subdivision, government agency, department or bureau of the state, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.
5. *Bond Release*: A bond release given by the County Highway Manager based on satisfactory road conditions at project completion.
6. *Project*: Any commercial activity that generates high frequency, high impact truck traffic on County roads whether or not the project itself is located in the County. *Here list any exclusions that the County may desire i.e. permanent facilities, agricultural uses, preexisting facilities, etc.*

SECTION IV: GENERAL PROVISIONS

1. Prior to the start of any project that involves high frequency, high impact truck traffic on County roads, a permit must be obtained.
2. The permittee must submit a permit application, which shall include all information required by the County Highway Manager including but not limited to: vehicle identification and owners/operators, vehicle weights, load weights, materials carried, route to be followed from State Highway to site, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by County Legislature resolution, but in no event shall the fee be less than \$50.
3. The County Highway Manager will decide if the scope of work is such that a Bond is required and the amount of any such bond. The determination of the need and amount of any bond shall be based on the Highway Manager's determination of potential damage to County roads based on the truck route as well as the weight of the vehicles and the frequency of travel.
4. The County Highway Manager may require the permittee to submit video documentation of condition of the roads, shoulders and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic as a condition of the permit.
5. Upon completion of the project, the permittee will apply to the County Highway Manager for a Bond Release. Upon inspection of the work site, as necessary, the Highway Manager may approve the release of the Bond. If the release is not approved, the Highway Manager will specifically document the tasks that must be accomplished in order for the Bond to be released which may include, but will not be limited to, the payment of money for the repair to damaged roads. In this case, the permittee must remedy the specified problems before the bond may be released.
6. If the permittee does not comply with all the terms and conditions of the permit and operate within the parameters specified on the permit application, the permit may be revoked in the discretion of the Highway Manager. In the event that high frequency high impact truck traffic uses the roads without a valid permit, the Highway Manager, any law enforcement officer or Code Enforcement Officer has the authority to deny access to the roads and (if a County permit was required) to shut down the project. The relief is in addition to any and all damages and penalties.
7. The permittee will be responsible for the repair of any damages that occur to any County road when a project proceeds without a proper permit, as well as for all fines and penalties specified in this law.

SECTION V: ENFORCEMENT

The Highway Manager or his designee, in consultation with the County Attorney, shall enforce the provisions of this article and all rules, regulations and designations made pursuant thereto. Such enforcement shall include but not be limited to legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the County.

SECTION VI: PENALTIES FOR OFFENSES

A. Any person who violates this article shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days. Each and every act committed which is prohibited by this law shall constitute a separate violation. Each time a vehicle travels on a County Road without a permit as required by this law shall constitute a separate offense.

B. Upon failure of any permittee to comply with the requirements of this article, the permit shall be subject to suspension, revocation or to the imposition of conditions.

SECTION VII: INVALID SEGMENT

Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof-other than the part declared to be invalid.

SECTION VIII: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

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Facilities Division

Capital Payment Summary Report Facilities 8/20/10 (DOC ID: 2278)

This item was provided for information only.

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Capital Payment Summary Report Facilities 9/20/10 (DOC ID: 2279)

This item was provided for information only.

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Capital Payment Summary Report Facilities 10/20/10 (DOC ID: 2280)

This item was provided for information only. Mr. LeMaro reported that he is working with Cornell University to develop a plan to screen rooftop equipment. He is hoping they will approve partial screening on the sides visible from the other locations in the park.

* * * * *

Solid Waste Division

It was MOVED by Mr. Lane, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to add the resolution entitled "Authorizing the Filing of an Application with the New York State Environmental Facilities Corporation For the Green Innovation Grant Program (GIGP)" to the agenda.

Resolution (DOC ID: 2287): Establishing a Unit Charge for the 2011 Solid Waste Annual Fee

Ms. Eckstrom reviewed charts and detailed information that provided a history of the Solid Waste Annual Fee, how it is distributed, and the costs to educational facilities. She would like to maintain the current \$56 fee for a five-year period, after which it may be possible to consider a reduction.

Ms. Eckstrom said between 2012 to 2014 she expects the debt service to be reduced. She noted that every dollar of the annual fee represents \$48,000 of the cost of operation. With regard to colleges and schools, she reported their charge is based upon the cost of recycling, the Solid Waste Center, and the administrative costs. She will work with Administration to review the educational facilities fees to determine how they will be modified in the future. Ms. Eckstrom reported that Cornell University has hired Spring Buck as Solid Waste Manager and she is working closely with the County.

Mr. Lane requested a report on commodities be provided as well as information on the fund balance.

Ms. Eckstrom said she will review the commodities information at the December meeting. She reported the fund balance had been used to offset reductions in revenue. The New York State Department of Environmental Conservation grant for the 2002 to 2007 period in the amount of \$216,000 has been received and returned to the fund balance, offsetting the funds used due to revenue decline. In addition, commodity projections are up substantially and anticipating savings from program reductions and projected income the fund balance is expected to increase to \$1.2 million within the next year.

Mr. Lane asked if given that information the Solid Waste Fee could be reduced by \$1. Ms. Eckstrom said it would be better to maintain the same fee over several years. She said there will be a substantial amount of debt over the next several years and it is unknown how the recycling market will hold. Mr. Mareane said part of the budget presentation showed \$250,000 from the Solid Waste Division reserves being used. If the fee were decreased in addition the draw down there could be a problem if the markets drop.

RESULT:	RECOMMENDED [3 TO 1]
MOVER:	Pamela Mackesey, Member
SECONDER:	David McKenna, Member
AYES:	Dooley Kiefer, Pamela Mackesey, David McKenna
NAYS:	Michael Lane
EXCUSED:	Leslyn McBean-Clairborne

WHEREAS, the unit charge for the 2011 Solid Waste Annual Fee has been recommended by the Facilities and Infrastructure Committee, now therefore be it,

RESOLVED, That the Unit Charge for the 2011 Solid Waste Annual Fee be established at \$56.00 per billing unit, which is the same as the 2010 Solid Waste Annual Fee.

ATTACHMENT A: SCHEDULE OF RATES

	PROPERTY CLASS	'USED AS' CODE
(A)		
Single-family residences	210,240,241,242,250,280	
Mobile Homes	270,271,416	
Churches		Z32

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Unit Charge:	One billing unit per church or living unit
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(B)	
Two-family residences and other residences with two living units	All 220's
Unit Charges:	Two billing units, except if verified as owner occupied and used as a single unit, the charge is one billing unit.

(C)	
Multi-unit residences	
3 or more units	230's
Apartments	A01 - A07
Rooming houses:	418
	2.5 beds = 1 billing unit
Unit Charges:	One billing unit per living unit

(D)		
Colleges:	All tax-exempt parcels owned by the colleges	
Unit Charges:	Tompkins Cortland Community College	\$10,996.22
	Cornell University	\$186,529.50
	Ithaca College	\$59,064.77
	BOCES	<u>\$33,984.53</u>
	Total Colleges:	\$290,575.02

(E)	
Recreation and Warehouse (except row storage)	All K's, Z01-Z11, Z19-Z26, F01- F04, F06, F07,F08 F10, F11
Unit Charges: \$0.0208/sq.ft.	

(F)	
Wholly Exempt Homes for the Aged	633
Wholly Exempt Other Health Care Facilities	642
Unit Charges: \$0.0208/sq.ft.	

(G)	
All other	All property classes and 'used as' codes not listed elsewhere in a specific category
Unit Charges: \$0.0415/sq.ft.	

(H)	
Seasonal Residences	260

Property must be classified as a seasonal residence by the Tompkins County Assessment Dept.
 Unit Charge: One-half (1/2) billing units per living unit.

(I)	
No fee assessed:	
Row storage	F05
Small churches (under 20 weekly attendance)	
Non-contributive area	Z98
Local government - all tax exempt parcels owned by the city, towns, villages, and county within Tompkins County.	

SEQR ACTION: TYPE II-15

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Information Item (DOC ID: 2286): Solid Waste Capital Payment Summary 11 & 12

This item was provided for information only.

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Resolution (DOC ID: 2298): Authorizing the Filing of an Application with the New York State Environmental Facilities Corporation For the Green Innovation Grant Program (GIGP)

Ms. Eckstrom explained the grant would fund the construction of a man-made wetland in a small area at the Caswell Road Landfill site to determine whether it would be an effective method of treating leachate. If the wetland construction is favorable, it could be applied to the entire site and would eliminate the need to transport leachate off-site. Upon an award of grant, the Committee would then have the opportunity to review the State Environmental Quality Review and other documents relating to the project. In the event it is necessary to also include a small package system it is possible to do so as well.

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

WHEREAS the New York State Environmental Facilities Corporation provides financial assistance for projects that improve water quality and demonstrate sustainable technology, and

WHEREAS, the Tompkins County Solid Waste Management Division has conducted an extensive analysis of alternatives to the trucking of leachate from the Caswell Road Landfill to the Ithaca Wastewater Treatment Plant, and

WHEREAS, the most recent report dated August 2010 by Barton and Loguidice Engineers recommends that the County proceed with the most cost-effective and sustainable option which is to construct an on-site wetland to treat leachate, and

WHEREAS, the total project cost to construct the pilot on-site wetland is projected to be \$104,000 of which the GIGP provides funding of up to 95%, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, that the County is authorized to file a grant application to the New York State Environmental Facilities Corporation in the form required and in conformity with applicable laws including all understanding and assurance

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contained in said application, for financial assistance to construct an on-site pilot wetland for treatment of leachate at the Caswell Landfill,

RESOLVED, Further, That the County Administrator or designee is directed and authorized as the official representative of Tompkins County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved.

SEQR ACTION: TYPE II - 20

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Ms. Eckstrom was asked to provide the Barton and Loguidice August report.

Reconsideration of Resolution

Resolution (DOC ID: 2229): Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High- Volume Hydro-Fracturing (Referred to Committee and Pending Planning, Development, and Environmental Quality Committee Action 11-3-10)

Due to the lack of time the resolution was deferred to the December meeting.

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Adjournment

On motion the meeting adjourned at 11:55 a.m.

Respectfully submitted by Karen Fuller, Deputy Clerk.