

**Facilities and Infrastructure Committee**  
Regular Meeting Minutes  
**Friday, June 4, 2010 9:30 AM**  
Scott Heyman Conference Room

Approved 7/2/10

**Call to Order**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Dooley Kiefer	Chair	Present	
Michael Lane	Member	Late	9:40 AM
Pamela Mackesey	Member	Present	
Leslyn McBean-Clairborne	Member	Late	9:40 AM
David McKenna	Member	Present	

**Changes to the Agenda**

The following changes were made to the agenda:

- The Committee received handouts for the presentation and policy discussion on Public Art on Public Structures.
- The Committee received a revised resolution for item 7a – Authorizing a Consultant Agreement with C&S Companies to Design and Inspect an Expansion of the Long-Term Parking Lot – Ithaca Regional Airport.
- Mr. Nicholas has requested to withdraw item 7b – Authorizing Assignment of Contract for the Second Landing Café in the Passenger Terminal – Ithaca Tompkins Regional Airport.

**Comments from the Public**

The following individuals addressed the Committee with concerns regarding the Hanshaw Road Reconstruction Project:

Donna Heilweil presented the Committee with a petition signed by owners of 25 properties that include 35 residents on Hanshaw Road [on file with Clerk of the Legislature] requesting that the County discontinue its Eminent Domain proceedings based on inaccurate maps and easement information provided householders. They further requested the County set aside its proposed design and develop a modest-scale alternative design in cooperation with the residents, guided by the Livability Principles as recommended in the Northeast Subarea Transportation Study final report.

Bernard Hutchings, 1016 Hanshaw Road resident, read the following statement:

“Why should you pay attention to our petition? Because your Eminent Domain procedure is already irreparably damaged at this point.

“In lieu of two unrevealing spread sheets, we provide the essential information here on some very useful color maps. [on file with the Clerk of the Legislature]

“There are 89 house-containing properties within this project. Of these, 20 were not on the taking list (one of the spread sheets). These are marked with a Green X. These owners were not notified of the eminent domain hearing, as is required by NYS EDPL Section 202. They were not notified, possibly, because the County had not applied the Coddington Road decision to Hanshaw Road correctly.

“But there are two “phases” to what is known as the “Coddington Road Decision”. The original “Coddington” was for properties that deeded to the centerline, like most of Coddington Road itself, and half of Hanshaw properties (such as mine at 1016). This first phase was accepted a year ago, and John Lampman produced a spreadsheet (our 2<sup>nd</sup> spread sheet) of the remaining 52 properties, which deeded only to the pins (email of 3/31/09 Lampman to Wood, file ROAD BED.xls). For these, they assumed they had 25 feet.

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“Since then, following the March 16, 2010 ED hearing, we have seen phase two, the “Son of Coddington” or “Perkins Doctrine” as relevant. This applies to those properties deeding to the pins – the ones on John’s list. In essence, the County has to show its own deeds, and it has exactly NONE of these. So the whole road is BY USE. This, the county acknowledges, by this draft D&F, for the specific cases-in-point of Roisman (1007), Carruthers (1008), and Beyenbach (1024), who were represented by Mahlon Perkins.

“Almost certainly, the same applies also to as many as 30 other properties on John’s list that received the admitted bogus maps, and a corresponding incomplete notification. These we show with a Pink Y.

“In total, there are about 50 properties (half the roadway) for which maps and descriptions are defective (an assumed 25 foot “Highway Boundary by Deed”) or missing.

“By our petition, we are offering you a far less expensive, less invasive, much safer alternative, and one which is virtually free of ROW complications.

If you are inclined to go this direction, on the merits, that would be an exceptional display of legislative responsibility. If not - well we have certainly considered that.”

Darlene Gold, 1106 Hanshaw Road, was upset that there would be a vote on something that would irreparably change a neighborhood. She asked members to call her and to come to her residence to see first-hand how her property would be affected. She would like members of the Legislature to know the street is not the dangerous road the County statements make it seem and that the design is not keeping with the neighborhood. She noted eighty percent of the people in the neighborhood are against the current project design. Ms. Kiefer said that the map shows how close to the road her home is. Ms. Gold asked if the Legislators are willing to vote for something that would reduce the value of her home by \$30,000; and consequently the property taxes to the County.

Hannah Roisman, 1007 Hanshaw Road, said her property would have the greatest impact regarding the right-of-way taken; forty percent of her front lawn is included in the right-of-way. She noted her family bought the property as a retirement home that could be enjoyed.

Mr. Lane and Mrs. McBean-Clairborne arrived at this time.

Ms. Roisman would like the County Legislature to look at the neighborhood as a whole and again requested that a map showing the entire project impact be developed for individuals to see. With regard to the inconsistency of current maps she has not seen any map of her property that includes the five large evergreen trees in their yard that were planted to reduce traffic noise.

Bruce Levitt, 1102 Hanshaw Road suggested Legislators visit homes and drive the corridor. From Warren Road into Cayuga Heights and from Triphammer Road to Cayuga Heights Road it is within 34’-36’ with the exception of areas with grass between the sidewalk and the road. He said the project could be done within the road that is owned. No one opposes revitalizing the road or adding the sidewalk; they are requesting it not be a 42’-25’ footprint, which would increase the speeding. Mr. Levitt said he does not know if this is being done because Cornell University has five percent of the cost in the project and desires the road to become a feeder road and raising the speed limit to 40 or higher. He said by doing so it would save the cost of purchasing additional rights-of-way and still be able to have a sidewalk on the north side and a bicycle lane on the south. Mr. Levitt said stating the additional width is required for Federal funds is inaccurate; that they are recommended standards and that nobody has asked for a waiver.

Hillary Acton of 1041 Hanshaw Road (corner of Blackstone) asked that Legislators be forward-thinking and true leaders; thinking of modes of transportation in ten, twenty-five, or fifty years from now. If the wide footprint of the road is completed the landscaping and neighborhood ambiance will be

destroyed forever. She said one of the selling points for the project was bonding the neighborhood together with a sidewalk. A wider footprint is not going to create a gentle, wonderful, warm neighborhood. With increased speeds she is concerned; when turning into her home she is often nearly rear-ended. With higher speeds will the County take responsibility should she be struck? She believes the work can be done with a smaller footprint and that work for green transportation alternative should be reviewed. She also said she is upset with poor communication.

Doug Brittain, 135 Warren Road, said it is a residential issue since the County owns roads throughout the County. He said he has viewed the County going into a neighborhood and making roads big and up-scaled, and neighbors object, the project gets done and on to the next; he would like to see the cycle broken. He said all the alternatives seriously considered had 30 feet of asphalt and a traffic light. He does not believe it is the best choice and that a design revision could take place that would be more appropriate for the scale required in the neighborhood. He referred to the project in Forest Home that was approved by the State, even with Federal funding. He spoke of hiring a traffic calming consultant for the Forest Home project and referenced one portion of the report that stated: "Road widening is often used in capacity improvement projects because it is known to encourage drivers to travel more quickly and to leave less headway between vehicles. Unfortunately what is often overlooked is the danger this poses to pedestrians crossing the street as risks go up exponentially with increased pavement width. There are several factors contributing to this phenomenon. First, it takes longer to cross a wider road thereby increasing pedestrian exposure; second, with reduced vehicular headway, the gaps in traffic are smaller, which results in less time available for pedestrians to cross the road; third, with increased vehicle speed it takes longer for a vehicle to slow down should that be necessary to avoid striking pedestrians in the road, and fourth, if struck by a motor vehicle the risk of receiving grave injuries is far greater if struck at higher speeds. The overall result is that even a minor reduction of pavement width can result in a major increase in pedestrian safety. Pavement narrowing therefore is highly appropriate for a densely settled residential area with significant pedestrian activity such as Forest Home." He said it is obvious from this statement that widening the road would increase the potential of pedestrian accidents. He thanked staff for their work and said while it may be easier to continue to design road improvements in the same manner it would not be difficult to change; he thanked the Legislators for listening.

Bruce Brittain, 135 Warren Road, said it is a countywide issue and said he does not agree with the determinations and findings. He handed out a document that provided detailed information regarding his viewpoints on the design of the road, the use of Context Sensitive Design, and traffic signal at the Warren Road intersection. Mr. Brittain provided statistical data on intersection accidents from the New York State Department of Transportation that showed a significantly higher accident rate at the 4-legged intersection when traffic signals are installed.

## **Reports**

### **Chairman's Report**

Ms. Kiefer did not have a report.

### **Commissioner of Planning and Public Works**

#### **Hanshaw Road Reconstruction Project**

Mr. Marx said that the resolution being considered deals with whether the project has a valid public purpose. He is compelled to remind and review the process that has taken place during the various phases of the project. He said everything heard today are comments also made during the design phase of the project, and the Legislature has approved the design. He said that if desired, the County could go back two years in the project, but doing so could undermine the funding for the project. He stressed that

all the things commented on were considered during the design phase and the design is not “by the book”; the County design did vary from what standards are recommended, with the shoulder narrower than what is recommended for this class of road. He said Hanshaw Road is classified as a major collector road, designed to handle significant volumes of traffic. The type of roads the County generally maintains are those used as a major transportation function between communities, not just within local neighborhoods. The design arrived at did take into consideration all of the uses of the road and how to design a safe road that would accommodate those uses, which are not the same as Forest Home. The travel lane width is not changing, the shoulder is the absolute minimum that would be accepted by the State and Federal Highway Administration for this type of road, and the walkway is recommended by the Town of Ithaca and developed in coordination with the Town. The County does not normally include sidewalks unless a local municipality requests it. Mr. Marx said the design has nothing to do with Cornell University’s financial contribution to the project and the design was in place prior to Cornell University’s partnership with the City and County regarding transportation projects.

He understands that change in the neighborhood is a concern for residents in the area. As a planner he would not support the project if he did not believe it would enhance the neighborhood and make it a livable neighborhood for those living in the area. The County did do context-sensitive design with variations from standards. The footprint being used is equal to or less than every single town in the County requires for a residential subdivision right-of-way for road. Almost every community requires 50-60 feet for the dedicated right of way for a subdivision, not a major collector. There were drainage issues that had to be addressed and that needs room to do so, and the design will improve and correct some, which needs room to do. He said believes the concerns were all carefully considered, with an extensive amount of time with public meetings and working with the design engineer and New York State Department of Transportation to come up with a design that balances the needs of the residents and of the entire community using the road.

Mr. Marx spoke of the process involved with projects and how they are presented to the public. He noted there is sometimes a significant lag between the final design and construction phases. He believes sometimes during that period it seems communication is lacking. He intends to document the process typically used; not only before design but also during construction. This will be a summarized document available on the County website that will enable residents to understand what to expect on all projects. Upon completion, which should be within the month, he will bring it to the Committee with a request to formally adopt it.

#### 2010 Highway Construction/Roadway Rehabilitation

Mr. Marx reported that due to the lack of State budget, the work program is delayed and at risk of losing a construction season. Following conversations with Mr. Mareane and Mr. Squires it was decided to assume that ½ of the CHIPS funding budgeted (\$1.683 million) would be available and to proceed with projects that would be covered by this amount (\$800,000) and other funding; in the event no funding is received it would be a significantly lower amount than to proceed with the full program. He is seeking Committee approval of this amended plan.

Ms. Kiefer asked if State funds in excess of the amended were received figure would there be time during the construction season to do more projects. Mr. Marx said it would depend on when the funds were received; if received in late August it would be difficult. The County could also look at how the capital funds are drawn down versus CHIPS funding; it may be possible to still put in a claim for a portion of the funding. Mr. Marx explained that if the CHIPS funding is not used within the current construction year the funds are lost. Mr. Marx said we could have a monthly review to determine if changes are necessary.

The Committee unanimously indicated approval to go ahead with the amended plan.

Road Maintenance Law

Mr. Marx said he has spoken to Delta Engineers about the work taking place on a road maintenance law in support of municipalities claims for damage from heavy industrial uses. He has asked for a meeting in the near future to discuss the their approach.

Veterans Affairs Request

Mr. Marx received a call from the Deputy Director of the Division of Veterans Affairs asking if the County could provide office space for their Ithaca operations staff. The current space they are using has been deemed unsuitable by the regional Veterans Affairs office. They would need approximately 500 sq. ft. for one private office and reception area for the two staff members. He explained to them that the County is reviewing its own space needs and expect by the end of summer to have completed the review and then approach the Legislature to see if they feel it is appropriate for the County to provide a space for a State function. The Veterans Affairs office does not have funding to pay the full cost of occupancy but could defray part of the cost. Mr. Marx said the location request was to be downtown near the Department of Labor and Department of Social Services.

Following a brief discussion it was the sense of the Committee to move forward on consideration of the request.

Hanshaw Road Reconstruction Project - Continued

Mrs. McBean-Clairborne asked for clarification on what was meant regarding “a possible delay could undermine funding.” Mr. Marx explained that the total project approaches \$6 million, with contributions from local, Federal, State, and Cornell University. The Federal and State funding puts forward only the portion for the phase to be completed in a calendar year. If the funding is not used during the calendar year it is approved it may be withdrawn completely. If the County were to go back to the design phase, no funds would be available for redesign and it is unlikely the project would meet the construction year this project has been programmed for. In the past the County has lost funding not used in the designated calendar year.

Minutes Approval

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, to accept the minutes of May 07, 2010, as amended. MINUTES ADOPTED.

Highway Division

**Other - Action Item (DOC ID: 2037): Authorization to Seek Construction Bids - Bridge Painting, Various Locations (PIN 3754.20)**

Mr. Sczesny requested permission to proceed to advertise for bids on this project, part of the five-year bridge plan, to paint twelve bridges.

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

\* \* \* \* \*

**Resolution (DOC ID: 2038): Accepting the Determination and Findings Relating to the Proposed Public Project (Pin 3753.25) to Reconstruct Hanshaw Road, CR 109, in the Towns of Ithaca and Dryden and Village of Cayuga Heights**

Mr. Lane said he had not been aware of the funding by Cornell University for this project. It was explained Cornell University had agreed to a cooperative partnership for housing and transportation. The transportation portion was a \$10 million commitment over a ten-year period. Ithaca-Tompkins County Transportation Council facilitated the project selection process that included all municipalities around the Cornell University Campus and brought forth projects suitable for a portion of the funding. Hanshaw Road was one selected and received \$157,000 from Cornell University to assist with the escalation of material costs.

Ms. Mackesey said she will not support the resolution; partly to ensure it does not go on the Consent Agenda, and because it appears linear neighborhoods do not appear to have as much value as suburban and inner-city models. She believes there needs to be a better way to approach projects such as this; although she does not have a solution; as with Coddington Road, residents have expressed concerns of how the project would affect their neighborhood.

Mr. Lane noted that a future step on the project would be another public information meetings and that it has been acknowledged there have been problems with maps. Ms. Kiefer said there will be updated maps with the more recent information. In addition it was noted the Town of Ithaca is in agreement with the project. Mr. Lane asked Mr. Stein who represents the residents of Hanshaw Road for his input.

Mr. Stein said what is being discussed is the eminent domain hearing, and what the residents are commenting on is a separate issue to the eminent domain process. He had received a copy of the resolution with the findings and it seemed to be an accurate description of what occurred and questions raised and answered as required. If he was a member of the Committee he would support the resolution. The question he has is what it will mean to the residents should the County go back and design the road. What he finds most troubling is the residents anticipation regarding the speed of traffic, however, it has nothing to do with the resolution before the Committee. He will continue to try to answer the other concerns expressed by residents.

Ms. Kiefer said there are some changes in wording she would like in the findings statement, but they are minor. She thinks the eminent domain question is straightforward. She would like to have the County Attorney address Mr. Hutchins statement that the public hearing was flawed.

Mr. Wood emphasized this is an eminent domain vote, deciding whether the project serves a public purpose. He said what the residents raised is design, which can change in some fashion after eminent domain hearings, and is a different phase. While he understands their concern, it does not relate to public purpose. Mr. Stein asked if Mr. Hutchins comments that the hearing was defective due to some residents not receiving notification of the public hearing and inaccurate maps distributed is valid. Mr. Wood said there are different types of maps used during projects. When voting on a public project regarding public purpose, consideration is given to maps of the total project. Other maps (often developed after an eminent domain proceeding) showing specifically what would need to be taken for right-of-way from individual properties are also developed. The eminent domain vote is only on the project itself. He noted there were rights-of-way maps prepared prior to the hearing showing a rights-of-way use beyond the public use. Following public comments the County decided to take from only existing use, and the maps will be updated. With regard to the people not notified, Mr. Wood said there would be no need to take property from those individuals. In addition, eminent domain law states if there is a change in the project and some individuals were not notified, the process is still valid. Because the

County has decided to pay for use, some individuals would now be included, however it should not undermine the legality of the procedure.

Mr. Stein asked it if would be feasible to hold another public hearing to ensure the elimination of a possible defect. Mr. Wood is not certain it would be beneficial. Notices would be sent and then there would be the hearing process. He said it would not change the public purpose designation and would delay the project. The revision of the maps and offering of compensation would continue to go forward. There would be additional time and cost without a significantly different outcome.

Mrs. McBean-Clairborne said that, to the property owners, whether directly or indirectly effected having the ability to address the topic is of value. There would be a delay, time, cost, etc., but by doing so would show respect. She is having a hard time separating design as part of the eminent domain proceeding as the design includes what would be required for public use. Having heard from the residents about their concerns and the responses, the determination of what is used for public purpose is hand-in-hand with the design of the project. She said it appears the County is moving ahead with the project and residents are not comfortable due to unanswered questions. She is not comfortable supporting the resolution until people are satisfied they have been heard. She said not everyone will be satisfied with the outcome; Hanshaw Road is a major arterial road, and also a neighborhood. There will be give and take on both sides and there is a need to accept some change, however, she would like to see what can be done, particularly a buffer zone.

Ms. Kiefer believed the history is an appropriate part of the resolution and asked if Mrs. McBean-Clairborne felt the buffer zone was inadequately addressed. Mrs. McBean-Clairborne said she thinks it is not adequately addressed; she may need to actually see the proposed design. Ms. Kiefer noted that a wider buffer would require taking of more property.

Mr. Marx said there would be another open house for residents and interested parties to see the actual design and impact on properties. With regard to the walkway, design is an example of compromise; it is best to have a buffer between the travel lanes and the walkway. In an effort to retain vegetation on properties a compromise was reached that moved the walkway directly adjacent to the travel lane. He hopes the Committee appreciates the number of decisions of this type going into the design process to develop a project that balances safety, aesthetics, neighborhood, and other concerns. Mrs. McBean-Clairborne recalls the discussions in 2007 and that Mr. Hutchins came on a regular basis to discuss the project; perhaps the additional public forum will be helpful. She knows staff has been put a lot of time in this project and information provided, but feels the residents concerns should be heard.

Mr. McKenna spoke of having renderings completed to show the final design of the project and that would be beneficial for residents to view. He noted that an extra two to three feet would not change how many cars would travel on the road. If the lanes were narrower it could be better, however he understands the constraints and is not certain it is possible to amend the width. He would like to ask the State again to see if amendments to design could occur. Mr. Marx said he could not support the request due to the road design being at the minimum multi-use road dimensions for its classification. The County has been to the State several times on that point, which resulted in the design. The dimensions are not going to change for the travel lane, the shoulder will be changed to accommodate bicycle use. He stressed the design is the minimum needed to allow a bus and bicycle to safely be on the road.

Ms. Kiefer said the County did make a request to the design consultants to do the project maps and individual maps for residents. She asked if there is a need to act on the resolution today; Mr. Wood said the County has 90-days from the close of the hearing to act. Because of the Legislature's meeting schedule it would require action at this time. He also noted that there are some scenarios to delay the project but was not able to specifically address them at this time.

Mr. Lane said he believes the matter should be advanced to the full Legislature.

Ms. Kiefer would like to make sure warrants are met with regard to the traffic light in the project and she asked to have the 2007 estimated costs of the different alternatives added to the resolution. She is prepared to support the resolution but may make comments at the Legislature level. She also spoke of the accident rates within the document having been challenged with material from Mr. Brittain and she would also like to check that information as well.

<b>RESULT:</b>	<b>RECOMMENDED [3 TO 2]</b>
<b>MOVER:</b>	Leslyn McBean-Clairborne, Member
<b>SECONDER:</b>	Michael Lane, Member
<b>AYES:</b>	Dooley Kiefer, Michael Lane, David McKenna
<b>NAYS:</b>	Pamela Mackesey, Leslyn McBean-Clairborne

WHEREAS, County Road 109, Hanshaw Road, is a Urban Minor Arterial between Pleasant Grove Road and Warren Road and an Urban Collector between Warren Road and Sapsucker Woods Road in the Town of Ithaca and is key to the continued economic development of northeastern Tompkins County, and

WHEREAS, Hanshaw Road is part of the critical link between the Cornell Community and the Ithaca-Tompkins Regional Airport and other commercial/industrial entities on Warren Road, and

WHEREAS, Hanshaw Road directly serves the Village of Cayuga Heights, Community Corners, Cornell University, the Tompkins County SPCA, the Cornell Lab of Ornithology, and other enterprises, employers, and attractions as a primary collector from New York State Route 13, and

WHEREAS, Hanshaw Road is a commuter route linking the center of Tompkins County with its northeastern rural areas, and

WHEREAS, Hanshaw Road is a highly multi-modal road and passes through a residential area west of Sapsucker Woods Road whose surroundings have undergone extensive development in recent years, and

WHEREAS, Hanshaw Road is owned by the County of Tompkins and is maintained by the Tompkins County Highway Division between the Cayuga Heights corporate boundary and Sapsucker Woods Road, and

WHEREAS, the Tompkins County Highway Division, upon assessment of pavement and drainage conditions, identified the need to initiate a project to address deficiencies with Hanshaw Road to ensure continued service of the roadway as a link in the County transportation system and to improve safety on Hanshaw Road, and

WHEREAS, in 1999, an Initial Project Proposal (IPP) prepared by the Tompkins County Highway Division was approved by the State of New York for inclusion in the Statewide Transportation Improvement Program (STIP), and

WHEREAS, on January 18, 2005, Resolution No. 9 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 109, Hanshaw Road, between the Cayuga Heights corporate boundary and its intersection with Sapsucker Woods Road, and

WHEREAS, a preliminary examination of the aforementioned section of Hanshaw Road identified locations with non-standard and non-conforming features that do not meet current geometric design criteria in terms of shoulder widths, stopping sight distances, and roadside ditch cross-sections, and

WHEREAS, serious structural pavement deterioration and failure was found to be too advanced to provide a safe and acceptable riding surface with routine maintenance activities, and

WHEREAS, the intersections of Pleasant Grove Road and Warren Road have accident rates that were found to be higher than the statewide average rate for similar-type intersections and will not provide acceptable levels of service under the 20 year projected traffic volumes with anticipated growth, and

WHEREAS, there are localized areas of flooding, the closed drainage system is in poor condition, and the capacity of the system is inadequate for the flows, and

WHEREAS, the pedestrian, bicycle, and transit accommodations were found to be insufficient and not providing adequate safety and mobility, given the setting and residential character of the area, and

WHEREAS, the Tompkins County Highway Division concluded that the above-stated deficiencies provided a basis for reconstruction of the aforementioned section of Hanshaw Road and established objectives based thereon to analyze the feasible alternatives and guide the design process, and

WHEREAS, the project objectives include: restoration of the pavement to a good condition using techniques that will minimize future maintenance costs and repairs; enhancing safety by using cost effective accident reduction measures; accommodating pedestrian, bicycle, and transit users in a cost effective manner; providing a structurally and hydraulically adequate drainage system; providing a cost feasible project given the available funding; and minimizing negative impacts to aesthetic features and character of the corridor, and

WHEREAS, the Tompkins County Highway Division implemented a program to incorporate public involvement which included 4 public information meetings held at the DeWitt Middle School or the Cayuga Heights Fire Hall on February 17, 2005, September 29, 2005, December 1, 2005, and March 27, 2007, as well as a series of on-site meetings with the Fisher Associates design team at residents' properties in October 2005, and

WHEREAS, the purpose of the public meetings was to solicit input from the local residents and to present design alternatives, and

WHEREAS, following consideration of public input, the Tompkins County Highway Division and its consultant did incorporate mitigation measures into the project design to address stated concerns where warranted, and

WHEREAS, the Tompkins County Highway Division and its consultant prepared and periodically revised a project design approval document to accomplish reconstruction of the aforementioned section of Hanshaw Road, which included the development and consideration of various preliminary alternatives, and

WHEREAS, based on the analysis of data gathered by the Tompkins County Highway Division and its consultant and comments of the public, Alternative #3B - Pavement Rehabilitation (Resurfacing and Full Depth Reclamation) with Centerline Shift at Village Line was deemed to be the preferred alternative for Final Design Approval, and

WHEREAS, the reconstruction of Hanshaw Road was classified as an Unlisted Action under the State Environmental Review Act (SEQRA), and

WHEREAS, on September 4, 2007, by Resolution No. 166 the County of Tompkins issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, requiring no further environmental review, and

WHEREAS, on September 4, 2007, by Resolution No. 167, the County of Tompkins granted Design and Right of Way Plan Approval of the subject project finding that the individual and cumulative impacts of right of way acquisition to be considered total de minimus in nature, and

WHEREAS, the Preferred Alternative would require the County of Tompkins to acquire real property rights (permanent and/or temporary easements) from approximately ninety-nine (99) properties within the proposed public project area, and

WHEREAS, in accordance with Article 2 of the Eminent Domain Procedure Law, the oral presentation and comment phase of a public hearing was held on March 16, 2010, beginning at 5:30 PM at the County Court House at 320 North Tioga Street, Ithaca, New York, for the purpose of informing the public and reviewing the public use to be served and public benefit to be obtained by the aforementioned proposed public project and to consider all other matters appropriate to that project, and

WHEREAS, during the course of the aforementioned oral presentation and comment phase of the public hearing, all matters required by the Eminent Domain Procedure law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to, and did, speak and comment on the proposed public project and examined documents available at an informal open house prior to the public hearing , and

WHEREAS, seventeen (17) speakers from the public presented oral comments on the proposed public project during the aforementioned oral presentation and comment phase of the public hearing, and

WHEREAS, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned until the opening of the Tompkins County Legislature's meeting at 5:30 PM on April 6, 2010 for the purpose of allowing the submission of additional written comments and their inclusion in the official record of the hearing, and

WHEREAS, fifty-eight (58) written comment submittals on the proposed public project representing forty-one property owners (41) were received from the public from the opening of the public hearing until the hearing was adjourned, and

WHEREAS, the proceedings of such public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the offices of the Tompkins County Legislature, the Tompkins County Clerk, and the Cayuga Heights Village Clerk, and

WHEREAS, additional written public comments regarding the proposed public project were accepted until 5:30 PM on April 6, 2010, and said comments were incorporated into the record of the aforementioned Eminent Domain Procedure Law Public Hearing, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the following constitutes the determination and findings of the Tompkins County Legislature with respect to the Reconstruction of Hanshaw Road, County Road 109, in the Towns of Ithaca and Dryden and Village of Cayuga Heights, Tompkins County, New York:

1. The public use, benefit, or purpose to be served by the proposed public project is the reconstruction of County Road 109, Hanshaw Road, in the Towns of Ithaca and Dryden and Village of Cayuga Heights, and will include:
  - a) retention/reuse of the existing pavement structure in the travel lane areas using several rehabilitation techniques (by milling and resurfacing approximately 28%, by full-depth reclamation of 63%, and by reconstruction of 9%);
  - b) full reconstruction of shoulder areas due to lack of asphalt and poor sub-base conditions;
  - c) two 3.3 meter (11-foot) travel lanes with 1.2 meter (4-foot) wide paved shoulders;
  - d) a walkway along the north side of the road from the western project limit, where it will connect to existing sidewalks, in the Village of Cayuga Heights to the intersection of Sapsucker Woods Road;
  - e) a new closed drainage system utilizing a shallow swale or concrete gutter, landscaping features, and signing and striping where needed;
  - f) a traffic signal at the Warren Road intersection; and
2. The proposed public project objectives are to: restore the pavement to a good condition using techniques that will minimize future maintenance costs and repairs; enhance safety by using cost-effective accident reduction measures; accommodate pedestrian, bicycle, and transit users in a cost-effective manner; provide a structurally and hydraulically adequate drainage system; provide a cost-feasible project given the available funding; and minimize negative impacts to aesthetic features and character of the corridor. More specifically, the benefits to be obtained and purposes to be served by the proposed public project area as follows:
  - a) Restore the Pavement to a Good Condition. The proposed public project will improve the pavement condition of Hanshaw Road by reclaiming and reconstructing the pavement structure.
  - b) Enhance Safety. The proposed public project will enhance the safety of Hanshaw Road by several accident-reduction and traffic-calming techniques. The sub-standard stopping sight distance at the curve on the Cayuga Heights village line will be improved. Non-conforming roadside ditch cross-sections will be eliminated by extension of the storm sewer system, as needed. Uniform-width paved shoulders will be provided. Installation of a new traffic signal at the intersection of Warren Road will mitigate the above average accident rate at that location. By providing perceptual cues that should calm traffic, including preservation of tree canopy, proximity of landscaping to the road, possible

- inclusion of colored shoulders, and the presence of an adjoining walkway, an existing vehicular speeding problem will be addressed.
- c) Accommodate Pedestrian, Bicycle, and Transit Users. The proposed public project includes the construction of a walkway on the north side of the road to accommodate persons with disabilities and other pedestrians. The walkway width will be typically 1.5 meters (5 feet) but will widen to a maximum of 2.1 meters (7 feet) when the walkway is adjacent to the shoulder gutter to accommodate signage or mailboxes. The provision of 1.2-meter (4-foot) paved shoulders will accommodate bicycles out of the traveled way. Buses will also have adequate width for stopping on shoulders for pick-up and discharge of passengers and width of traveled way to mitigate encroachments into the opposing lane.
  - d) Provide a Structurally and Hydraulically Adequate Drainage System. The proposed public project will construct a new closed drainage system from the eastern project limit to the termination of the existing Village storm sewer. Based upon preliminary hydraulic analyses and due to age, location, condition, and hydraulic capacity of the existing system, it will be entirely removed, upgraded, and extended. Shallow grass swales or concrete gutters with inlets will channel water to the new closed system. Standing water behind the walkway will be avoided through re-grading, if needed to yard drains. Existing sub-surface drains from residences will also be connected to the new system. Near its east end on the south side of the proposed public project the existing open drainage along the agricultural field will be retained.
  - e) Provide a Cost-Feasible Project. The proposed public project is the only alternative that will address the project objectives and not significantly exceed the available funding.
  - f) Minimize Negative Impacts to Aesthetic Features and Character of the Corridor. The proposed public project will include re-establishment of all disturbed areas with permanent stable materials that will blend into the natural environment. It will provide landscape mitigation where existing trees, hedges, and shrubs must be removed to accommodate walkway construction. Plantings will be used to establish a consistent treatment along the corridor, providing visual cues to drivers of a traffic calming effect. To the greatest extent possible, the existing tree canopy and landscaping proximate to the road will be preserved.
3. The proposed public project is located on Hanshaw Road, County Road 109, between its intersections with Pleasant Grove Road and Sapsucker Woods Road, a distance of 2434 meters (approximately 1.5 miles).
  4. The following different alternatives were considered:
    - a) Alternative #1 - The No-Build "Null" Alternative. The Null Alternative retains the existing roadway section and geometry with no improvements other than routine maintenance such as patching of potholes or emergency drainage repairs. Walkway construction is not provided.
    - b) Alternative #2 - Pavement Reconstruction (Full-Depth Replacement) (2010 cost estimate \$5.5 million). The Pavement Reconstruction alternative consists of full depth excavation and reconstruction of the pavement for the entire length of the project. The reconstructed pavement would include two travel lanes at 3.3 meters (11 ft.) with 1.2-meter (4-foot) shoulders. The fully reconstructed roadway section would be lowered with curbing provided to accommodate all drainage runoff within the roadway. The centerline of the roadway would be shifted to the south approximately 1.0 meter (3.3-feet) to balance the impacts along the roadside for the construction of a new sidewalk on the north side of the roadway. The walkway will run between the western project limit and Salem Drive, and, cost permitting, extends to Sapsucker Woods Road. In addition, a new closed drainage system, landscaping features, and signing and striping would be provided or replaced where needed. Traffic signal control would be added for the Warren Road intersection.
    - c) Alternative #3A - Pavement Rehabilitation (Resurfacing and Full Depth Reclamation)

with Retaining Wall at Village Line (2010 Cost estimate \$4.57 million). The Pavement Rehabilitation alternative consists of the retention/reuse of the existing pavement structure in the travel lane areas using several rehabilitation techniques. The shoulder areas would be fully reconstructed due to the lack of asphalt and poor sub-base conditions. In areas where the travel lane pavement structure is adequate but there are localized structural issues and surface deterioration, the pavement would be milled and resurfaced with a new top course of asphalt. Full depth reclamation would be utilized in areas where the travel lane pavement structure is inadequate in strength due to sub-base deficiencies or inadequacies in the asphalt pavement layers. There would be a limited amount of full depth reconstruction in areas where adjustments in the roadway profile are necessary. Approximately 28% would be milled and resurfaced, 63% of the travel lane pavement would be full depth reclamation, and the remaining 9% would be reconstructed.

The rehabilitated pavement would provide two 3.3-meter (11-foot) travel lanes with new full depth 1.2-meter (4-foot) wide shoulders. A walkway would be provided along the north side of the road from the western project limit in the Village of Cayuga Heights to Salem Drive, and, cost-permitting, extend to Sapsucker Woods Road. The embankment at the north side of the road at the village line would be excavated to provide space for the walkway. A wall would be built to retain the new embankment. In addition, a new closed drainage system utilizing a shallow swale or concrete gutter, landscaping features, and signing and striping would be provided or replaced where needed. Traffic signal control would be added for the Warren Road intersection. A one-way eastbound traffic flow will be maintained during construction with westbound traffic detoured off-site.

- d) Alternative #3B - Pavement Rehabilitation (Resurfacing and Full Depth Reclamation) with Centerline Shift at Village Line (2010 cost estimate \$4.4 million). This alternative consists of all the elements of Alternative #3A, except the roadway centerline would be shifted 1.2 meters (4 feet) to the south through the narrow section at the village line. This would eliminate the need for a retaining wall on the north side and preserve significant vegetation in that area.
5. The reasons for selecting Alternative #3B include:
- a) Alternative #1 (Null Alternative) does not correct any of the existing pavement, drainage, and mobility deficiencies. The existing infrastructure would continue to deteriorate at advancing rates until severe impacts on user comfort, mobility and safety, and maintenance operations would result. It alternative does not address any of the project needs or meet any of the project objectives; therefore, it was rejected as a feasible alternative.
  - b) Alternative #2 (Pavement Reconstruction) does satisfy most of the project objectives; however, since the estimated project construction cost significantly exceeds the available project funding, it is not considered feasible. It would also cause more disruption to users and residents than other alternatives.
  - c) Alternative #3A (Pavement Rehabilitation with Retaining Wall) does satisfy all the project objectives, but excavation for the retaining wall adds economic, environmental, and aesthetic costs that can be avoided with Alternative #3B. Alternative #3B was also preferred by the public.
  - d) Alternative #3B (Pavement Rehabilitation with Centerline Shift at Village Line) was selected because all of the project objectives are met, including being a cost-effective solution and, therefore, is considered to be a feasible alternative. It can also be constructed with a minimum amount of disruption to users. The benefits to be derived from this alternative are more fully set forth in paragraph 2 above.
6. The proposed public project is classified as an Unlisted Action in accordance with 6NYCRR Part 617, State Environmental Quality Review Act (SEQRA), and County of Tompkins is acting as the lead agency. In accordance with 6NYCRR Part 617.11, the County of Tompkins determined

- that the proposed public project will not have a significant effect on the environment and has issued a negative declaration to that effect. As a result, further environmental review under SEQRA is not required.
7. It is hereby concluded that the proposed public project to reconstruct the aforementioned segment of Hanshaw Road in the Towns of Ithaca and Dryden and Village of Cayuga Heights will have, among other things, the following effects upon the residents of the locality:
    - a) The proposed public project will have a beneficial impact on the residents of the area of the proposed public project. The proposed public project will improve overall public safety and multi-modal mobility. It will remove existing non-standard features, thereby reducing the potential for vehicular accidents.
    - b) The proposed public project will not have any long-term impacts on any highway-related businesses, nor will it require relocations.
    - c) The proposed public project will require strip acquisitions of permanent and temporary easements, but will not affect land use, change travel patterns, or have any permanent effect on local planning.
    - d) The proposed public project will not have a substantial negative impact on the aesthetics of the area. Rather, it will allow people and goods to travel easily and safely on a transportation element that is well integrated into the environment and preserves the character of its setting.
  8. The proposed public project was reviewed by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to its effect on historical and cultural resources. The State Historic Preservation Office (SHPO) determined the proposed public project will have No Adverse Effect/Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. The Tompkins County Legislature adopts this determination.
  9. The Tompkins County Highway Division is hereby authorized and directed to prepare a brief synopsis of the foregoing determination and findings, such synopsis to include those factors set forth in Eminent Domain Procedure Law section 204(B), and, further such synopsis to state that copies of the determination and findings will be forwarded upon written request without cost.
  10. The Tompkins County Highway Division is further hereby authorized and directed to publish the aforementioned synopsis of the foregoing resolution in at least two (2) successive issues of the official newspaper designated by the County of Tompkins, said official newspaper being one of general circulation in the project locality.
  11. The Tompkins County Highway Division is further hereby authorized and directed to serve, by personal service or certified mail, return receipt requested, a notice of the aforementioned brief synopsis upon each assessment record billing owner (as that term is defined in Eminent Domain Procedure Law section 103(B-1) or his or her attorney of record whose property may be acquired, such notice to:
    - a) include the information required by Eminent Domain Procedure Law section 204(B)(2);
    - b) state that copies of the determination and findings will be forwarded to such individuals upon written request and without cost;
    - c) state that pursuant to Eminent Domain Procedure Law section 207, such individual shall have thirty (30) days from the completion of the aforesaid newspaper publication of the aforementioned brief synopsis, to seek judicial review of the County of Tompkins' determination and findings relating to the proposed public project; and
    - d) inform such individual that, under Eminent Domain Procedure Law sections 207 and 208, the exclusive venue for judicial review of the County of Tompkins's determination and findings relating to the proposed public project is the Appellate Division of the Supreme Court in the Judicial Department where any part of the property to be condemned is located.
  12. At the public hearing some property owners indicated that they had been approached by representatives of the County with regard to their individual properties. In some cases the

representative indicated that the County's current right-of-way extended beyond existing use in some areas. This was reflected in some right-of-way maps shared with the property owners. The right-of way maps do not alter or define the boundaries of the proposed public project but, instead, define the extent to which the project falls within the current right-of-way and the corresponding need to acquire property that is within the project boundaries but outside current right-of-way. Those maps and discussions concern only the amount of land for which property owners would be compensated; they do not affect the proposed public project (i.e., the design of the road and infrastructure). Some property owners expressed the belief that the County overstated its right-of-way and that the current right-of-way should be limited to current use. While this in no way affects the proposed public project, the Tompkins County Legislature agrees that it would be best to compensate the property owners for all land to be used beyond the current use and hereby directs the Tompkins County Highway Division to compensate property owners for all land needed for the proposed public project beyond the County's existing use. Naturally, this may involve redoing any affected right-of-way maps and corresponding cost estimates. It will not require any alteration or revision of the proposed public project.

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

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2010 Highway Construction/Roadway Rehabilitation Update

Mr. Sczesny said the total budget had been \$2.2 million and we are going ahead with approximately fifty percent of the plan, with emphasis on higher-volume roads. Ms. Kiefer asked that next month a more detailed discussion take place.

In response to Ms. Robertson's question, Mr. Sczesny said final drawings for the Ellis Hollow Road reconstruction project should be completed next week and the bid process completed in July. The project is scheduled to be a two-year project; the first phase is pavement rehabilitation with the second year working on the portion of the road between Turkey Hill and Thomas Roads. Ms. Kiefer asked that a press release with the information be prepared. Mr. Marx said the intent is to hold another open-house meeting for residents with design drawings in the near future.

Highway Capital Projects Status Report (DOC ID: 1989)

The Committee reviewed the report and the following was noted:

- Red Mill Road Bridge – It was requested to include a description of the null alternative within the document.
- Warren Road – A question was asked whether the Village of Lansing would be paying for the traffic light by the Post Office since it was included at their request. Mr. Marx said he believed that since it is a county road it would be considered our light and responsibility. Mr. Sczesny anticipates the base pavement to be installed on June 7<sup>th</sup>.

\* \* \* \* \*

Capital Payment Summary Report (DOC ID: 2020)

There were no questions on the report.

\* \* \* \* \*

Budget Transfer - Cartegraph (DOC ID: 2021)

This item was provided for information only.

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**Facilities**

**Policy Discussion -Public Art on Public Structures**

Sally Grubb, of the City of Ithaca Public Art Commission, gave a presentation to the Committee showing various mural projects locally and in other communities. The Public Art Commission, formed in 1988, assists in reviewing and advising the City of Ithaca Common Council on proposals for exhibition and display of public arts in City spaces. She said the City of Ithaca has passed a resolution and policy regarding this form of public art and stressed how it not only can enhance a community but also acts as a deterrent to graffiti. She is seeking approval from the County to include the east side of Building “C” and an area on the curved wall of the Old Library in similar projects.

Following the presentation a discussion followed, during which it was noted that responsibility for maintenance of the mural would be defined by a contract that would be between the County and the artist. Ms. Grubb said the murals last for a considerable period of time, however, over time may require repair. Mr. Lane said the matter would require further discussion and that there would need to be consideration of capital projects and whether the Old Library may be deconstructed.

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**Solid Waste Division**

**Information Item (DOC ID: 2026): Capital Payment Summary Report #9**

There were no questions on the report.

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**RSWC Procurement - Update (DOC ID: 2027)**

It was MOVED by Mr. Lane, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss contract negotiations and confidential matters.

An executive session was held at 11:23 a.m. and returned to open session at 11:36 a.m.

**Airport**

**Resolution (DOC ID: 2024): Authorizing a Consultant Agreement with C&S Engineers, Inc. to Design and Inspect An Expansion of the Long-Term Parking Lot – Ithaca Tompkins Regional Airport**

Mr. Nicholas provided an amended resolution to the Committee that reflected the final negotiated price. He noted the contract amount is less than on the original resolution.

Mrs. McBean-Clairborne was excused at this time (11:37 a.m.).

Mr. Nicholas explained that the purpose of the expansion of long-term parking is to accommodate the increased use of the lot. He said that over the course of the past year the parking lot was overflowing, requiring shifting a portion of the parking into the short-term lot and specifying they were to be charged at the long-term rates. The Committee was informed the increase in parking is partially due to the increase

of individuals residing outside the immediate area using the airport. The maps provided indicated the area that would be used to increase parking areas, a portion of which requires removal of trees.

It was noted that the removal of the trees would not be in keeping with the Green Master Plan; Mr. Nicholas agreed, however, stated the overall impact would not be severe. Mr. Marx noted that the increased use is ahead of what was projected as the optimum number of passengers using the lot. Ms. Kiefer said she understood having to remove the trees to enlarge the lot and suggested they could be replaced on another area of the property. Ms. Mackesey noted without the trees there is often excessive heat within cars in parking lots. Mr. Marx said he would look into the option of replanting trees elsewhere. Ms. Mackesey suggested perhaps a roof could be erected. Mr. Nicholas said he believed it would be too costly. Ms. Kiefer suggested, as an alternative, a lighter colored asphalt is also an option to consider. Mr. Lane said while he believes it is wonderful to be reaching capacity he is concerned whether it is a short-term solution to a long-term problem. Mr. Nicholas said there are other alternatives that could provide more parking, however, they would be much more expensive. This project is an interim solution to alleviate the immediate needs. With regard to the financing, the revenue is \$42,000 higher than anticipated and the payoff for the work is anticipated within four years.

Ms. Mackesey asked to verify the number of trees that would be removed [this was later verified to be 25 trees]. Mr. Marx said they would also look at the possibility of replanting/replacing the trees.

Following the vote, Ms. Kiefer said if similar projects are planned she would like to have the concept provided to the Committee prior to the resolution. Mr. Nicholas apologized and noted the increase in use is very recent. With regard to rates, Mr. Nicholas said he did not believe higher rates would result in significant changes; many of the people using the lot are coming from more distant areas (Cortland, Syracuse, etc.) that cannot use the alternative of public transportation.

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

WHEREAS, the recent increases in passengers using the airport terminal have caused repeated capacity problems in the airport's long-term parking lot, and

WHEREAS, the existing airport master plan included an expansion of the parking lot in 2011, and

WHEREAS, the airport's passenger enplanements and deplanements have increased at a much greater level than anticipated, such that there are concerns that the public's parking needs will exceed capacity during the traditionally busy Thanksgiving and Christmas holiday periods, and

WHEREAS, the airport's engineering consultants, C&S Companies of Syracuse, New York, (C&S) have provisionally indicated the long-term lot can be expanded by approximately 65 spaces to relieve the capacity problems for the foreseeable future, and

WHEREAS, C&S' estimated construction costs for said expansion is \$ 117,000, and

WHEREAS, C&S is proposing to design and inspect said expansion project for a fee of \$ 23,000, and

WHEREAS, revenues from the parking lot for 2010 are currently 18.5% over budget and are considered more than ample to pay debt service on a loan to finance the project, now therefore be it

RESOLVED, on recommendation of the Facilities & Infrastructure Committee and Budget and Capital Committee, That C&S Companies be awarded the contract to design and inspect the long-term parking lot expansion,

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RESOLVED, further, that the County Administrator be and hereby is authorized to execute the required contract documents.

**SEQR ACTION:** TYPE II - 7  
(No Further Action Needed)

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**Resolution (DOC ID: 2025): Authorizing Assignment of Contract for the Second Landing Cafe in the Passenger Terminal - Ithaca Tompkins Regional Airport**

<b>RESULT:</b> <b>WITHDRAWN</b>
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**Adjournment**

On motion, the meeting adjourned at 11:54 a.m.

*Respectfully submitted, Karen Fuller, Deputy Clerk*