

Approved 4-6-10

**Tompkins County Legislature  
March 16, 2010**

**Public Hearing – Hanshaw Road Reconstruction Project, PIN 3753.25, Towns of Ithaca and Dryden and Village of Cayuga Heights, Tompkins County**

Ms. Robertson, Chair, called the public hearing to order at 5:30 p.m. and stated the following:

“Thank you all for coming out this evening. I would like to formally open this public hearing for the Hanshaw Road Reconstruction Project, PIN 3753.25, located in the Towns of Ithaca and Dryden and the Village of Cayuga Heights, Tompkins County, New York. The purpose of this hearing is to meet the legal requirements of Article 2 of the Eminent Domain Procedure Law. A notice of the public hearing was published in the Ithaca Journal for five consecutive days beginning February 26, 2010. A copy of the Notice of Public Hearing was sent to the assessment record billing owners potentially affected by the proposed public project.

“The public notice reads as follows:

**NOTICE OF PUBLIC HEARING**

“PLEASE TAKE NOTICE that, in accordance with Article 2, Section 202 of the New York State Eminent Domain Procedure Law, notice is hereby given of a public hearing for the Hanshaw Road Reconstruction Project (PIN 3753.25), Towns of Ithaca and Dryden and Village of Cayuga Heights, Tompkins County. The public hearing will be on March 16, 2010 at 5:30 PM at the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York.

“The purpose of this hearing is to outline the project purpose, its proposed location, and to provide other pertinent information. The project is located on Hanshaw Road between its intersections with Pleasant Grove Road in Cayuga Heights and Freese Road, in the Town of Dryden. Construction will include improved pavement and drainage, a traffic signal at the intersection of Warren Road, and a new sidewalk along the north side of Hanshaw Road from Community Corners to Sapsucker Woods Road. The Village of Cayuga Heights and Town of Ithaca will maintain this sidewalk. Construction is planned for 2011.

“Persons may appear in person or by agent and will be given the opportunity to present oral or written statements and to submit other documents concerning PIN 3753.25, the Hanshaw Road Reconstruction Project, Towns of Ithaca and Dryden and Village of Cayuga Heights, Tompkins County.

“Any property owners who may subsequently wish to challenge the condemnation of their property by judicial review may do so only on the basis of issues, facts, and objections raised at this public hearing.

“As stated in the notice, there are several purposes for tonight’s hearing:

1. Provide information on the Proposed Project and its location;
2. Explain and describe the public use, benefits, and purpose to be served by the project;
3. Discuss the general effects of the Proposed Project on area residents and the environment;
4. Identify property interests the County will need to acquire in order to accomplish this project; and
5. Accept and consider public comments on the Proposed Project.

### **Hearing Procedure.**

“The oral statements made during tonight’s session will be recorded. Additionally, various documents have been made available for public inspection. Those documents have been pre-marked as Exhibits and will be incorporated into the record of this hearing.

“Following tonight’s session, members of the public are invited to submit written comments or other documents relating to the Proposed Project. These items should be addressed to Cathy Covert, Clerk of the County Legislature. All written comments and documents will be included as part of the hearing record.

“As soon as possible after tonight’s session, copies of the transcript of this session and the hearing exhibits will be made available to the public for examination without cost during normal business hours here at the County Legislature Office. A second copy will be available at the Cayuga Heights Village Office, 836 Hanshaw Road, Ithaca. Any person who would like to examine these records should contact Cathy Covert, Clerk of the Legislature, at 607-274-5434 or email at CCOVERT@tompkins-co.org.

### **Determination and Findings.**

“At some point within ninety (90) days after the record of this hearing is complete, the entire record will be delivered to the Tompkins County Legislature for consideration and further action. That further action will occur in the form of the Legislature rendering its Determination and Findings concerning this Proposed Public Project. A brief synopsis of the Legislature’s Determination and Findings will be published in the Ithaca Journal and mailed to assessment record billing owners.

“At this point I would now like to introduce John Lampman. John will discuss hearing exhibits and present the technical program. At the conclusion of the technical presentation, we will open the floor for public comments.”

John Lampman, Associate Civil Engineer for the Tompkins County Public Works Department, read the following:

### **Exhibits (All exhibits on file with the Clerk of the Legislature)**

“Thank you Ms. Robertson. There are several exhibits that are going to be incorporated into the record of this proceeding. These exhibits will be made available for public review.

“In addition to the exhibits that have been pre-marked and entered into the hearing record this evening, all written public comment submissions will be entered into the hearing record collectively as Exhibit 9.

“The Notice of tonight's public hearing was published in the Ithaca Journal, and that notice, along with the affidavit of publication, has been pre-marked as Exhibit 1.

“In addition to publishing the notice of this hearing in the newspaper, the County mailed notices to each of the assessment record billing owners. The letter notices, along with copies of certified mailing and return-receipt documents, have been pre-marked collectively as Exhibit 2.

“An affidavit of mailing for the letter notices has been pre-marked Exhibit 3.

“Also available tonight for public inspection is a copy of the Design Report prepared by Fisher Associates, the engineering firm retained by the County to design this project. It includes many of the technical details relating to the project, including its scope and evolution, alternatives, and environmental, historical, and social matters that were considered. The Design Report has been pre-marked as Exhibit 4.

“Advance Detail Plans prepared by Fisher Associates, based on the Design Report are available tonight for public inspection. These plans have been pre-marked as Exhibit 5.

“A power point presentation has been prepared for tonight’s hearing that contains technical information on the project. Copies of the slides from the presentation have been collectively pre-marked as Exhibit 6.

“The design for the project involves the acquisition of portions of private property. An Abstract Request Map, which lists 78 properties so identified as of July 2009, is available tonight for public inspection and has been pre-marked as Exhibit 7. Right-of-Way maps have been created for the 60 of these parcels. A set of these 60 maps is also available for public inspection tonight, and has been pre-marked as Exhibit 8.

“At this time, I would request that all pre-marked exhibits be admitted into the record of these proceedings.”

Ms. Robertson acknowledged the receipt of all exhibits.

### **PowerPoint Presentation**

At this time Mr. Lampman delivered a PowerPoint presentation (Exhibit 6).

Mr. Lampman stated “the County is required to follow a specific process to acquire the property rights necessary for the construction of the project. To explain the property acquisition process, I would now like to introduce Tina Mollenkamp, a representative from the County’s right-of-way consultant, R.K. Hite & Co.”

Tina Mollenkamp made the following statement:

### **Property Acquisition Presentation**

“Essentially, there are four steps in the right-of-way acquisition process ... an initial meeting with each property owner, the property appraisal, establishing just compensation, and negotiating a settlement and transferring title to the County. The primary goal through the process is to negotiate a fair settlement with each property owner.

“The first step in the process is a preliminary meeting between each owner and a property rights specialist employed by the County’s right-of-way consultant, R.K. Hite. The property rights specialist contacts the owner to schedule a convenient time to meet at his or her property. The specialists assigned to this project so far are Nancy Mullin and Tina Mollenkamp, who have already met with many property owners. At this meeting the specialist provides the owner with information about the acquisition process and an explanation of the proposed property impacts. She will also inspect the property and gather preliminary information. This same person will also handle settlement negotiations, so owners will only be dealing with one contact if questions come up.

“The next step in the process is the real property appraisal. The appraisal will be used to determine the fair market value of the property rights to be acquired. The appraiser will first research and

analyze the real estate market in the area. Comparable sales data and other market information will be reviewed. Next, the appraiser will inspect each property and gather site-specific information. Owners will be given the opportunity to accompany the appraiser during this visit. People should take advantage of this offer, since no one knows a property better than its owner does. Finally, the appraiser will prepare a report to document his or her findings and state the “fair market value” of the property rights to be acquired.

“Based on the appraisal, the County will establish an amount it believes to be just compensation. Just Compensation is the price the County must pay to acquire your property. This amount will not be less than the highest approved appraisal value for the property. We try to offer an amount that reflects the price a willing buyer and a willing seller would agree to in the open market.

“To avoid any possible confusion, we will prepare a written offer for each property. The offer will include a statement of the just compensation amount, the basis for the just compensation amount, and a description of the property and the interest to be acquired. Nancy or Tina will contact each property owner and schedule a convenient time to meet to deliver and review the written offer.

“I’d like to stress one point. While we use the word “negotiator” we, in fact, work under what is called a “one offer” system. We are required by law to offer the full amount of the highest approved appraisal. So, unless there are compelling reasons to raise the offer, we will stand by the “one offer” amount.

“Once the owner accepts the offer, we will prepare the necessary papers and schedule a closing. The closing is similar to other real estate transactions.

“In summary, the process to acquire real property on this project is a four-step process. First, meet with each property owner to provide information on the project and potential impacts to their property. Second, appraise the property to determine the fair market value. Third, the fair market value will be used by the County to establish just compensation. Finally, once the County has established just compensation, prepare and deliver a written offer to each affected property owner.

“We understand that the right-of-way process may be new to you. I’d like to assure you that we will try our best to make it as easy as possible for you. The County will make every effort to acquire the property by negotiations. That concludes my presentation. If you have any questions, I will be available after the meeting.”

### **Public Comment Period**

Mrs. Robertson said “at this time I would like to open the floor for public comment. I would like to call to your attention to the fact that the required format for this public hearing does not allow us to respond to your statements and questions at this time. However, all statements and comments received will be considered in the preparation of the determination and findings.

“I have a list of people who wish to comment this evening. When I call your name, please come to the podium and state your name and address for the record. We have allotted 3 minutes for each individual to address this hearing. As necessary, the County will provide written responses to comments received tonight.”

Carolyn Arnold, 1502 Hanshaw Road/11 Sapsucker Woods Road, stated the following:

“My concern is the effect of this project on drainage issues on my property and possible effect on life of the trees. So there’s some concerns about the width or the right-of-way which I don’t fully understand at this time. Thank you”.

Doug Brittain, 135 Warren Road, stated the following:

“Thank you all for listening. I think the residents of Hanshaw Road deserve better, even though I am not one of them, I think they deserve better. Initially in this project there was talk of traffic calming but unfortunately what they wound up with was just the opposite. The roads as you know are scheduled to be wider which will make cars drive more quickly and it will make the drivers less attentive. It will also make it considerably more dangerous to drive and cross the road if you’re a pedestrian because if its wider it takes longer and the gaps between traffic are less when the road is wider the cars are going more quickly, it’s less easy for them to stop before they hit you and if they do there’s a greater chance something bad is going to happen. So that is a significant consideration that I haven’t heard mentioned here today. Obviously, you will be losing your neighborhood character in spite of the supposed efforts to try to preserve it.

“Intersection with Warren. I beg to disagree with John. It does not in fact, meet the warrants for a traffic light. It only does if you pretend that it is currently a two-way stop because then the traffic that has the stop sign is just waiting for all those other cars. It would take a long time for them to get out but you already have a four-way so in fact, it does not have the warrants for that. If you put a traffic light in you can expect longer delays because even off hour you are going to have cars that have to sit there sometimes for thirty seconds a red light. Now you come up, you look both ways and you go so its going to delay traffic and increase pollution around that intersection.

“Okay, the good part of the plan is the sidewalk. The trouble is the sidewalk is outside the right-of-way, doesn’t need to be that big. The road is not actually being made wider because it has to be to make it safe, if I may quote from Appendix G of at least the 2007 version of John’s report says “ the existing shoulder area was not a contributing factor to any accidents within the project limits”. So its not that the shoulder is too narrow and its caused problems in the past. Also, this section of Hanshaw has lower accident rates than the State’s average and it does seem funny to be taking the road and modifying it so that it’s more like roads that have a greater number of accidents. It seems like the wrong way to go.

“Physically cars don’t need more space. Cars do not need all the pavement that is there. There’s gravel at the edge of the road where cars don’t drive. You don’t need to make it wider in order to fit the cars. If you make it wider, if the gravel on the shoulder, bikes don’t like to ride on gravel on the shoulders, they like to bike ride in the marbles. If you look at where bikes ride they tend to ride in the clear wheel rut, typically, the right hand one. So where the cars drive that’s where the bikes go. So it’s not being done for them. The reason they have wide shoulders on roads is a couple things. AASHTO thinks it provides a comfortable detachment from the surrounding land use which they consider good and the highway capacity manual, what it does when you widen the shoulders is it increases the free speed of the cars and reduces the headway which if you think they are already speeding and tailgating it will make it worse. And if you think they are already ignoring your neighborhood, well it’ll make that worse too. So what I would like to see instead of this is to make the road no wider than it is now; they already go too fast; to leave the sidewalk in the right-of-way; tell NYSDOT this is what we want; if you don’t build it we’ll let the road deteriorate. If you’re doing this for me, I’m the motoring public, I don’t want it, I’d rather see something more modest. Thank you”.

Bernie Hutchins, 1016 Hanshaw Road, stated the following:

“On February 16, 2010 immediately following the Legislature meeting during which Mr. Wood gave misleading information about the situation regarding my property, I sent a letter to Mr. Mareane

relating language of an e-mail from John Lampman dated October 23, 2009. The e-mail misled me. It clearly does not mention the need for a permanent easement. I did not learn of this permanent easement until January 21<sup>st</sup> 2010 through an e-mail, a mailing from Hite. I, a well-known opponent of the project, was the last of all the property owners to be notified. Plan maps for August, 2007 and of March, 2009 showed no easement on my property while showing easements on the adjacent properties.

“From the information I received from the County February 6, 2010 requested under FOIL, I find Jonathan Lampman wrote in part to Nancy Mullen on January 22, 2010: I have not yet figured out yet we would want to deceive him since the map to the contrary would be soon delivered to him. Anyways, he says the message promises we would not need additional permanent right-of-way and now he’s upset that the map shows that we do. Sorry for adding to your work on this property, I’m sure it will be difficult enough as it is. A note that John Lampman’s notion of soon is three months. Ok, this delay in informing us has prevented us from having material facts which we should have had from coordinating with our neighbors and it’s to our disadvantage. Other property owners have been given no details of the evidence as to how their current right-of-way by use was determined. We’re told by John Lampman October of 2009: “As you remember Rich Brauer and I had said the ownership for the majority of the roadside properties (just over 50%) did not extend to the center of this center of road”, this is true says Jonathan. Previously he had said it was 90% that did not deed to the centerline. The town board, 2006, Mr. Lampman reported that initially they went through the deeds for the landowners on the corridor and found some amount, approximately 75%, contained written references to the public right-of-way within the deed. Another substantial amount bringing the total to 90% included a map, which showed that. So we’re happy with the revision from 90 to 50% and I wonder if its perhaps not zero that don’t deed to the center.

“I’ve been arguing this right-of-way issue with the County since 2005. The Coddington Road decision showed that the right-of-way was by actual use. The actual use was then agreed in the County and John Lampman October 23<sup>rd</sup>, 2009 said I hate to tell you so, but I told you so. If I were keeping score that’s Bernie two, County zero.

“So what is eminent domain? A few years ago Ms. Herrera, in agreement with Mr. Lane, characterized eminent domain as a negotiating tool. Unless I misunderstand Ms. Herrera is an electrician and a skilled craftsperson who understands that tools are used by honest productive people. Thieves on the other hand do not use tools, they use weapons. Eminent domain is a weapon.

“We are the property owners on Hanshaw Road. Does the County perhaps hold us in complete disdain, do they think we are not paying attention. We are people of a multitude of talents and likely of disparate viewpoints an opinions. But we are to a person not people who can be taken for granted or pushed around without fighting back. I urge the County to keep this in mind.”

Bruce Levitt, 1002 Hanshaw Road, stated the following:

“I’m puzzled about how Cayuga Heights properties got swept into this project since the Village of Cayuga Heights has never held a public hearing on the extension of the sidewalk from the Town line into the Village. Cayuga Heights has never voted for the funding for the extension of the sidewalks from the Town line into the Village. Every time I talk to Brent Cross he says well as soon as we get money, the bid, the estimate, for what it will cost then maybe we’ll fund it maybe we won’t fund it. Cayuga Heights has never held an eminent domain hearing about the taking of our property. Cayuga Heights has said it’s allowing the County to acquire parcels within Cayuga Heights but yet again Cayuga Heights has never held a public hearing on this matter. There’s no written provision for property in the Village to be restored should plantings be damaged or removed should the sidewalk be extended from the Town line to the Village. And finally, there’s been no discussion with NYSEG about the movement of their telephone poles on various properties. So there’s been no coordination, no public meeting, it’s impossible to find

out what's going to happen to our properties in Cayuga Heights because Cayuga Heights is in transiency in this matter. And there's no coordination between the County, Cayuga Heights, and NYSEG about the movement of telephone poles. If the poles have to move onto my property further to avoid the sidewalk it's going to be the destruction of 10 to 12 trees and I'm not sure who's going to pay for that. Thank you".

Ilene Lambiase, 406 E. Upland Road, stated the following:

"I am reading a statement on behalf of Zetta Sprole who's a resident of an impacted property at 1031 Hanshaw Road and her letter is addressed to the Tompkins County Legislature regarding the current Eminent Domain hearing.

"As a long-time resident of Hanshaw Road in the Town of Ithaca and as one from whom the County is seeking a permanent property easement for the proposed road reconstruction, I have a number of concerns including the following:

1. I do not understand why any more property is needed at my location than is already in use. There is no sidewalk or bikeway on my side of the road. Please explain the public use of the land for which the County is requesting a permanent easement from me.
2. Neither the map nor the description that I have been given of the requested permanent easement is comprehensible to me. Please provide the same in layman's terms. I was going to read it, but you don't want to hear about 1.33 degrees, north, south, east, west. But it really doesn't make a whole lot of sense unless you are a surveyor.
3. I want to be present when measurements are made and marked out for the length of my property indicating both the current use right-of-way and the proposed permanent easement. I am requesting that the distances for both from the center of Hanshaw Road be clearly spelled out in writing. For example, layman's terms: "The current use right-of-way is 17 feet from the center of Hanshaw Road which will be extended to 19 feet from the center of Hanshaw Road with the proposed easement." If the distances are not consistent across my entire property, ranges can be made along with a clear, enlarged map providing the exact distances. There has been much confusion as to right-of-way and I think that a clear, understandable, written and mapped description may prevent future generations from having to go through this again.
4. There has also been a great deal of confusion relative to my fence, my lamppost and sign and my landscaping that fronts Hanshaw Road. I have been told on one occasion that it would be left untouched by the project, and on another occasion that it is in the road right-of-way (which it is not!) and that I will need to move all of it, and on yet another occasion that even though it is not in the right-of-way, I should move it before it gets damaged by the road workers. Can someone please clarify? Why should I have any financial burden in this?

"Before I am able to consider granting a permanent easement, I need to be able to understand precisely what I am being asked to grant and why. Unfortunately, the manner in which the County's representatives have provided residents with inconsistent and erroneous information over the last four or five years has created a negative, even hostile, and suspicious environment. The suggested potential use of eminent domain has only added fuel to the fire. As the owner of one of the properties that will be impacted by the County's plans, I have a right to ask for and be provided with accurate and truthful information upon which to base my decisions.

"Thank you for your time.

"Sincerely,

"Zetta R. Sprole"

Mahlon Perkins, 11 South Street, Dryden, New York, stated the following:

“I am here on behalf of Dr. and Mrs. Beyenbach, the Roisman’s and Mr. and Mrs. Carruthers. I am not here to argue the final design report and all of that. I am here to talk about what I see is a fail fly in the proceedings and that is in order to forcibly take someone’s property and that is what eminent domain is, it is taking your property against your will. But in order to do that you have to have a map, which shows what it is you want to acquire and I think the maps that these owners along Hanshaw Road have been furnished are completely inaccurate. And I don’t fault so much the surveyors and the engineers as I do the County. The County knows that this is a highway by use and the County has no, at least from my clients, rights of way, licenses, appropriations, maps, or anything at all in document form which would establish right-of-way anywhere other than by use.

“So what I did is took your map and I blew it up a little bit on my copier and I colored in here in yellow the area the County proposes to acquire. Now this is the Beyenbach property and this is a temporary easement. Our position is that you have not addressed the area in blue. The area in blue represents the area between the edge of the asphalt shoulder and the area if you picked it on the temporary easement. Our position is since you have no documentation, the area acquired by use, so the public easement is the pink area, and you must address this area. In all three of these cases I estimate that the area that is not correctly shown is any where from 90-100 percent more than you are proposing to acquire. I think the first thing you need to do is meet with the property owners and agree where the highway by use is and if you can’t agree, that is fine that will be another discussion. But clearly, where you don’t have a ditch and when you don’t have any documentation the highway by use is limited to the traveled portion of the road and we know that from the Coddington Road case. So I urge you take a hard look at this before you make a failed mistake and try to rely upon these which I feel are inaccurate.”

Edward Harwood, 1114 Hanshaw Road, stated he has lived at this address since 1994 and made the following statement:

“On the map that’s been provided I have a fairly sizable piece of property being considered and the reason is that I have a number of trees there that add to the I guess the ambience of the road and so the proposal so far to my agreement is the sidewalk can go further into the property avoid the trees and provide something I think more attractive. The issue I have is two ownership issues. The first one is as the previous gentleman indicated it’s really very unclear to what the County owns and what I own. There’s deed documents but then there are also statements as to how much the County owns from the centerline and there is still confusion even asking this evening how wide does the County have. The number I was given was 25 feet and on this map it goes from anywhere from 18 to over 30 feet the difference from the centerline and my property that is being considered. The second issue is if this sizable piece of parcel is becoming part of the County I understand that you will take care of the sidewalk, but what happens to the rest of the property. It’s no longer my property so what happens to the property between myself and the road. Thank you.”

Darlene Gold, 1106 Hanshaw Road, stated the following:

“My house is being negatively impacted by this project. My house is the house most severely impacted by this project because partly the house is located 32 feet from the public walkway. So I am very very close to the road as it is. I have been given so much information that when I come to this meeting now it’s not even accurate so this statement I have written feels sloppy. But my house is on the north side of the street and all of the windows that allow light into my house are on the south side of the street which faces Hanshaw Road. So when this project is completed, the public is going to be 22 feet away from my kitchen, my front door which is glass and my office where I work. During the temporary easement part of the project, the machinery and the workers will be 10 feet from my kitchen window and

my front door and my office. As a result of the project if I want sunshine I will have to forego privacy, if I want privacy I will have to forego sunshine. So I have the option of shutting myself into my house. I bought this house in 2008. I have not heard about this until the fall of 2009. Had I known, I would not have purchased this house.

“I object to this project, and yet it has been made clear to me that I have no rights to prevent these changes to my property. It’s also been made clear to me that adequate compensation for my losses is unlikely. This project significantly lowers the property value, curb appeal, salability, and living conditions of my home. One realtor indicated that it was likely the County’s changes to my property would result in a loss of 12-13 percent of its current value. Despite these impending losses of property value, I’ve received indication from the County-hired appraiser that it’s very unlikely that I am going to be fairly or adequately compensated for these losses.

“We know how much careful thought, legal, and logistical work goes into creating budgets for projects of this scale. So it seems to me not having enough money is not a valid reason for failing to compensate homeowners for property and value damage committed by this project. The information we had on PowerPoint is that this is a \$3.7 million project yet when the County- appointed appraiser came to my house and saw how the project would impact my specific property he said “well I will do my best but I really don’t have that much to work with”. We know what that means. Did the County’s project include monies for compensation for acquiring properties made uninhabitable or for paying for the loss of market value. If the County had planned on treating its taxpaying property-owning residents fairly there would be funds in the budget for fair and accurate compensation and there would be no need for the County to pull the eminent domain card.

“In effect, and I say this with respect, it feels that the County is stealing from me but even worse it is with pre-meditated intent. I object to this project and I object to the underhanded and dishonest way that it has been conducted up to this point. And maybe this project does not impact you, maybe you don’t live on Hanshaw Road, but if we allow the County to infringe upon our rights and to use this bureaucratic process against us in this case what’s to prevent them from using this again against all of you. Thank you.”

Rob Rosen, 206 Sapsucker Woods Road, stated the following:

“My daughter and I ride our bicycles and walk up and down Hanshaw Road often and it’s really very dangerous without a sidewalk. It’s unpleasant and unfriendly and a sidewalk would just make it so much easier for adults and children to walk and ride their bicycles. It’d be so much healthier, I mean trying to walk or bike to a commercial center or Community Corners where the shoulder on Hanshaw Road is like one foot long, you really take your life into your hands trying to walk to Community Corners. And this is going to be a huge improvement and it would be great, if you could, to extend the sidewalk all the way to Sapsucker Woods Road because now every day there’s dozens of people that walk and bike up and down Sapsucker Wood Road to go to the bird sanctuary and I know it would be a lot safer for them if they had sidewalks and wider shoulders. I’d be happy to give up four feet of my ditch to have a sidewalk all the way to the bird sanctuary really. And I just hope you compensate people fairly but I think this would be a really big improvement and I hope you can get it all the way to Sapsucker Woods Road.”

Klaus Beyenbach, 1024 Hanshaw Road, stated the following:

“I have lived there since 1978 so I know this neighborhood quite well; this is a residential neighborhood. There is no question that Hanshaw Road needs attention, traffic has been steadily increasing over the years, the road has deteriorated and speed limits are not being enforced. Thus, while I welcome the repair of the road I must voice my displeasure over the disregard of neighborhood concerns. It appears that in order to obtain substantial federal and state funds for this project the road project must

have a sidewalk. In order to have a sidewalk the road must be widened and the County must acquire land from property owners for public use. It is my understanding that public use has not been properly established in that, for example, the survey that is a count of pedestrian traffic along Hanshaw Road has not yet been made.

“With few exceptions, residents along the northside of Hanshaw Road have been asked to give up property. While everyone can understand the financial savings gained by widening the road only on one side it is nevertheless unfair. If it is indeed the wish of the residents along Hanshaw Road to have a sidewalk then all should share in the sacrifice for having the sidewalk. In the present planning of Hanshaw Road project the plan itself succeeded in dividing the neighborhood along the Northside versus the Southside.

“This Eminent Domain hearing is premature because there are disagreements at several properties over what the County thinks it owns and what the residents maintain they own. In our case at 1024 Hanshaw the County simply maintains a position of ownership when that position is not supported in the deed we have and the Eminent Domain hearing to date has the appearance of a threat if we do not accept the County’s claim to part of our property.

“Other issues have not yet been adequately addressed and these are:

1. Pedestrian safety for a sidewalk that has no curb;
2. Traffic calming measures for a wider road surface that will invite speeding;
3. Cars passing on the right moving on the sidewalk;
4. Pedestrian street crossing: if the sidewalk is only on one side of the road;
5. The relocation of mailboxes;
6. Property restoration plans;
7. Reassessments of property values in view of lost property

“As in previous hearings about the Hanshaw Road project, one gets the impression that these hearings are held because they are required by law. So far concerns by the neighborhood have been belittled or ignored. The new Hanshaw Road must not only be an improvement for the road but also for our properties and qualities of our residential neighborhood. Thank you.”

Bruce Brittain 135 Warren Road, made the following statement:

“I think this is a poor execution of a good idea. Just to summarize my concerns: Hanshaw Road should be built with a lower, rather than a higher design speed. Increasing the pavement width is likely to increase vehicle speed, decrease driver attentiveness, and lead to decreased safety. The loss of vegetation is regrettable, avoidable. It should be possible to fit two travel lanes and a sidewalk and shoulders within a 50ft right-of-way. Shifting the road center line may be necessary in some spots to go around significant vegetation that should be possible.

“Warren Road and Hanshaw Road intersection is already too big. If you go look at it there is gravel on the edges of the intersection. That’s an indication that vehicles don’t drive, they’re not using the full width of the pavement currently, making the intersection bigger seems to be a waste of effort.

“Installation of traffic light is not warranted now, will not be warranted for the next twenty years. According to the manual on Uniform Traffic Control Devices if the warrants are not met within one year the light should be removed. I see no point in putting it there. A traffic light will lead to increased delays and likely increase in the severity of accidents.

“The proposal seems to run counter to the NESTS study which the County and Town were both part of developing which advocated for smaller roads and residential neighborhoods. The legal notice in the Ithaca Journal indicated that any property owners who may subsequently wish to challenge the condemnation of their property by judicial review may do so only on the basis of issues, facts, and objections raised at the hearing. I would, therefore, like to enter into evidence the following items in the hopes that they might prove useful to someone’s attempts to improve the design of the project:

- 1) photographs of gravel on the pavement of the Warren Road and Hanshaw Road intersection which provide evidence that the intersection is already too large;
- 2) memo to John Lampman from Doug Brittain and Bruce Brittain dated April 13, 2007, which reiterates or spells out more clearly many of our concerns; a copy of that will be attached and handed up.
- 3) the Northeast Area Transportation Study; this is dated July 1999 that is available on the web; manual on Uniform Traffic Control Devices dated December, 2009; Town of Ithaca Transportation Plan dated 2007, available on the web; and the Forest Home Traffic Calming Plan Final Report dated 2007, available on the web.”

Mr. Brittain quoted from the Town of Ithaca Transportation Plan:

“Instead of improving network capacity by adding lanes, widening existing lanes, or increasing the design speed, the Town needs to advocate for roadway designs that are compatible with adjacent land uses and that elicit safe driver behavior, while recognizing current traffic loads. The Town needs to protect and promote safety and livability in residential areas, with residential streets designed to naturally elicit responsible driver behavior, rather than facilitate high vehicle flow rates. Narrower roads with lower design speeds or the addition of appropriate traffic calming measures may lead to the slower, more careful driving that is appropriate for residential neighborhoods. Therefore, whenever a section of road in the Town is rebuilt, rather than being restricted by the functional classification system’s somewhat abstract labels alone, the Town needs to work to address any known safety problems and to ensure the new roadway design is suitable for and compatible with the adjoining land uses. In many cases this involves coordination with the County and State for roads not under the Town’s jurisdiction.”

Deborah Cowan, 1022 Hanshaw Road, stated the following:

“I am a homeowner at 1022 Hanshaw Road and I am responding to the notice I was sent for the public hearing for the Hanshaw Road Reconstruction Project.

“I would first like to say that I am distressed by the notion that homeowners of Hanshaw Road are commanded to bring “issues, facts and objections” to this hearing if they subsequently wish to challenge something which has not yet occurred. We are enjoined to “speak now or forever hold our peace” based on project plans and information which we do not yet have. Those portions of the project plans and information we do have seem to be changing, even tonight. When I was next door there were things there that were not included on the information we received from Hite so it seems to be something that is a bit of a moving target and I find this unfair and unacceptable. I believe government is representative of us, the citizens and I expect you to protect and nurture my individual rights and as well as the rights of our community. I don’t see the contract between citizen and representative government being honored in this instance.

“I believe that both my temporary easement map and the label description of “temporary easement” that was provided were both based on inaccuracies. It’s my contention which I believe is supported by the recent Coddington Road decisions, among others, that the County right-of-way is limited to the roadway’s actual use for public travel. At my property the travel lane is 11 feet wide and the asphalt shoulder of the road is approximately 4 feet wide which would put the County’s right-of-way at my property at 15 feet.

“I would hereby request again because I’ve asked before, that I be provided with written documentation of the County’s right-of-way on my property.

“The temporary easement map is difficult to read and decipher. I requested a larger scale map from the representative during her visit to my property, one which would show the location, position, and width of the roadway, the shoulder, the gutter, the curb, and the walkway, and the corresponding rights-of-way and the easement. This was never provided to me so I hereby again request a detailed map of sufficient size and clarity to be readable and comprehensive to a lay person.

“The legal description for “temporary easement” is written in such a manner that one would need a proficiency with a surveyor’s transit to make sense of the impact on their property. I hereby request a clear description in layman’s terms, of the temporary easement using easily observed reference points such as “center line of Hanshaw Road”.

“I have also asked for documentation of contractual arrangements covering walkway maintenance, repair, snow removal, and liability issues which then-supervisor, Cathy Valentino, at a public hearing, promised homeowners would be written into any highway contracts with the County or State. I am aware of Town law concerning sidewalk maintenance but as Ms. Valentino famously said at one of our public hearings “we can rescind anything”. I believe we need the security of a contract by the County and the State.

“In closing I would like to say that I hope you will do better by us in terms of providing information in a comprehensible and timely fashion so that we may understand what we are being asked and why, and to better hold to your compact to represent and protect the rights of your constituency.

“Thank you for your time and attention.”

Hillary Acton, 1041 Hanshaw Road, stated the following:

“I’d like to reiterate everything the previous speaker said. I am a little upset, partly due to the fact that I didn’t even know this meeting was happening until two days ago. I do not get the Ithaca Journal. I did not receive any notice, and I only happened to stumble upon the notice on the Warren and Hanshaw crossway when I happened to be forced to come up to Warren to come back to my house because I couldn’t get onto the regular exit off of 13. So I just happened to stumble upon a sign that’s for this meeting. The fact that we are to forever be silent if we don’t raise our concerns tonight is very upsetting to me that I didn’t really have time to prepare a written speech for this. I have no information as to the workers interaction onto my property. I currently reside on the south side so I won’t have the impact of the domain of property but I’m concerned about my fence, my landscaping, and what damage may be done from all the trucks and what-not. I just feel like you have really failed us as a neighborhood.”

Donna Heilweil, 1464 Hanshaw Road, stated the following:

“I would just like to thank everybody for presenting today and put on the record the request that all of the comments, statements, suggestions, and thoughts that my neighbors have put forth be considered to apply to everybody who is in the effected area and equally”.

Owen Hoekenga, 1430 Hanshaw Road, stated the following:

“I would like to say that I’m in favor of sidewalks and increasing the safety for all users of the Hanshaw Road Corridor. Not to speak tales of myself but I seem to be one of the younger homeowners in the area. I have small school-age children; in one year my son is going to have to get himself up to the

Middle School, so I would like to be cognizant of everyone's fears that my children's safety is protected. Thank you."

Dave Collum, 1456 Hanshaw Road, stated the following:

"Just for legality I don't think you have the right-of-way. It will hit my property values, I will have loss of trees, and I'm worried about the maintenance of the sidewalk. What bothers me more actually is the fact that we're doing this because the feds are giving us the money and it appears to be despite some people who want the sidewalks. I understand the argument, I understand Peter's argument, you got a lot of people who don't want them so you guys come off as we're from the government, we're here to help and we don't want your help. If they gave us \$3.7 million and we put it in the bank would we spend it on sidewalks, I doubt it. I'm becoming a militant libertarian in my old age here, I'd like to take out the feds in some way. If anyone does it's not me, but I'd like to. And I think its appalling actually that instead in one of these meetings which usually its citizens opposing citizens and the government's supposed to interject themselves to make it all work, it appears to now be citizens against the local government and I think you guys really ought to ask is this really what's supposed to be done and I don't think so. Thank you."

Ms. Robertson said written comments, questions, and other documents will be accepted by the County until the public hearing is formally closed in three weeks on April 6 so this is not the last opportunity.

Diane Feldman, 1404 Hanshaw Road, stated the following:

"I don't necessarily think people are totally against sidewalks in the neighborhood. I think the way that its getting done is the problem. People are going to lose trees, they still haven't figured out the water drainage system coming from Sapsucker Woods. One response to that is that well its not our problem, once we figure out the water drainage after it leaves us it'll just be somebody else's problem. But that's not what we're supposed to be doing in a community; we're supposed to be thinking about each other and how what we do will impact other people. You're building a sidewalk without lights, you're encouraging people to walk in darkness, you know that's not necessarily the best thing. I've heard that widening the roadways is not going to speed traffic, they're already doing 50 and 60 on Hanshaw Road in a 40 mph limit. What makes you think that widening the road is going to make them go slower, I think that's just not thinking clearly.

"I know some of you want the project done, as you pointed out there's federal money and let's use it but let's use it wisely. You did Warren Road and you realized after you did it that it was wrong, that it wasn't wide enough. Why don't we use that as an example and say ok, lets do it the right way instead of hurrying up to use federal funds and do the roadway and in a couple of years you'll fix it again. I don't think that's really what the residents and the community want. I think the residents want a community and I don't think that's what's going to happen with this plan.

"So its not the sidewalks, I don't think people are concerned that "oh my god" they're putting sidewalks in, I think taking 20 feet of someone's property to put a sidewalk in is a big difference than just saying we're putting a sidewalk in. And when Mr. Rosen spoke he said you can take four feet of my property to put a sidewalk in, that's great, but its 20-25 feet of my property. You're going to be sitting at my front yard as you were sitting in her front yard, in her house and I don't think that's fair to the residents in the community. And maybe you should all, and I did this up Muriel Street after we found out the size of the width of the property. I actually walked out the 15-20 feet on people's property and they didn't realize how much that was and maybe if you all looked at your own property and walked off the distance – 15, 20, whatever the number is this week because it does change all the time, maybe if you actually measure that property out you'd be surprised at how much it actually is. It's not just a number on

a piece of paper, its not just oh 15 feet today, 20 feet tomorrow, oh we forgot the utility poles, that's another two feet. Actually walk it off in your own homes and see what it does to your own property and what it's going to do to the community that you live in if you don't live on Hanshaw Road. Thank you".

### **Adjourn Public Hearing**

Ms. Robertson said "I would like to thank everyone for coming this evening. Written comments, questions and documents will be accepted by the County until the Public Hearing is closed at 5:30 PM on April 6, 2010. Please submit your written statements to Cathy Covert, Clerk of the Legislature, 320 North Tioga Street, Ithaca, NY. These written statements will be incorporated into the hearing record. I now adjourn this hearing."

No one else wished to speak and the public hearing was adjourned at 6:48 p.m.

### **Pledge of Allegiance to the Flag and Roll Call of Members**

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 14 Legislators. Excused – 1 (Legislator Kiefer). Mr. Shinagawa was excused at 8:11 p.m.

Ms. Robertson announced an executive session to discuss real estate negotiations will be held later this evening.

### **Privilege of the Floor by Legislators**

Mr. Dennis, District No. 15 Legislator, read the following statement:

"I have watched with a great deal of concern the community's reaction to the events at Pete's grocery – an event which brought the real world a little bit closer to Tompkins County.

"The Ithaca Journal online comments to various articles in the newspaper have ranged from strongly supporting the role of the CNET group and their handling of the situation to condemning perceived unjust treatment of the person who was the focus of this event. This new level of journalism allows people to vent their frustrations in a faceless manner and much of what is written is based only on the individual writer's perception of the truth and often filled with unsubstantiated facts and rumors.

"The appointing of the special prosecutor from Chemung County should go a long way toward sorting out the truth about this event.

"In the meantime we have law enforcement people all over this County who do their work 24/7 without any newsworthy incidents. They have been sworn to serve and protect and I believe they do their jobs well. I would guess that many of our law enforcement people are now a bit more apprehensive about doing their daily work than they were prior to this event. Their anxieties may be legitimate or unfounded, but it is likely they do exist.

"As the investigation comes to a close and the findings are made public, there will be people who will be satisfied and those who will be dissatisfied with the results. It will be a critical time for elected officials and community members to demonstrate leadership and support the findings of the investigation."

Mr. Shinagawa, District No. 4 Legislator, reported on an event that will take place tomorrow at Cornell at 4:30 p.m. to reflect on the recent tragedies that have occurred at Cornell University regarding those students who have taken their own lives. This event will be an opportunity for people to reflect on these events and reaffirm life and also celebrate being part of a community. The Cornell Student Assembly, administration, counseling services, and a large array of student services will be at the event. He said it is a tough time for his District and he hopes people will come out to show their support.

Mr. Proto, District No. 7 Legislator, reported on the NYSEG Public Service Commission review. He said Broome County has challenged the rate increase and is circulating information to other interested counties. He reported the Universal Fund received national recognition in regard to broadband funding discussions by the FCC.

Mr. Proto said they are working on the purchasing process for flags to be placed on all Veterans graves; if anyone knows of an organization that has taken on responsibility for decorating a cemetery to let him know.

Lastly, he announced on May 11 the Office for the Aging is having its 35<sup>th</sup> Annual luncheon for the Office for the Aging Advisory Committee.

Ms. Pryor, District No. 6 Legislator, spoke of the Census and said she is confident the Town of Lansing will once again reach the 80% return rate. She invited all residents of Tompkins County to join the Town in reaching an 80% or better return rate.

Several Legislators spoke briefly about completing and returning their Census form and the availability of information on the County's website.

Ms. Robertson reminded the public that today is election day in the villages and encouraged everyone to vote.

Mr. Lane, District No. 14 Legislator, thanked Mr. Dennis and Mr. Shinagawa for their comments earlier. The entire community is hurting over the sad and what appears to be unfortunately an annual event of losing wonderful people to pressures and anxieties of our society. Unfortunately that goes back many years to the founding of the University and the fact that Ithaca has gorges. Mr. Lane commended the students at Cornell who are trying to do something about this by stationing themselves at bridges to smile at people and by pasting notices up to tell people they are cared about. He said when a person is so depressed that they think there is no way out they need to know that there is a way out.

Ms. Herrera, District No. 5 Legislator, reminded Legislators that there is a strong movement in Ithaca due to the high immigrant population to support comprehensive immigration reform. She said there is a bus going to Washington on March 20 and extended an opportunity to the public to ride on the bus. Efforts to support the bus are being coordinated by the Tompkins County Worker's Center. Ms. Herrera said we have a strong immigrant population here and we need to recognize that comprehensive immigration reform is part of economic development in Tompkins County. She said it is important to find ways to support this and hopes to have a strong contingent from Ithaca participate in this.

### **Privilege of the Floor by the Public**

Alan McAdams, Johnson School at Cornell University, spoke of his support for the County's and communities' broadband request for information by Google. If Tompkins County were selected to bring in the very high speed networking, it would be very good for this community and noted it would be paid for by Google. He said Google is looking for the opportunity to have a demonstration project and there are a lot of opportunities for a demonstration project in this area.

**Presentation by the Assessment Department**

Mr. Franklin, Director of Assessment, provided a presentation to the Legislature concerning the 2010 Continual Equity Maintenance (CEA) Program. The following is an outline of the presentation:

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**Year End Report 2010**

- The local real estate market is making a slow gradual turn downwards.
  - Availability of lending dollars
  - Lack of foreclosures
  - Low unemployment
  - Stabilizing influence of Cornell/IC
  - Small appreciation rates in past years
  - Lack of speculative building
- The middle-priced houses (\$500,000) are the ones that are showing the most sluggish results (45 houses sold in previous years – on track for 20 houses this year).
- Starter homes (under \$250,000) are showing the least downturn spurred on by low interest rates (under 4.5%) and the first time homebuyer tax credit.

Sales Ratio

July 1, 2008 to July 1, 2009  
Mean = 0.99  
Median = 1.00  
PRD = 1.00  
COD = .05

Changes for 2010 Prelim Roll
2,787 total changes
719 decreases
2,068 increases
956 total physical changes

Stratified the sales by Assessment Range, School District, Town, Property Class, etc.

Reassessment Projects

- Assessment Generally Decreased
  - Town of Ithaca – Grandview Subdivision, Southwoods Subdivision (vacant land)
  - Town of Lansing – High End Subdivision
- Assessment Generally Increased
  - Town of Ithaca – Commonland
- Assessment Equity Reviewed
  - Town of Danby – 22030 Neighborhood
  - Town of Ithaca – Eastwood Commons
  - Town of Ithaca – Deer Run
  - Town of Newfield – Main St
  - Town of Ithaca/Ulysses – Lakefront

Outlook for 2011 CEM Program

Sales are slowing.  
July 1, 2008, to July 1, 2009 = 602 sales, 59 sold under assessment, 105 sold over assessment.  
July 1, 2009, to Jan 1, 2010 = 439 sales, 107 sold under assessment, 68 sold over assessment.  
Issues in the future:

- Oil and Gas Leasing
- Reliance on the property tax increases scrutiny on our department
- Increase in websites offering CAMA services – i.e. Zillow

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**Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee**

**RESOLUTION NO. 32 - AUTHORIZING SUBMITTAL OF 2010 NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO CONTINUE THE TOMPKINS COUNTY HOMEOWNERSHIP PROGRAM (IX)**

MOVED by Ms. Mackesey, seconded by Mr. Burbank. Ms. Chock disclosed that the application does not involve any money or salary for the Ithaca Neighborhood Housing Services housing organizations should they be chosen for this. Mr. Wood said he sees no conflict in Ms. Chock voting on this resolution. A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Kiefer); Temporarily out of the Room – 1 (Legislator Stein). RESOLUTION ADOPTED.

WHEREAS, Tompkins County has completed a process of investigation in its community to determine community development needs for the current year, and

WHEREAS, the Division of Housing and Community Renewal Community Development Block Grant (CDBG) program is an important source of funding to address community development objectives in the County, and

WHEREAS, the Tompkins County Homeownership Program has been funded through eight separate CDBG grants since 1993, and has proven to be very successful in meeting an important community development need in the County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County is hereby authorized to apply for \$750,000 in funding in the 2010 round of the Division of Housing and Community Renewal CDBG funding for the Tompkins County Homeownership Program (IX),

RESOLVED, further, That the program be modified to include a partnership with Tompkins Community Action through an Energy Efficiency Fund and a partnership with Ithaca Neighborhood Housing Services or another similar program in conjunction with the Housing Trust Program, which will support increased energy efficiency in homes and long-term housing affordability throughout the County,

RESOLVED, further, That the County Administrator or his designee be authorized to sign all documents related to the submission of the Division of Housing and Community Renewal CDBG application and any materials required by the Office of Community Renewal.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 33 - APPROVAL OF BYLAWS AND CERTIFICATE OF INCORPORATION OF THE TOMPKINS COUNTY DEVELOPMENT CORPORATION**

MOVED by Ms. Mackesey, seconded by Mr. Dennis. Ms. Mackesey said this Local Development Corporation will be focused on issuing bonds. Many of these have been set up in New York State as a means to avoid prevailing wage and this one will not have that ability and any action it takes outside of bonding will have to be approved by the Legislature. She said this is being brought forward because last year the IDA (Industrial Development Agency) lost its ability to bring in funding by bonding for not-for-profits.

Ms. Herrera said she has a difference of opinion with regard to whether not-for-profits utilize their bonding at times in order to go non-union or non-local with building projects, construction and vendors. In addition, she spoke of the Public Authority Accountability Act and believes the interpretation of best practices that are being forwarded by some members of the community would ultimately take away from Legislators and the taxpayer, majority representation on the IDA.

Mr. Shinagawa spoke as a new member of the IDA and said he has reviewed all of the projects that have come through the IDA over the last several years. He also said all of the projects have contributed greatly to the economic and social fabric of this community. Mr. Shinagawa said with the creation of this Local Development Corporation the IDA will have the power to continue doing the same work. He acknowledged the concerns of Ms. Herrera and said it will be this Legislature's responsibility to make sure prevailing wages and other important aspects are brought forth and passed.

Ms. Herrera asked whether it will be in the LDC's authority to pay livable wages for projects. Ms. Robertson said a policy could be established by the LDC. Ms. Filiberto agreed it is not a policy currently.

Ms. Chock said Article 6, Section 5, speaks to the policies of the Corporation. She shares the concern that we continue, as both policies for the IDA and the new Corporation move forward, to give careful consideration as to what policies and practices this Legislature would like to see. She also said Section 5 allows us to continue each of the practices separately as well as institute new practices in the future. Ms. Chock said she is satisfied that the ability to appoint new members to this new body rests with this Legislature.

Ms. Robertson said the record of what has been done with the IDA in the past shows that the average non-management jobs have had an average wage of more than \$18/hour and the subsidy has only been \$880 per job. She said the record of the IDA with these policies is very good.

Mr. Proto said the general purpose of this was because the State took away the IDA's authority to lend to not-for-profits and this gives the IDA an extra tool. He spoke of IDA and TCAD (Tompkins County Area Development) fees generated over the years and asked if there is a fee collection structure. Ms. Filiberto said she believes there is a fee structure included.

A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Herrera), Excused – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Development Corporation was created in accordance with County Resolution No. 203 of November 17, 2009, and pursuant to Section 1411 of the Not-For-Profit Corporation Law, and

WHEREAS, Resolution No. 203 of 2009 designated the County as the sole Member of the Corporation, and

WHEREAS, the Member shall approve the bylaws and certificate of incorporation, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Bylaws and Certificate of Incorporation of the Tompkins County Development Corporation be approved.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 34 - ENDORSING A COUNTY RESPONSE TO GOOGLE, INC., "FIBER TO COMMUNITIES" REQUEST FOR INFORMATION, EXPRESSING INTEREST IN A FIBER OPTIC NETWORK TRIAL**

MOVED by Mr. Lane, seconded by Ms. Chock.

Mr. Proto questioned what financial contribution would be made by other entities. Mr. Lane said there was discussion about whether the County should present this to the Council of Governments; however, there was not sufficient time to do that. He said there is no financial commitment involved at this time; this involves the gathering and assembly of information to Google. Mr. Proto expressed concern over the monetary time and commitment County staff would have to spend doing research or

gathering data. Mr. Lane said he thinks it makes sense for the County to shoulder the responsibility of doing administrative work for something of this broad nature for the entire County.

Ms. Robertson said there was a very good discussion at a meeting last Thursday by several municipal officials. It was the consensus at that meeting that there is very strong interest in the community for better internet service. Mr. Lane, Chair of the Government Operations Committee, will be following-up on this subject. She is considering establishing a community-wide steering committee that would include Legislators, staff, and members of the community to focus on this issue.

Mr. McAdams said the information that Google is asking for does exist. He extended an offer to the County to have students help assemble the necessary information.

Ms. Herrera said she recognizes the importance of this kind of communication in underrepresented communities. She spoke of a recent Capital Plan Review Committee meeting where members heard Mr. Marx, Commissioner of Planning and Public Works, talk about deferred maintenance, and the impact that has on the short and long term. The Committee also received a presentation from a representative of the Unified Court System, which is very eager to move into space in the Courthouse that is currently occupied by County departments. Ms. Herrera said there is a cost associated with all of the items that were discussed. While she understands the importance of things such as this, she has concern with the haste at which this is proceeding. She has questions regarding the ongoing maintenance of private infrastructure and about the bid award, noting that when you accept the lowest bid sometimes you don't get the best quality. Ms. Herrera said she is willing to support this proposal but not without taking a long hard look and concluding that it does not include a cost that the County cannot bear.

Ms. Chock said she sees broadband service as a basic utility and something all residents need. She said if the County were to be successful with this pre-application Google come here and talk further; at that point there would need to be a more detailed discussion.

It was MOVED by Mr. Dennis, seconded by Ms. Mackesey, to Call the Question. A voice vote on the motion resulted as follows: Ayes – 13, Noes – 1 (Legislator Herrera); Excused – 1 (Legislator Kiefer). THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, Google, Inc., a multinational Internet search technologies corporation headquartered in Mountain View, CA, is planning to launch an experimental ultra-high speed broadband network in one or more locations across the United States and is requesting information from interested local governments who wish to be considered as a trial site, and

WHEREAS, on February 18, 2009, Tompkins County, in response to New York State Governor Paterson's request for American Recovery and Reinvestment Act of 2009 (ARRA) needs of local communities, included broadband expansion among the list of key reinvestment priorities for the County and its sixteen municipalities, and

WHEREAS, deploying broadband networks and advanced communications services throughout Tompkins County will enable continued improvements in community anchor institutions, such as public safety and healthcare, and in community support organizations, economic development, and eGovernment (electronic access to government information, services, and programs), and

WHEREAS, Tompkins County continues to affirm the need to work with public and/or private providers to attain development and implementation of new telecommunication technologies that best serve the interests and needs of local residents, particularly those located in unserved and underserved areas of the County, and

WHEREAS, if Tompkins County were selected by Google, Inc., to participate in the company's

ultra-high speed broadband network trial, this would provide not only a unique public/private partnership but also an extraordinary collaboration opportunity between the County and other local municipalities, local economic development entities, local health care facilities, and potentially three local and highly recognized institutions of higher learning, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That Tompkins County will work in partnership with local municipalities and other local public and private entities to develop a meaningful and competitive response to the Google Request For Information (RFI), with the intent to submit the response no later than March 26, 2010.

**SEQR ACTION:** TYPE II-20

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### **Recess**

Ms. Robertson declared recess at 8:11 p.m. The meeting reconvened at 8:19 p.m.

Mr. Shinagawa was excused at 8:11 p.m.

### **Report from the Chair**

Ms. Robertson presented five-year service awards to Legislators Dennis and Mackesey, and also to Mr. Shinagawa in absentia. She also presented a 25-year service award to Legislator Proto.

Ms. Robertson thanked Legislators who are going above and beyond in their communities in the spirit of public service.

### **Report from the County Administrator**

Mr. Mareane reported on the status of the Health Insurance Consortium and said they are continuing to work on the question of labor participating with labor unions. He said this delay is costing the County approximately \$20,000 per month. The Legislator/Department Head retreat will be March 23<sup>rd</sup> at 3:30 p.m. at the Ithaca Town Hall.

### **Report from the County Attorney**

Mr. Wood had no report.

### **Report from the Finance Director**

Mr. Squires reported the second month of sales tax receipts for 2010 was received and there was a positive modest growth of 1.8% over last year. Mr. Squires also reported on a new requirement for local development corporations that is the result of the Public Authority Accountability Act. Members of local development corporations, Industrial Development Corporations, and Tobacco corporations, will now have to sign an acknowledgement that they recognize they are a fiduciary. He said these corporations will also be required to create a mission statement.

### **Addition or Withdrawal of Resolution(s) from the Agenda**

There were no resolution(s) added to or withdrawn from the Agenda.

### **Approval of Resolution(s) and Appointment(s) Under the Consent Agenda**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the following resolution(s) under the Consent Agenda:

**RESOLUTION NO. 35 - INCREASE IN MEMBERSHIP DUES FOR NEW YORK PUBLIC WELFARE ASSOCIATION - DEPARTMENT OF SOCIAL SERVICES**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Department of Social Services' 2010 approved budget included provisions for payment of \$3,914 in Annual Dues for its membership in the New York Public Welfare Association (NYPWA), and

WHEREAS, NYPWA's dues for the current year are higher than was anticipated when the Department's budget was submitted, and

WHEREAS, County policy requires that payment of all Dues and Membership amounts must be prior-approved by the Legislature, and

WHEREAS, the Department is able to transfer funds from another budget line to cover the increase without altering the net local cost of its budget, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget and Capital Committees, That the Department of Social Services is authorized to pay \$3,992 to NYPWA for its 2010 Annual Dues,

RESOLVED, further, That the Director of Finance is authorized to make the following adjustments to the Social Services' budget:

From:	6010.54442	Professional Services	\$78
To:	6010.54416	Dues/Memberships	\$78

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. – 36 - BUDGET ADJUSTMENTS - VARIOUS DEPARTMENTS**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

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 Health and Human Services Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

***Social Services***

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
6010.44689	Fed: Other Social Services	\$1,018,716	6010.54400	Program Expense
6010.44689	Fed: Other Social Services	\$ 46,848	6010.51000562	Caseworker
6010.44689	Fed: Other Social Services	\$ 39,345	6010.51000538	Social Welfare Examiner
6010.44689	Fed: Other Social Services	\$ 34,908	6010.58800	Fringes
6010.44689	Fed: Other Social Services	\$ 189,174	6010.54400	Program Expense
6010.54609	Fed: TANF	\$ 140,000	6010.54400	Program Expense

Explanation: 2009 Resolution #168 included adjustments to the Department's 2010 Budget in association with the Homeless-Prevention and Rapid Re-Housing (HPRR) Grant. These adjustments have not yet been executed, and the Department has been instructed to re-submit the request in this format. The rate of expenditure on the Rental Arrears component of the Housing First initiative funded through the HPRR grant has exceeded expectations; we are therefore proposing to shift funds anticipated to be paid for this purpose in 2011 to the current year. 2009 Resolution No. 171 included adjustments to the Department's 2010 Budget in association with the Wheels for Work Grant. These adjustments have not yet been executed, and the Department has been instructed to re-submit the request in this format.

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6010.43610	State: Social Services Adm.	\$1,527	6010.52230	Software
6010.43610	State: Social Services Adm.	\$5,000	6010.52230	Printing
6010.43610	State: Social Services Adm.	\$8,821	6010.52230	Professional Services

Explanation: The Department of Social Services and COFA have received another year's worth of "NY Connects" grant funding for their joint Single Point of Entry project. The approved budget includes the printing of educational and promotional materials, software licensing/support costs for a database used by both Departments' staff to track and co-ordinate client care, and funds for development of an easily-updateable website that will convert its contents on-demand into a current, printable version for reference.

**Office for the Aging**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6772.42705	Gifts and Donations	\$7,807	6772.54400	Program Expense

Explanation: Reappropriated money to be used in 2010 in Title III Program for the Community Health Foundation grant.

**SEQR ACTION: TYPE II-20**

**RESOLUTION NO. - 37 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT WITH C&S ENGINEERS FOR OBSTRUCTION LIGHTING - DESIGN AND BIDDING SERVICES - ITHACA TOMPKINS REGIONAL AIRPORT**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, by Resolution No. 11 of 2004, the Tompkins County Legislature approved an Obstruction Study at the airport that commenced in 2004 and was finalized in 2005, and

WHEREAS, said Obstruction Study identified a number of obstructions that need to be removed or mitigated, and

WHEREAS, some of the identified obstructions are in, or close to sensitive areas, and close attention must be paid to the potential impacts on the environment, and

WHEREAS, the Federal Aviation Administration (FAA) has agreed that obstructions in Sapsucker Woods, to the west of the approach to Runway 32 may be marked and lighted instead of being removed, and

WHEREAS, there is a need to design and site lighted obstruction markers in said location, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That a supplemental agreement to our general airport engineering agreement with C&S Engineers of Syracuse, NY, be approved in the amount of \$14,784 for said work and the financing of said contract is as follows:

Federal Aviation Administration (FAA) (95.0%)	\$ 14,044.00
New York State Department of Transportation (NYSDOT) (2.5%)	\$ 370.00
Local (Airport Operational Budget) (2.5%)	\$ 370.00
Total	\$ 14,784.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required documents,

RESOLVED, further, That the Finance Director be and hereby is authorized to make payments for this project until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION: TYPE 1**

(Negative Declaration and the full Environmental Assessment Form is on file in the Legislative Clerk's office)

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**RESOLUTION NO. 38 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT WITH C&S ENGINEERS FOR OBSTRUCTION LIGHTING - PART-TIME CONSTRUCTION OBSERVATION & ADMINISTRATIVE SERVICES AT THE ITHACA TOMPKINS REGIONAL AIRPORT**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, by Resolution No. 11 of 2004, the Tompkins County Legislature approved an Obstruction Study that commenced in 2004 and was finalized in 2005, and

WHEREAS, said Obstruction Study identified a number of obstructions that need to be removed or mitigated, and

WHEREAS, some of the identified obstructions are in, or close to sensitive areas, and close attention must be paid to the potential impacts on the environment, and

WHEREAS, the Federal Aviation Administration (FAA) has agreed that obstructions in Sapsucker Woods, to the west of the approach to Runway 32 may be marked and lighted instead of being removed, and

WHEREAS, once the markers have been designed and the contract bid, there is a need to oversee and administer the construction contract, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That a supplemental agreement to our general airport engineering agreement with C&S Engineers of Syracuse, NY, be approved in the amount of \$29,587.00 for said work and the financing of said contract is as follows:

Federal Aviation Administration (FAA) (95.0%)	\$28,107.00
New York State Department of Transportation (NYSDOT) (2.5%)	\$ 740.00
Local (Airport Operational Budget) (2.5%)	<u>\$ 740.00</u>
Total	\$29,587.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required documents,

RESOLVED, further, That the Finance Director be and hereby is authorized to make payments for this project until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION: TYPE 1**

(Negative Declaration and the full Environmental Assessment Form are on file in the Legislative Clerk's office)

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**RESOLUTION NO. 39 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT WITH C&S ENGINEERS FOR AIRCRAFT PARKING APRON EXPANSION - ENVIRONMENTAL, DESIGN, AND BIDDING SERVICES AT THE ITHACA TOMPKINS REGIONAL AIRPORT**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Airport's fixed base operator, Taughanock Aviation Corporation, has recently completed a three-phase replacement of their general aviation facility, and

WHEREAS, the original general aviation facility was de-constructed in 2008 to make room for much-needed aircraft parking, and

WHEREAS, the underlying ramp of the original general aviation facility, which has been in place since the 1940s, needs to be removed and the ramp area re-designed, and

WHEREAS, there is a need to do an environmental investigation of the ramp underlying the original general aviation facility to ensure the ground is free and clear of any contaminants, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That a supplemental agreement to our general airport engineering agreement with C&S Engineers of Syracuse, NY, be approved in the amount of \$102,701.00 for said work and the financing of said contract is as follows:

Federal Aviation Administration (FAA) (95.0%)	\$ 97,565.00
New York State Department of Transportation (NYSDOT) (2.5%)	\$ 2,568.00
Local (Airport Operational Budget) (2.5%)	<u>\$ 2,568.00</u>
Total	\$102,701.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required documents,

RESOLVED, further, That the Finance Director be and hereby is authorized to make payments for this project until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION: TYPE II-2**

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**RESOLUTION NO. 40 - AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION (FAA) GRANT TO PROVIDE DESIGN, BIDDING, CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES FOR AN OBSTRUCTION LIGHTING PROJECT; TO CONSTRUCT AN OBSTRUCTION LIGHTING PROJECT; AND FOR ENVIRONMENTAL, DESIGN AND BIDDING SERVICES IN RELATION TO AN AIRCRAFT PARKING APRON EXPANSION - ITHACA TOMPKINS REGIONAL AIRPORT**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the County has received a (Phase I) grant offer from the Federal Aviation Administration (FAA) in the amount of \$242,250 to accomplish design, bidding, construction, construction observation, environmental and contract administration services, as listed above, and

WHEREAS, the budgets for these projects are as follows:

FAA Share	(95.0%)	Account No. HT 5601.44592	\$ 242,250.00
New York State Department of Transportation			
(NYSDOT) Share	(2.5%)	Account No. HT 5601.43592	\$ 6,375.00
Local Share (Airport Budget)	(2.5%)	Account No. HT 5601.45031	<u>\$ 6,375.00</u>
Total			\$ 255,000.00

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the (Phase I) grant offer from the FAA of \$242,250 be and hereby is accepted and that the County Administrator be and hereby is authorized to execute the required documents.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 41 - AWARD OF BID - CONSTRUCT OBSTRUCTION LIGHTING PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT**

MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Finance Department advertised and received eight (8) bids for constructing obstruction lighting near the Sapsucker Woods bird sanctuary, and

WHEREAS, the Airport's engineering consultants, C&S Engineers of Syracuse, NY, have reviewed all the bids and found the lowest responsible bidder is B&H Taxilane Lighting Inc., of Conklin, NY, with a bid of \$ 101,725.00, and

WHEREAS, the Federal Aviation Administration (FAA) has reviewed the likely effect of this project on the environment and has issued a Finding of No Significant Impact (FONSI), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to B&H Taxilane Lighting Inc., of Conklin, NY, as the lowest responsible bidder with a bid of \$ 101,725.00,

RESOLVED, further, That the funding sources for this project are as follows:

FAA Share	(95.0%)	\$ 96,638.00
New York State Department of Transportation (NYSDOT) Share	( 2.5%)	\$ 2,543.00
Local Share (Airline Rates & Charges)	( 2.5%)	\$ 2,544.00
TOTAL		\$101,725.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute a contract with B&H Taxilane Lighting Inc., of Conklin, NY,

RESOLVED, further, That the Finance Director be and hereby is authorized to borrow monies if necessary, until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION: TYPE 1**

(Negative Declaration and Full Environmental Assessment Form are on file in the Legislative Clerk's office)

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**Appointment(s) Approved Under the Consent Agenda**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the following appointment(s) under the Consent Agenda.

**Soil and Water Conservation District**

Alan Teeter – Grange representative; term expires December 31, 2012

**Board of Health**

Erin Hall-Rhoades – Physician representative; term expires December 31, 2015

**Environmental Management Council**

Eric Banford – Town of Danby representative; term expires December 11, 2011

**Planning Advisory Board** – terms expire December 31, 2012

Pam Mackesey, County Legislator Delegate

**Regional Forest Practice Board** – terms expire December 31, 2011

Pat Pryor, County Legislator Delegate

Carol Chock, County Legislator Alternate

**Water Resources Council**

Carol Chock, County Legislator; term expires December 31, 2011

**Ithaca Downtown Partnership** - terms expire April 15, 2011

Leslyn McBean-Clairborne, Delegate

Tompkins County Legislature  
March 16, 2010

Frank Proto, Alternate

Personal Emergency Response Service Advisory Board  
David McKenna – County Legislator; term expires December 31, 2011

**Report and Presentation of Resolution(s) from the Planning, Development and Environmental Quality Committee**

Ms. Mackesey, Chair, reported the Committee met on March 3. In addition to the resolutions on this evening's agenda the Committee heard a report from Jackie Kippola on some of the programs the tourism funds are providing. The next meeting will be April 7<sup>th</sup>.

**RESOLUTION NO. 42 - RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUPPORT THE STATE'S FARMLAND PROTECTION PROGRAM AND ENVIRONMENTAL PROTECTION FUND**

MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote by members present.

WHEREAS, agriculture is a significant contributor to New York's economy, and  
WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York, and

WHEREAS, Tompkins County farms generate 60 million dollars in product sales, and  
WHEREAS, farms comprise 7 million acres of land in New York, roughly twenty-five percent of the state's land base, and

WHEREAS, Tompkins County farmers own and/or work thirty-two percent of the County's acreage, and

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York, and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry, and

WHEREAS, 26,000 acres of farmland are developed each year in New York, and

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans, and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans, and

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms, and

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008, and

WHEREAS, to date six Tompkins County farms have been awarded funding to protect over 1,900 acres, and

WHEREAS, funding for the Farmland Protection Program is allocated from the State's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a State Real Estate Transfer Tax (RETT), and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature does hereby urge State lawmakers to support New York's farmers, the State's agricultural economy and protection of valuable farmland by supporting

funding for the Farmland Protection Program and Environmental Protection Fund,

RESOLVED, further, That the Tompkins County Legislature does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's Fiscal Year 2010-11 Budget Proposal,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Temporary President Malcolm Smith, Senate Majority Leader Pedro Espada, Jr., Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator James Seward (51<sup>st</sup> District), Senator George Winner (53<sup>rd</sup> District), Senator Michael Nozzolio 54<sup>th</sup> District), Assemblywoman Barbara Lifton (125<sup>th</sup> District), and the American Farmland Trust.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 43 - ACCEPTANCE OF A NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY GRANT TO ESTABLISH A COUNTYWIDE RIDESHARE PROGRAM - ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL**

MOVED by Ms. Mackesey, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present.

WHEREAS, in 2009 the New York State Energy Research and Development Authority (NYSERDA) solicited competitive proposals for Energy Efficient Transportation Systems under Program Opportunity Notice (PON) 1554, and

WHEREAS, the Ithaca-Tompkins County Transportation Council (ITCTC) working together with representatives from Cornell University, Ithaca College, Tompkins Cortland Community College, Cornell Cooperative Extension, and the Tompkins County Department of Social Services as the *Tompkins County Rideshare Coalition* prepared a proposal for the PON 1554 grant to implement an automated countywide rideshare program available to anyone seeking to travel to, from and/or within Tompkins County, and

WHEREAS, the total project cost is \$179,000, of which the Tompkins County Rideshare Coalition is contributing \$65,000 of in-kind marketing and outreach, the software vendor is providing \$60,000 of cost-sharing, and NYSERDA has awarded an Energy Efficient Transportation Systems grant of \$54,000 to the ITCTC, serving as lead agency, towards the implementation of a three-year pilot automated rideshare program in Tompkins County, and

WHEREAS, the ITCTC was included as the lead agency in the NYSERDA grant application, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature accepts the NYSERDA Energy Efficient Transportation Systems grant of \$54,000,

RESOLVED, further, That the project budget is as follows:

8679.43089	Other State Aid	\$54,000
8679.54400	Program Expense	\$54,000

RESOLVED, further, That the County Contracts Coordinator is authorized to execute the NYSERDA grant award on behalf of Tompkins County,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign any contracts or agreements between the County of Tompkins and any third party necessary to complete the project.

**SEQR ACTION:** TYPE II-20

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**Report from the 2010 Complete Count Census Committee**

Ms. Mackesey, Chair, reported the “kick-off” event was held last Wednesday at the Public Library and went very well; she noted the phrase “Everyone Counts in Tompkins County” was spoken in 12 different languages. She announced Kevin Sutherland, along with representatives from the Census Bureau, have been very busy distributing literature. She also reported there is a huge effort underway in Collegetown.

### **Report and Presentation of Resolution(s) from the Budget and Capital Committee**

Mr. Dennis, Chair, made reference to a letter Mr. Mareane wrote to the County’s State representative on the 25 cent increase in the Mortgage Recording Tax and said a copy has been provided to all Legislators. Mr. Dennis said he, along with Mr. Proto, Ms. Kiefer, and Mr. Mareane met with Assemblywoman Lifton a few days ago to discuss a variety of topics. Ms. Lifton had her staff inquire about the State grant funds for Lakeside Nursing Home that will be used towards payment of back taxes. Ms. Lifton informed those present that the process is moving forward and grant funds should be released soon. Mr. Dennis said this is good news as the loss of those funds could have severe budget implications for the County.

Mr. Dennis announced the March 22<sup>nd</sup> Committee meeting has been canceled.

### **RESOLUTION NO. 44 - OPPOSING PROPOSED STATE BUDGET CUTS TO COMMUNITY COLLEGES AND CHANGES TO TUITION ASSISTANCE PROGRAM**

MOVED by Mr. Dennis, seconded by Ms. Herrera, and unanimously adopted by voice vote by members present.

WHEREAS, Tompkins Cortland Community College (TC3) and other New York community colleges continue to experience a strong demand on the part of students, their parents, and others in our community who rely on community colleges for educational programs to upgrade their skills for employment purposes, to retrain for different workforce and employment opportunities, and to prepare for transfer to four-year institutions, and

WHEREAS, TC3 has grown nearly 100 percent in enrollment over the course of the last 13 years and in fall 2009 experienced a 14 percent growth in enrollment, and in spring 2010 an additional 11 percent growth in enrollment, and

WHEREAS, this demand for TC3’s services requires that they provide a high quality, cost-effective range of academic programs to meet our local workforce needs and economic development demands, and

WHEREAS, State support for our community colleges has remained at the same level for three years in a row and during the current budget year, that rate was decreased by \$130 per full-time student (a five percent cut) during the middle of the academic year, and

WHEREAS, the Governor’s proposed 2010-2011 budget further reduces the base aid to community colleges by \$285 per full-time student, for a total cut of 15.5 percent over the 2009-2010 budget year, and

WHEREAS, the total impact of the combined cuts is more than \$1.6 million in lost revenue for TC3 for 2010-2011, and

WHEREAS, the Governor’s proposed 2010-2011 budget cuts the maximum award for the State’s Tuition Assistance Program (TAP), a program on which nearly 80 percent of TC3’s students rely to help them to pay for tuition, and

WHEREAS, the impact of the Governor’s proposed cuts potentially reduces access for students to attend community colleges, as well as their access to higher education, so vitally needed in this time of economic uncertainty, and

WHEREAS, the proposed cuts would have a devastating impact on TC3’s ability to sustain instructional, academic, and nonacademic support services to their students and our community, now

therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature strongly encourages New York State to restore the Governor's proposed \$285 per FTE cut to our community colleges,

RESOLVED, further, That the Tompkins County Legislature strongly advocates for the restoration of the proposed cuts and changes to the State's Tuition Assistance Program,

RESOLVED, further, That copies of this resolution shall be sent to Governor David Paterson, Senate Majority Leader Pedro Espada Jr., Assembly Speaker Sheldon Silver, Senator James L. Seward, Senator George H. Winner, Jr., Senator Michael F. Nozzolio, Representative Maurice Hinchey, Representative Michael A. Arcuri, and Assembly Woman Barbara S. Lifton.

**SEQR ACTION:** TYPE II-20

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### **Report from the Public Safety Committee**

Mrs. McBean-Clairborne, Vice Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be April 5. Mrs. McBean-Clairborne spoke of the stressful duties of public safety personnel throughout the County lately and the impact their work has on them. She expressed the County's support for each of them.

### **Report from the Workforce Diversity and Inclusion Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on March 24<sup>th</sup>.

### **Report and Presentation of Resolution(s) from the Health and Human Services Committee**

Mr. Proto, Chair, reported on the receipt of a FEMA (Federal Emergency Management Agency) grant in the amount of \$40,000 that was received and distributed among 14 different organizations that do food distribution. He said he expects the Committee to review proposed changes to the Board of Health bylaws at its next meeting. Lisa Holmes, Director of the Office for the Aging, has also updated the Committee on grants the Department will be receiving. Mr. Proto also reported on the prescription Drug Collection Program offered by TCAT and said it took place on March 6<sup>th</sup>. The event went well; there were 509 individuals who visited the drop-off event and avoided disposal of prescription medicines in the County's water system. Lastly, Mr. Proto announced a liaison vacancy for a Legislator on the Office for the Aging Advisory Committee.

### **RESOLUTION NO. 45 - OPPOSING GOVERNOR PATERSON'S PROPOSED CUTS IN FUNDING FOR LOCAL HEALTH DEPARTMENTS**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present.

WHEREAS, Governor Paterson has submitted his budget recommending several reductions and shifts in funding affecting local health departments, and

WHEREAS, proposals to reduce or shift Article 6 (state aid) reimbursement for certain services that have been labeled as "optional" will significantly impact services provided to communities by the local health department, and

WHEREAS, elimination of Article 6 state aid for Home Health Care, with the exception of those sole providers in a county, may impact access to care where the public certified home health agency provides needed care to the most vulnerable and hard-to-reach populations, and

WHEREAS, certified home health agencies are facing significant reductions at the state and

federal level as well as from insurance providers, and

WHEREAS, home health care is a solution to health care efficiency by helping patients avoid more costly services, hospitalization and nursing homes, and honoring the patients wish to remain at home, and

WHEREAS, use of home health services saves Medicaid dollars, and

WHEREAS, the Governor also proposes a shift of funding for the Medical Examiner program, an entitlement program under the New York State Department of Health (NYSDOH), to an undefined program under the New York State Department of Criminal Justice Services (DCJS), and

WHEREAS, although the funding for this service is transferred and not reduced in the 2010-11 budget, it is unclear what commitment DCJS will make to fully fund Medical Examiners in the future, and

WHEREAS, if the funding is moved from an entitlement program to a block grant program, sustained funding for Medical Examiners may be jeopardized, and

WHEREAS, it is critical that Medical Examiners, who are responsible for investigating the deaths of persons who might be involved in the criminal justice system or who might be in the custody of state or local government, be independent from law enforcement, and

WHEREAS, local health departments should be funded in ways that allow for discretion and flexibility in addressing local public health priorities, which can vary widely from county to county, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Tompkins County Legislature hereby requests Governor Paterson and the New York State Legislature eliminate the proposed reductions and shifts in Article 6 reimbursement,

RESOLVED, further, That the Governor and Legislature re-affirm support for local Medical Examiners as part of the local Health Department and maintain funding support through Article 6,

RESOLVED, further, That copies of this resolution be sent to Governor David Paterson, Senator James Seward, Senator Michael Nozzolio, Senator George Winner, Assemblywoman Barbara Lifton, and other interested Senator's and Assemblymen, New York State Association of Counties, and New York State Association of County Health Officials (NYSACHO).

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 46 - APPROPRIATION FROM CONTINGENT FUND FOR  
REPLACEMENT PAY – MENTAL HEALTH DEPARTMENT**

It was MOVED by Mr. Proto, seconded by Ms. Pryor. A short roll call vote resulted as follows:  
Ayes – 13, Noes – 0, Excused – 2 (Legislators Kiefer and Shinagawa).

WHEREAS, during 2009, three Mental Health employees were paid disability pay for more than two months, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay to the department from the Contingent Fund for those days exceeding the two months, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.5440	Contingent Fund	\$ 17,770.26
TO:	A4311.51000591	Salary - Community Mental Health Nurse	\$ 4,661.78
	A4335.51000562	Salary - Caseworker	\$ 4,668.77
	A4312.51000621	Salary -Continuing Day Treatment Specialist	\$ 8,439.71

**SEQR ACTION:** TYPE II-20

**Report from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Vice Chair, reported the Committee met on March 5 and discussed a number of items. The Committee received a report on the construction project at Brown Road; all of the tiling needs to be removed and this will delay the move date by two to three months. The Committee discussed the Red Mill Road Bridge and was told by Mr. Marx that an alternative approach to NYSDOT (New York State Department of Transportation) would be to seek permission to allow the County not to proceed rather than submit a new detailed design.

Ms. Eckstrom, Solid Waste Manager, had reported to the Committee that she expected a \$500,000 loss in revenues because of the decline in the commodities market. She informed the Committee that the loss was about \$335,000 because of reductions already made to the operating budget. The Committee also reviewed a draft Request for Proposals for hauling services and discussed the new Solid Waste Management Act.

Mrs. McBean-Clairborne said a number of resolutions pertaining to the Airport are reflected on the agenda.

Ms. Herrera said she wasn't aware until the public hearing this evening of the extent of public concerns that still exist over the Hanshaw Road project and hopes the Facilities and Infrastructure Committee and full Legislature will find ways to learn more about the concerns that have been raised.

Mrs. McBean-Clairborne said she heard from the Chair earlier that all of the comments, written documents, and exhibits will be collected and sent to staff and others who are looking at this. She said there were many more comments made this evening than what she has heard before.

Mr. Stein asked if staff would be responding to the comments made this evening. He said during the public hearing he heard a range of complaints over the competency of how the Public Works Department handled the rights-of-way for the Hanshaw Road project and would like an explanation as to how the right-of-way was calculated.

Mr. Wood said it is not the County's legal responsibility to respond to each question. However, he would recommend a response to the concerns that were raised this evening in the event it is necessary to proceed with eminent domain.

**RESOLUTION NO. 47 - AUTHORIZATION TO EXECUTE A CONTRACT WITH BARTON AND LOGUIDICE, P.C., FOR DESIGN SERVICES – PINE TREE ROAD BIKE AND PEDESTRIAN PATHS (PIN 3950.43), TOWN OF ITHACA**

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Pryor.

Reference was made to a map and discussion followed concerning the map and the project area. Mr. Robison asked what the total project cost was. An answer was not known; however, Ms. Robertson said the Ithaca-Tompkins County Transportation Council and Planning Department wrote a proposal and received federal funding for the project.

Ms. Chock said she spoke briefly with Mr. Sczesny about the exact location of this and was told there has been some confusion with this because a portion of the Road used to be called Judd Falls Road. The entire area is a particularly dangerous area for pedestrians and bicyclists. Mrs. McBean-Clairborne clarified this only deals with Pine Tree Road.

Mr. Lane Called the Question, seconded by Mr. Dennis. A voice vote on calling the question resulted as follows: Ayes – 11, Noes – 2 (Legislators Chock and Herrera); Excused – 2 (Legislators Kiefer and Shinagawa). THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Kiefer and Herrera). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 127 of 2009 authorized an agreement with the State of New York whereby Federal sources will furnish approximately 72% of the funding necessary for design and construct the Pine Tree Road Bike and Pedestrian Paths Project (PIN 3950.43), and

WHEREAS, Barton and Loguidice, P.C., is one of 5 engineering consultants that New York State Department of Transportation (NYSDOT) and the New York State County Highway Superintendents Association have fully qualified and authorized for such work on Locally-Administered Federal-Aid projects in Tompkins County, and

WHEREAS, Barton and Loguidice, P.C., has been recommended by the project selection committee to provide design and right-of-way support services for the project by a committee of Town, Cornell University, and County Highway staff, representing the parties responsible for the local share of the project cost, and

WHEREAS, the County Highway Manager has recommended Barton and Loguidice, P.C., as best qualified to provide design and right-of-way support services for the project and NYSDOT has approved this selection, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a contract with Barton and Loguidice, P.C., of 290 Elwood Davis Road, Box 3107, Syracuse, NY, for design and right-of-way support services in connection with the referenced project for an amount not to exceed \$154,000,

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed 5% of the aforementioned contract amount, funds to be provided from the Pine Tree Road Pedestrian Project Capital Account (HZ 5103.59239.53.15).

**SEQR ACTION: TYPE II- 21**

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### **Report from the Capital Plan Review Committee**

Ms. Robertson, Chair, reported the Committee met on March 11<sup>th</sup>. At the next meeting on April 8 Gary Ferguson from the Ithaca Downtown Alliance will be speaking about the concept of a joint City and County office space. There will also be discussion of long-term needs of the Public Safety Building.

### **Report and Presentation of Resolution(s) from the Government Operations Committee**

Mr. Lane, Chair, reported the Committee met briefly before this meeting to consider the resolution pertaining to broadband; the next meeting will be March 18<sup>th</sup>.

### **RESOLUTION NO. 48 - APPOINTMENT OF TEMPORARY BOARD OF ASSESSMENT REVIEW HEARING MEMBERS TO SERVE ON ADMINISTRATIVE HEARING PANELS**

MOVED by Mr. Lane, seconded by Mr. Dennis.

Mrs. McBean-Clairborne reiterated concerns she has expressed in the past about the limited amount of recruitment there has been for the appointments. Ms. Herrera suggested notifying the Legislature in advance of these appointments needing to be made in order to allow time for Legislators to

do some outreach. Mr. Lane noted the individuals serving on this panel have very specialized qualifications.

A voice vote on the resolution resulted as follows: Ayes – 11, Noes – 2 (Legislators Mackesey and Herrera); Excused – 2 (Legislators Kiefer and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, Real Property Tax Law 523-a permits the County Legislature to appoint up to six Temporary Board of Assessment Review members to serve on Administrative Review Panels, and

WHEREAS, Real Property Tax Law 523-a permits the compensation of Temporary Board of Assessment Review Members, and

WHEREAS, the following six members have served on these panels in previous years and wish to continue their service, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That six Temporary Board of Assessment Review Members, namely Jan deRoos, Edward Laine, Robert Walpole, Michael Cannon, Susan Lustick and Judy VanNest be appointed to serve on Administrative Review Panels,

RESOLVED, further, That Temporary Board of Assessment Review members be compensated at a maximum annual compensation of \$250.00 each.

**SEQR ACTION:** TYPE II-20

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### **Minutes of March 2, 2010**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, to approve the minutes of March 2, 2010. A voice vote resulted as follows: Ayes – 12, Noes – 1 (Legislator Dennis); Excused – 2 (Legislators Kiefer and Shinagawa). MINUTES APPROVED.

### **Executive Session**

It was MOVED by Mr. Dennis, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, to enter into executive session at 9:28 p.m. to discuss real estate negotiations. The meeting returned to open session at 9:45 p.m.

### **Adjournment**

On motion the meeting adjourned at 9:45 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office