

**REGULAR MEETING  
FACILITIES AND INFRASTRUCTURE COMMITTEE  
TUESDAY, JUNE 12, 2007  
3:30 P.M. - SCOTT HEYMAN CONFERENCE ROOM**

Present: K. Luz Herrera, Chair; G. Stevenson; P. Mackesey; D. Kiefer; D. Randall  
Staff: E. Marx, Commissioner of Planning and Public Works; D. Ellis, Weights and Measures;  
J. Wood, County Attorney; W. Sczesny, Highway Manager; A. LeMaro, Facilities  
Director; G. Potter, Information Technology Services Director; C. Nelson, Public Works  
Administrator; D. Squires, Finance Director; B. Eckstrom, T. Richardson, K. Thompson,  
Solid Waste Division; K. Fuller, Deputy Clerk  
Legislators: T. Joseph  
Guests: N. Joch, Uniform Court System; R. Oechsle, Sixth Judicial District; Robert Mulvey,  
Supreme Court

**Call to Order**

Ms. Herrera, Chair, called the meeting to order at 3:31 p.m.

**Agenda Additions or Deletions**

There were no additions to or deletions from the agenda.

**Persons Wishing to Address the Committee**

Ms. Vicky Jordan, of 1994 Peruville Road, McLean, provided a written statement regarding work being undertaken by the Highway Division. The statement, on file in the Legislature offices, expresses concern regarding who would be responsible and/or liable for a buried pipe and drainage extending from the road across her property. Ms. Jordan stressed that the pipe was unknown to either her or her grandparents who previously resided at that address. As it appears the pipe is strictly for road drainage, she does not believe that the repair/replacement costs in the amount of \$600 - \$800 should be hers. Although she was informed that there would be no charge at this time she stated: “It’s hard for me to believe that one homeowner would be responsible for the road drainage instead of the County, so I’m asking that this area be looked at and reconsidered as to what should be done with the drainage pipe to the “wetland” and how and if it can be incorporated into the blueprints.”

Ms. Jordan shared photographs taken of the work referred to. She noted that the distance between the pipe and the drainage ditch is approximately seventy feet.

Ms. Herrera indicated that she would like the opportunity to review the matter to determine the appropriate course. Ms. Kiefer asked about the areas referred to as “wetlands”. Ms. Jordan said that “wetlands” is how a specific area was referred to in the 1960 blueprints, and it appears that the same type of drainage is being undertaken. Mr. Randall reported that the round basin has several pipes, perhaps at least three, entering it; the largest concern is who’s responsible for the pipe from the catch basin into the “wetland” area. Ms. Herrera recalled Mr. Sczesny had said at a previous meeting that items such as this are reviewed on a case-by-case basis; although this situation and documentation may have a convincing power, she feels that speaking to the Highway Division directly could possibly yield a solution. *Mr. Stevenson requested that the Committee receive an update on this situation at a future meeting.* Mr. Marx reiterated that standard practice is that the Highway Division does not do work outside of a right-of-way area without an easement; therefore work inside of an easement area is the County’s responsibility and work outside of the easement is the landowner’s responsibility.

**Chair's Report**

Ms. Herrera did not have a report.

**State Court System – Space Needs**

Mr. Oeschle, Executive Assistant to the Administrative Judge of the 6<sup>th</sup> Judicial District, distributed a copy of the memorandum from Judge O'Shea regarding the Court's space needs. He said that the Court has requested additional space over the past ten to twelve years; now Judge O'Shea is formally requesting that the County take action.

Mr. Oeschle introduced Supreme Court Judge Mulvey who addressed the Committee on the topic. He spoke of having the experience of being on the bench for the past 6.5 years. Judge Mulvey said the judges met to discuss their individual space needs. At that time they directed that their representative in the Office of Court Administration and Judge O'Shea to communicate this information to the County, and the memo from Judge O'Shea captured the needs expressed at their meeting. Although space issues have been ongoing, he spoke specifically of the need to have waiting rooms and space for overall operations, sharing experiences of having repeated interruptions due to the noise levels of individuals assembled in the hallway awaiting court. Mr. Mulvey believes there should be separate waiting areas for the various courts held within the building. He also spoke of concerns with security and maintaining order when prisoners are brought to court as well. Judge Mulvey said it is a very difficult situation within the courthouse at present to be certain that all operations are functioning and that safety can be maintained.

At this time Mr. Oeschle reviewed the contents of Judge O'Shea's memorandum and stated a request has been made for a Request for Proposals to be done immediately for professional architecture and engineering services to work with the County and Sixth Judicial District, to develop a plan for how the courts may most efficiently and effectively utilize space.

Mr. Joseph said that upon receipt of the memorandum from Judge O'Shea he met with County Administrator Whicher and Commissioner of Planning and Public Works Marx to discuss the matter. He noted that there appears to be a misunderstanding by the court system with regard to the issue of the County not planning to do anything until 2018, and in fact, that is not the case. Mr. Joseph said that the County is actively working on moving the Office for the Aging to another location and presently are looking at three different options; noting the space would be ready for occupancy within 18 to 24 months. Mr. Joseph then noted he is not certain that a Request for Proposals is the right process; that conversations with the court on how to reconfigure space when available could be sufficient. Mr. Joseph said he understands the need, which is one of many needs the County is facing. Mr. Joseph will defer to County staff to decide whether an RFP is in order or should it just be worked out with the court representative.

Ms. Mackesey said she has been part of previous discussions regarding court space needs; and that there has been progress and continued discussions on relocating the Office for the Aging. She suggested that the court system and County could stay in communication about the steps as they proceed. Mr. Oeschle noted, for the record, that if and when they apply the court space facility guidelines for space requirements, he believes that they will identify court space needs that far exceed the space available in the Office for the Aging. He said he would relay Mr. Joseph's statements to Judge O'Shea, however expressed his belief that since it has already been a lengthy waiting period, he does not think that an additional 18 to 24 months before occupancy would show sufficient progress. Mr. Oeschle stressed the intent of the memorandum, and the requests contained within, was clearly to receive an immediate response from the County indicating the appropriate concern and attention to this issue.

Ms. Kiefer spoke of her recent appointment to the Board of Trustees for the Supreme Court Library, and noted that this topic was discussed at there meeting, where she reported on the County's very serious search and prospects to relocate the Office for the Aging. An item noted at that meeting was an existing schematic with ideas regarding reconfiguration of the area, which she requested but has not yet received. Mr. Oeschle said that a professional architectural engineer should prepare proposals to not only reconfigure the Office for the Aging space, but to do so for the area presently occupied by the court system.

Mr. Marx reported that the County is looking at various options including working with a developer in the city working on a multi-tenant building. However, because of delays on that particular project, the County is also looking elsewhere to have other options within the 18-24 months noted. He said that when seeking space that is requiring construction it is difficult to control the timeframe, particularly when it is outside of ones purview. Since the County will have to partner with someone rather than construct a building, we will have to wait for occupancy. Mr. Marx then spoke of the other areas occupied by the County within the courthouse, noting that they are in the longer-range plan to move within a ten to fifteen year timeframe.

Ms. Herrera noted the County is taking the matter very seriously, and will discuss options. She stressed the importance of keeping the relationship between parties positive.

Mr. Oeschle spoke to the Committee regarding facility requests the State is making.

### **Chair's Report**

Ms. Herrera did not have a report.

### **Report from the Commissioner of Planning and Public Works**

#### Airport Public Hearing

Mr. Marx reported that there will be a public hearing on June 26<sup>th</sup>, 4:00 p.m. to 6:00 p.m., regarding the airport obstruction removal project.

#### Air Service Board

Mr. Marx provided an update on the search to locate an individual or firm to do the work previously completed by Mr. Hamilton, of Cornell University. Following the RFQ, one firm, Courtney Consulting, responded and an interview has occurred. A formal proposal has been requested.

### **2007 Rollover Requests**

#### Facilities

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously approved by voice vote by members, to approve the 2007 rollover fund request for Facilities for the purchase of eight computers and funding to assist in the purchase of a maintenance van. It was noted that the Information Technology Services department recommended the computer purchases.

#### Weights and Measures

It was MOVED by Ms. Mackesey, seconded by Mr. Stevenson, and unanimously approved by voice vote by members, to approve the 2007 rollover fund request for Weights and Measures to purchase an 8 x 10 enclosed trailer. Ms. Kiefer noted that she was pleased to see the additional funds being set aside for planned equipment replacement.

Information Technology Services

It was MOVED by Mr. Stevenson, seconded by Ms. Mackesey, and unanimously approved by voice vote by members, to approve the 2007 rollover fund request for Information Technology Services for use in providing the internet service provider-upgrade and the purchase of a used vehicle from the Sheriff's Division. Mr. Potter noted that the balance of rollover he would like to utilize to cover the anticipated wage and fringe increases in his department.

Highway Division

Ms. Herrera shared the information provided by Ms. Jordan earlier in the meeting with Mr. Sczesny, noting that Ms. Jordan was advised to speak directly with the appropriate personnel to determine how to resolve the issue. She also reported that Mr. Marx had provided information on the County's stand regarding rights-of-way and liability. Ms. Kiefer addressed her concern regarding the portion of the discussion that was referred to as a "wetland". She said it appears that at the time the initial work was completed a different County policy may have been in place; however she would like assurance that the County policy does not allow drainage to be constructed in the same manner. Mr. Sczesny described the area in question, noting that it is an open ditch leading into a depressed area referred to as a wetland. He said the site is one where a previous owner had completed the work, rather than the County. *Ms. Kiefer would like more details on the drainage site.*

Road Swaps

**RESOLUTION NO. - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING BUNDY ROAD TO THE TOWN OF ITHACA**

It was MOVED by Ms. Mackesey, seconded by Mr. Stevenson, to recommend approval of the following resolution to the full Legislature. Ms. Kiefer asked for an explanation of the manner the Short Environmental Assessment Form was completed. Mr. Marx said that the purpose of the EAF was to indicate the complete action, therefore, both actions were included in the document; however, it was thought that having the separate resolutions clearly specifying the particular actions taking place was more appropriate.

Ms. Kiefer expressed her belief that in making the road swaps there should be reference to it being part of a swap as well as an indicator of assurance within the resolution that the roads are up to the County standards. Following discussion, Mr. Wood said the purpose of the resolution is to clarify what is and is not within the County road system. If a road is in the County road system there are legal definitions that outline the County's obligations; if a road is not within the County road system, the County is not liable.

A voice vote on the resolution resulted as follows: Ayes – 4 (Legislators Herrera, Kiefer, Stevenson and Randall); Noes – 0; Excused – 1 (Legislator Mackesey temporarily out of room).  
RESOLUTION ADOPTED.

WHEREAS, the Town of Ithaca has been notified of and concurs with amending the County Road System by abandoning Bundy Road, County Road 138, to the Town of Ithaca ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted  
(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM  
BY ABANDONING BUNDY ROAD TO THE TOWN OF ITHACA**

It was MOVED by Mr. Stevenson, seconded by Mr. Randall, to recommend approval of the following resolution to the full Legislature. Ms. Kiefer reiterated her desire to include within the body of the resolution a reference to the fact that the resolution is done as part of a road swap, offering the following language: "WHEREAS, this abandonment is part of an agreed upon "road swap" as described in the accompanying Environmental Assessment Form for Resolution No. \_\_\_\_\_ of 2007". She also requested language characterizing the state of the road, and that fact that we are accepting it as is and will then maintain it as part of the County road system. Following a brief discussion, it was found acceptable to add the language referring to the action being part of the road swap, however, the suggestion to provide information on the character of the road was not accepted as friendly. Ms. Kiefer noted that she had requested specific language referring to road conditions at a previous meeting, which is why she again requested it.

A voice vote on the Motion resulted as follows: Ayes – 5; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Bundy Road (County Road 138, approximately 2.19 miles), in the Town of Ithaca, as set forth below, be removed from the map of the Tompkins County road system (the "Action"), and

WHEREAS, this abandonment is part of an agreed upon "road swap" as described in the accompanying Environmental Assessment Form for Resolution No. \_\_\_\_\_ of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ithaca has been notified of and concurs with the recommendation of the County Highway Manager to abandon Bundy Road to the Town of Ithaca, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that Bundy Road be removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Ithaca,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ithaca reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION:** UNLISTED  
(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - DETERMINATION OF A NEGATIVE DECLARATION OF  
ENVIRONMENTAL SIGNIFICANCE IN RELATION TO  
AMENDING THE COUNTY ROAD SYSTEM BY ADDING  
BURNS ROAD AND A SECTION OF GAME FARM ROAD IN  
THE TOWN OF ITHACA**

It was MOVED by Ms. Mackesey, seconded by Mr. Randall, to recommend approval of the following resolution to the full Legislature. Ms. Kiefer inquired whether there is anticipated growth mentioned as would be covered in a long-form EAF. Mr. Marx indicated that the classification is

determined by usage; since only jurisdiction is changing rather than the classification changing, therefore there would not be any effect regarding growth. A voice vote on the motion resulted as follows: Ayes – 5; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Town of Ithaca has been notified of and concurs with amending the County Road System by adding Burns Road and a section of Game Farm Road in the Town of Ithaca (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ADDING BURNS ROAD AND A SECTION OF GAME FARM ROAD IN THE TOWN OF ITHACA**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Burns Road and a section of Game Farm Road, both in the Town of Ithaca, as set forth below, be added to the map of the Tompkins County road system (the “Action”), and

WHEREAS, this addition is part of an agreed upon “road swap” as described in the accompanying Environmental Assessment Form for Resolution No. \_\_\_\_\_ of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ithaca has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that the section of Game Farm Road from the Town of Ithaca-Dryden Town Maintenance Jurisdictional Boundary to Ellis Hollow Road, being a distance of 0.4 miles, shall become a part of County Road 173, and Burns Road, being a distance of 1.14 miles, shall become County Road 116, and be added to the map of the Tompkins County road system to be maintained by Tompkins County,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ithaca reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION:** UNLISTED

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING FALLS ROAD AND AGARD ROAD TO THE TOWN OF ULYSSES**

It was MOVED by Mr. Randall, seconded by Mr. Stevenson, and unanimously adopted by voice vote of members, to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the Town of Ulysses has been notified of and concurs with amending the County Road System by abandoning Falls Road and Agard Road, County Roads 143 and 144, respectively, to the Town of Ulysses (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING AGARD ROAD AND FALLS ROAD TO TOWN OF ULYSSES**

It was MOVED by Mr. Randall, seconded by Ms. Mackesey, to recommend approval of the following resolution to the full Legislature. A voice vote on the motion resulted as follows: Ayes – 4; Noes – 1 (Legislator Kiefer). RESOLUTION ADOPTED. Ms. Kiefer noted that her vote reflects a desire for Falls Road to remain within the County system due to its natural beauty.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115-b of the Highway Law, that Agard Road (County Road 144, approximately 1.41 miles), and Falls Road (County Road 143, approximately 1.58 miles), in the Town of Ulysses, as set forth below, be removed from the map of the Tompkins County road system (the “Action”), and

WHEREAS, this abandonment is part of an agreed upon “road swap” as described in the accompanying Environmental Assessment Form for Resolution No. \_\_\_\_\_ of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ulysses has been notified of and concurs with the recommendation of the County Highway Manager to abandon Agard Road and Falls Road to the Town of Ulysses, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that Agard Road and Falls Road be hereby removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Ulysses,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ulysses reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING IRADELL ROAD EXTENSION AND A SECTION OF KRUMS CORNERS ROAD IN THE TOWN OF ULYSSES**

It was MOVED by Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote of members, to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED. It was clarified that the proper name of the road is “Krum Corners”, not Krum Corner as noted in the EAF. This will be corrected.

WHEREAS, the Town of Ulysses has been notified of and concurs with amending the County Road System by adding Iradell Road Extension and a section of Krums Corners Road in the Town of Ulysses (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION: Unlisted**

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ADDING IRADELL ROAD EXTENSION AND A SECTION OF KRUMS CORNERS ROAD IN THE TOWN OF ULYSSES**

It was MOVED by Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote of members, to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Iradell Road Extension and a section of Krums Corners Road, in the Town of Ulysses, as set forth below, be added to the map of the Tompkins County road system (the “Action”), and

WHEREAS, this addition is part of an agreed upon “road swap” as described in the accompanying Environmental Assessment Form for Resolution No. \_\_\_\_\_ of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ulysses has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, Krums Corners Road, from the intersection of

Trumansburg Road (NYS Route 96) to Iradell Road (County Road 177), being a distance of 0.44 miles, shall become a part of County Road 172, and Iradell Road Extension, being a distance of 0.2 miles, shall become County Road 177A, and be added to the map of the Tompkins County road system to be maintained by Tompkins County,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ulysses reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

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Budget Adjustment

Mr. Sczesny said that bringing 2006 rental rates into line provided the additional funding required to offset ice removal operating expenses. He explained that the County “rents” the County-owned equipment, providing reimbursement to allow for equipment replacement. The last time the formula was amended to State levels was in 2003.

It was MOVED by Ms. Mackesey, seconded by Ms. Keifer, and unanimously adopted by voice vote of members, to recommend approval of the following budget adjustment to the full Legislature.

**Highway**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
D Fund	Fund Balance	\$100,000	5142.54424	Equipment Rental

Explanation: Increased weather-driven snow and ice operating expenses have resulted in a negative balance for equipment rental. 2006 rental rates were brought into line with New York State Department of Transportation’s rates, resulting in an increase in overall equipment rentals.

Spring Street Bridge Rehabilitation Award

Mr. Sczesny reported that the bid came in five percent higher than the engineer’s estimate, making it \$2,500 over budget. He stated that he has the ability to transfer funding from the capital bridge budget to this project. In response to inquiries on the bid, it was noted only one firm, Slate Hill, of Warners, New York, submitted a bid that was thought to be the result of being in the middle of the bridge construction season. Mr. Sczesny stated that although the County has not previously contracted with this firm, they have done extensive work for the State and other municipalities. The total cost of the project will be \$567,485 and is not a bonded account.

Mr. Sczesny also reported that the McLean Road project is moving forward, with the last easements having been signed. Due to the time, he will send it out to bid in the fall to provide for more competitive bidding.

Capital Payment Summary Report

The Committee received a written report and noted the following:

- McLean-Cortland Road – the \$9,600 noted on the report is for final payment of rights-of-way associated with the project.
- Warren Road Project – the \$4,500 noted on the report is for payment to the final one of twenty-nine landowners requiring rights-of-way associated with the project.
- Solid Waste Conveyor – the \$89,682.40 noted on the report is the final payment for the equipment, which has been tested and is fully operational.

Solid Waste Division

Budget Transfer

Ms. Eckstrom noted that the form was incorrectly entitled as a budget adjustment; it is a budget transfer and does not require action. She reported that a present van owned by the division is being

provided to the Facilities Division. Solid Waste is then purchasing the first hybrid vehicle within the County to be used in conjunction with educational events and transporting materials. A brief discussion occurred and it was suggested that the Public Information Officer highlight the event. The Committee expressed appreciation for making this green purchase.

***Solid Waste***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
CL8160-54442	Professional Services	\$12,000	CL8163.52231	Vehicles
CL8166-54442	Professional Services	\$ 8,500	CL8163.52231	Vehicles
CL8168-52206	Computer Equipment	\$ 2,000	CL8163.52231	Vehicles
CL8168-52210	Office Equipment	\$ 2,000	CL8163.52231	Vehicles
CL8168-54442	Professional Services	\$ 3,500	CL8163.52231	Vehicles

Explanation: \$28,000 needed for Ford Escape Hybrid

Compact Fluorescent Lightbulb (CFL) Report

Ms. Eckstrom referred to a written report provided to the Committee regarding education and proper disposal of compact fluorescent lightbulbs. She reported that Solid Waste has been accepting the CFL's and due to an apparent need to expand on disposal information she is expanding on the education currently taking place, including advertising, bookmarks with information, etc. Mr. Marx asked that this information be relayed during Ms. Herrera's report to the Legislature to clarify information he felt was erroneously reported by another Legislator during a televised public meeting. Ms. Kiefer noted that presently it is up to an individual to dispose of their CFL and that it may be beneficial to pass legislation requiring that CFL's be disposed of at the Recycling Center. Ms. Eckstrom expressed her strong belief that it is better to educate the public before considering a mandate regarding CFL's; the 2008 work plan could include various methods to do so. She further noted the difficulty that results when a regulation is put into place that is not possible to enforce. Ms. Eckstrom stated that the high-usage of the recycling facility and household hazardous waste events clearly indicate the community's desire to recycle in a responsible manner. Mr. Richardson shared information that Onondaga County has recycle bins at retail stores for CFL's. Ms. Eckstrom agreed that it would be a good idea and indicated that she has been working on green practices with retailers who may be willing to do so.

Flow Control

Ms. Herrera thanked the authors of the memorandum, saying it helped her to understand what flow control is and various legal aspects about it as well as the history.

Mr. Wood, County Attorney, reviewed the May 29, 2007, memo prepared for Committee members by him, Mr. Squires, Finance Director, and Ms. Eckstrom, Solid Waste Manager. The memo explained the term "flow control", a practice in which a municipality adopts a law which requires all waste generated within the municipality to be delivered to a particular facility; early legal decisions regarding lawsuits regarding flow control, and the ramification of the recent case of United Haulers v. Oneida-Herkimer Solid Waste Management Authority which reversed earlier case law. Subsequent to analyzing the case as well as the financial and operational aspects, all three were in agreement that although the Supreme Court decision would allow the County to actively enforce its flow control law, there are good reasons not to do so; they do not recommend that the County rely on flow control as a source of income.

Mr. Squires emphasized that in the 1990's funding for Solid Waste was solely from a charge assessed for disposal garbage of \$165/ton, which was not in line with the market. As a result of the fee, haulers would not use our facility, and some would use our facility but not pay the fee. The Solid Waste operations at that time were paid out of the General Fund, thus creating a \$1.3 million loss and affecting the County's liquidity. The haulers owing funds to the County did pay some of the funds, with one of them going through bankruptcy and paying \$.30 on the dollar. Mr. Squires reported that in 1992 the County established a different means and passed a sales tax to assist in making up the loss. He noted that it was clear that market conditions for solid waste prevailed and that to make flow control successful it

was necessary to work with the industry. A user fee was established to capture a broader market rather than a property tax that would not capture some not-for-profit use. Mr. Squires said due to the size of the local market it is not a worthwhile task to undertake.

Ms. Eckstrom spoke of her 21-year experience, stating that she would be deeply concerned if the County were to adopt flow control; it would unravel the stable income with respect to the twenty-year Solid Waste Management plan adopted in 1995, specifically being able to fund programming. Ms. Eckstrom said that adoption of flow control would not only result in elimination of programs but could also jeopardize a reduction of the ability to pay the debt service as well.

Ms. Kiefer said that after receiving the memorandum she requested and reviewed the Solid Waste Law. She believes that flow control could apply to many things, and adopting flow control would not be just for financial reasons; it could also apply to such things as reporting specific data to determine how much solid waste the County is generating, how much recycling occurs, etc. Ms. Eckstrom noted that the County receives this information at the present time. Ms. Kiefer said she was pleased to see that the United States Supreme Court decision reflects what she believed when it was previously brought up. She thought flow control could do a better job regarding getting all recyclables, even though the system is small. Rather than say it should not be considered, she would like to look into the matter further. She recommended members of the Committee read the Solid Waste Law to better understand the matter.

Ms. Eckstrom said two important decisions were made over the years by the Legislature: (1) the need for public/private partnership, rather than an adversarial position that could be more costly to regulate; and (2) the Solid Waste Division already receives very detailed information on the County's waste. She said that the overall recycling rate in the County is 58 percent, compared to the national average of 32 percent; Cornell University is 66.1 percent, with Ithaca College approximately the same. She said perhaps it is a good time to share the division's vision of increasing recycling rate to 75 percent by the year 2015 when debt service is completed. She stressed that the County has the best recycling rate in the State, indicating good work and management, and giving the County something to be very proud of. Ms. Eckstrom spoke of the public/private partnerships with businesses and the new Reuse Center being developed as well as other initiatives. She said the goal of 60 – 70 percent recycling within eight years has been based on the plans developed and updated on a regular basis and she would be happy to share them with the Committee.

Ms. Herrera spoke of the previous information regarding the purchase of a hybrid vehicle and noted there are many ways Solid Waste contributes to sustainability. In addition, the way the operation is managed at the present time has proven successful. Ms. Herrera said that the history provided showed that previously there were problems which do not exist now; if our current system is successful she does not believe it should be changed at the present time. If desired, our system could be reviewed after the debt service is paid.

Mr. Stevenson said he was going to make a motion that indicated to fellow legislators that the Committee reviewed the information and that it was not in the County's best interest to change the present manner Solid Waste does business. However he recognized Ms. Kiefer's desire to speak to the issue. Mr. Stevenson said his constituents would find flow control very unpopular; although he personally has some complaints with the way solid waste is dealt with it is better than attempting to adopt flow control. He would not support flow control.

Ms. Mackesey did not have further comment; Mr. Randall did not see a reason to change the Solid Waste operations.

Ms. Kiefer expressed her belief that the Committee should look into the matter further, noting her belief that the information in the memorandum is not supported by the law. She said at this time she is not recommending any changes, but feels strongly there should be further review.

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Ms. Herrera said she respects the County Attorney, Finance Director, and Solid Waste Manager's opinion, which indicates there is a strong, visceral reaction to implementing flow control based on history of the County and that it is not appropriate to make that decision at this time; perhaps at a later time it would be appropriate based on operations going to single-stream as well as paying off debt service.

Following the discussion it was the sense of the Committee, with the exception of Ms. Kiefer, that it would not be appropriate to make any changes at this time.

### Announcement

Mr. Sczesny reminded members that the road tour would be occurring on June 21, 2007.

### Adjournment

On motion, the meeting adjourned at 5:31 p.m.