

**Facilities and Infrastructure Committee
September 4, 2007
Scott Heyman Conference Room**

APPROVED 11/27/07

Present: D. Kiefer, K. Herrera, P. Mackesey, G. Stevenson (4:40 p.m.)
Excused: D. Randall
Staff: J. Lampman, Highway Division; E. Marx, Commissioner of Planning and Public Works;
C. Nelson, Public Works Administrator; K. Fuller, Deputy Clerk of the Legislature; W.
Sczesny; Highway Superintendent, T. Joseph, Legislature

Call to Order

Ms. Herrera called the meeting to order at 4:34 p.m.

Public Comment

Bernard Hutchins, 1016 Hanshaw Road, had provided members of the Committee with the following statement and addressed specifically the portions relating to discrepancies in the public comment area of the final report:

"This letter concerns the FINAL DESIGN REPORT PIN 3753.25, August 2007, the approval of which seems to be on your Sept. 4, 2007 agenda. Incidentally, I understood this was not the "final design." I urge you to consider several problems with this report and project before approving it.

- (1) It does not realistically represent the ROW acquisition situation.
- (2) It does not accurately represent the opposition to the inclusion of sidewalks.
- (3) It does not address the safety issues.

"It is probably not unreasonable that many people will suspect that these faulty characterizations are intentional and nuanced by the report writers so as to hide the project's many shortcomings.

THE ISSUE OF ROW

"It is suggested that the ROW takings are de minimis. What does this mean? Since the term is misspelled in two different wrong ways, perhaps this was not written by a lawyer who means it in the legal sense (the law does not concern itself with small matters) but only suggests that the takings are small. You need to determine, and announce, however, if permanent "use easements" will result from the "temporary easements." For example, in moving the road 5 feet south at the west end, the county is moving an embankment and presumably need the TE for grade slope. When the TE is released, does the county retain a use easement to maintain the slope? I'll bet it does.

"Further, de minimis relates only in part to smallness (small area). You have to consider impact. A 1/4 inch wide strip through my house would have impact. Obtaining enough extra land to permit a full 6 foot sidewalk has impact.

"The county has both a TE and a PE at 1018 (Ptak), beyond their fence. This must mean they are going to take their fence down. Who puts it back up, the fence company who built it, or the county contractors/workers? I hope they insist on the fence company.

“At 1008 and 1010, Peter Carruthers asked why you needed extensive TE's for establishing drainage when the land was higher than the road there. Great question. The writers essentially reply that the grading is necessary to eliminate low points! They ignored what Peter said.

“I (at 1016 Hanshaw) am not listed on the ROW acquisition list, but the plans show use of my property clearly exceeding the existing use easement, which is all the laws and facts support (more on this at the full legislature meeting). Don't suppose this is going to be easy. Mr. Sczesny's note should be heeded.

OPPOSITION TO SIDEWALKS

“The writers of the report have hidden the opposition to the sidewalks on the part of adjoining residents by capriciously editing the summary Comments in the main report, although more detail remains in the full Appendix L. This seems intentionally dishonest.

“In my Comment 9, a detailed account of historic opposition and betrayal by the Town is reduced to just "Opposed to new sidewalks on Hanshaw. Noted." Similarly, Dave Collum's brilliant (and fun!) "survey" is edited to Comment 15, "Opposed to the project. Noted." The survey was a meeting highlight, and left poor John Lampman at a loss for words, as who among us wouldn't have been. These embarrassing (and important) moments for the Town and County are trivialized in the summary comments (see Appendix L and/or the tape).

“Now, I really resent (and have request John Lampman to revise) the editing of my written comments as Comment 54. I certainly did not say (it would have been foolish!) that 80% of those at the March 27, 2007 meeting raised their hands to oppose the sidewalks. I of course said "adjoining" residents, referring to the Town's rescinded resolution, the Town Board meetings; and specifically, with regard to the March 27 meeting, Dave Collum's carefully compartmentalized survey show of hands. See Appendix L. Was this editing not intentional? THIS MUST BE FIXED! Then revise the Response 54.

“We can also look at the ROW acquisition list, and compare it to the Comments of those who were in favor or opposed to the sidewalks. Again we get about 80% opposed, based on comments at the meeting, or known to be part of the opposition. Of the 19 people who spoke at the meeting, 11 were opposed, three in favor, and 5 did not say. Three people on the ROW list (all TE's, only one impacted by the sidewalks) favored the sidewalks. In two cases, people strongly opposed (me for one) did not make ROW list! Seven of the 10 people commenting in favor are not on Hanshaw. Eight of the first nine (possibly all nine - we are out of contact with one resident) on the north side coming out of the village are opposed or at least have serious concerns.

Incidentally, what is the point in NOT just talking to those of us voicing valid concerns. Klaus Beyenback made an eloquent point about this (page 17 of Appendix L).

IGNORING SAFETY

“If the road is smoothened, and the vista is widened, the cars will go faster, and they are already speeding. Does anyone doubt this? I didn't think so. But the report writers pretend they don't know this.

“Once again let me call attention to an editing of one of my written comments down to the summary Comment 55. I specifically quoted Mr. Sczesny at a specific meeting of your F&I Committee. He admits (in general) that the cars will go faster. We are referred to Response 11 which says "...and is

not expected to increase speeds along the corridor." So who is wrong: Mr. Sczesny and the rest of us, or is the report writer?

"More generally, the issue of "traffic calming" has been a category without content for this project all along. Comment 10 was made by Peter Carruthers, and this left John Lampman speechless until a bunch of us spoke up and said, "Hey John - how about answering the question." He (or was it the equally embarrassed Rich Brauer of Fisher ?) said something about different colored asphalt, but thought it outside the budget. Not a clue what could be done with regard to traffic calming!

"Also, there is the issue of traffic lights. A well-functioning four-way stop at Hanshaw/Warren is to be replaced with a traffic signal. This is stupid. Now the cars already speeding will not even have to stop there if they see the light change to green, or will speed up to avoid a red. The four-ways stop at least meant that they reached a very low-speed (usually a full stop) there. Also, you desperately need a four-way stop added at Hanshaw/Pleasant Grove if you expect to safely cross pedestrians there.

"Also, related, what are the details of Response 59? It does make sense to cross the pedestrians to the south side in the more open portion of Hanshaw, east of the hill, where everyone can see, and then they move smoothly around the SE corner of Hanshaw/Pleasant Grove, and recross to the west side of P.G. at about the fire station. This is in fact what most of us walkers do right now. No sane person tries to cross at the intersection itself.

"Kevin Cowan (page 22 of Appendix L) made an excellent point that was missed in the summary: Providing for bikers has nothing to do with sidewalks. A lot of bikers were, and are, thinking of riding on the sidewalks. They will, and this is dangerous."

Mr. Stevenson arrived at this time.

Ms. Herrera requested Mr. Lampman and/or Mr. Sczesny provide information relating to Mr. Hutchins concerns. Mr. Lampman stated the final report is being revised as needed, reflecting many of the concerns stated by Mr. Hutchins. He provided a written copy of the amendments to date to Committee members and Mr. Hutchins.

RESOLUTION NO. - AUTHORIZATION TO ISSUE DESIGN AND RIGHT OF WAY PLAN APPROVALS FOR THE RECONSTRUCTION/REHABILITATION OF HANSHAW ROAD, CR 109, IN THE TOWNS OF ITHACA AND DRYDEN AND VILLAGE OF CAYUGA HEIGHTS, PIN 3753.25

It was MOVED by Ms. Mackesey, seconded by Mr. Stevenson, to lift the resolution from the table and recommend approval to the full Legislature. Ms. Kiefer informed Mr. Stevenson that the reason the item was tabled is that she could not support the resolution inasmuch as the design did not include colored shoulders, which she feels is very important for traffic calming. She noted she was shocked at the cost of the colored shoulder application and hopes there may be an alternative to provide a color-change within the shoulders. Although there is a traffic light included in the project she has to decline support. Ms. Mackesey said she would like to see the County work with the Sheriff's Department upon completion of road projects for a period of time to insure appropriate speeds are maintained through the use of road patrols. Mr. Marx responded that the Highway Division has purchased a special sign that will note the speed of vehicles. This sign records the information and if excessive speeds are recorded the Sheriff's office is informed and provides road patrol. Mr. Sczesny said this cooperative effort was undertaken when Halseyville Road was completed and presently is occurring on the completed reconstruction of a portion of Peruville road.

A voice vote resulted as follows: Ayes – 3 (Legislators Herrera, Mackesey, and Stevenson); Noes – 1 (Legislator Kiefer); Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 9 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 109, Hanshaw Road, (the “Action”) in the Towns of Ithaca and Dryden, and Village of Cayuga Heights, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable federal regulations and guidelines a Right-of-Way Plan has been prepared which indicates that acquisition of approximately twenty-six (26) permanent and sixty (60) temporary easements is necessary, but that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

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, completion of all procedural requirements needed prior to project design approval and Right of Way Plan approval have been certified by the design consultant and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting approval of the Right-of-Way Plan for the referenced project.

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

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Update on Resident Concern – Warren Road

Ms. Kiefer reported she was very pleased with the message she had received from her constituent who was concerned about the standing water in the ditch by her home on Warren Road. She thanked the staff of the Highway Division for their prompt response to her request to provide an update.

Adjournment

The meeting adjourned at 4:56 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk of the Legislature