

**Tompkins County Legislature
February 16, 2010**

APPROVED 3-2-10

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators. (Ms. Kiefer arrived at 5:41 p.m.)

Moment of Silence – Florence Starr

Mr. Proto, District No. 7 Legislator, asked members to observe a moment of silence in memory of Florence Starr who served on the Board of Representatives from 1982-1984. Ms. Starr served the County in many capacities and Mr. Proto particularly noted she was the first woman to serve in a leadership capacity for the County.

Poem Reading by Jay Leeming

Ms. Robertson appointed Jay Leeming, Poet Laureate for 2010. Mr. Leeming read two poems to the Legislature entitled “River” and “Around the Fire” .

Privilege of the Floor by the Public

Fay Gougakis, City of Ithaca, spoke of natural gas drilling and said she, like many others in the community, is very concerned. She also expressed concern over the use of new technologies and said that she does not believe the usage is being addressed on a community level. She applauded the Legislature for not allowing the use of these at public meetings. She said she will be taking this issue to the City of Ithaca and hopes the County will help her bring the subject of dangers associated with new technology devices such as cell phone use while driving.

Ms. Kiefer arrived at 5:41 p.m.

Brett Bossard, thanked the Legislature for being receptive to the community of the arts. He said it is because of the work of Stuart Stein, former Chair of the Legislature, that Tompkins County is one of the first counties in the State to have a Poet Laureate. He said this has been a springboard and has provided an opportunity to do more for literary artists in the community.

Carlos Gutierrez spoke as a member of the Latino Civic Association and the Tompkins County Immigrant Rights Coalition. He said the Tompkins County Immigrant Rights Coalition has joined a national campaign called Immigration Reform for America. In New York State they are organizing a campaign to pass a comprehensive immigration reform that includes studying the amount of detentions of immigrants, possibly giving a citizenship passage to immigrants, working in a more human environment, and unifying families that have been separated. Mr. Gutierrez said last year 400,000 people were detained of which 375,000 were deported and stated there are many American children whose parents have been deported. He invited everyone, regardless of what side of the issue people are on, to the Women’s Community Building at 6:30 p.m. on February 18th for a public dialogue on this subject. He said they are working closely with groups to give messages to Senator Charles Schumer who will be introducing the next immigration reform bill in the Senate.

Distinguished Youth Award

Ms. Pryor, District No. 6 Legislator, presented Chelsea Weidman with the February, 2010, Distinguished Youth Award. Chelsea Weidman, of Lansing, has been honored as the Tompkins County Distinguished Youth for February, especially for her ongoing support of the Lansing Food Pantry. Food pantry executive director William Gottschalk-Fielding and director Nancy Myers say that Chelsea for three years in a row has held a charity birthday party to benefit the pantry, donating more than \$500 each year, as well as hundreds of food items. Chelsea, they say, is a regular volunteer at the food pantry, serving many area families. Before moving to Lansing, Chelsea held similar birthday parties at her former home in New Jersey, which raised thousands of dollars and items to benefit other children. Chelsea's other service activities include mentoring fifth graders on bullying, and she serves on Lansing's Student Council Organization and her church's youth group, as well as being very involved in music, theater, and dance, while maintaining a better than 95 average in advanced courses.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, spoke of the Marcellus gas drilling and some public safety concerns that relate to that activity . He said there was an article in last week's Ithaca Journal entitled "EPA launches Watchdog Program"; this is in response to concerns about trucks dropping fluid and is an effort to provide an opportunity to citizens who may witness any suspicious activity to make a report. He said he will share this information with Ms. Chock and the Water Resources Council will be discussing this at its meeting next week.

Ms. Chock, District No. 3 Legislator, reported on two meetings she attended where there was discussion of ways in which there can be local jurisdiction over gas drilling. One of them had to do with legal articles that have been written about consideration of local home-rule powers related to zoning; the other was about ways Sullivan County and its towns put together road-use agreements. She invited everyone to an event on February 20th to hear Mayor Calvin Tilliman of Dish, Texas, who is doing a speaking tour. Mayor Dish will be talking about his experiences and air studies that were performed that found high levels of carcinogens in the air that resulted from gas drilling.

Mr. Burbank, District No. 12 Legislator, reported he participated in a picket rally at a haircutting business in the City of Ithaca to protest the firing of an employee for her failure to comply with a new rule that required all haircutters to also sell products that amounted to 15% of their wage. He said a complaint was taken to the Worker's Center and there were 50 people who showed up to show support for the employee and to increase awareness about worker's rights. He said when workers are poorly treated the community ends up bearing the cost.

Ms. Mackesey, District No. 1 Legislator, spoke of the NYSAC Conference she attended last week. The Marcellus Shale workshop was very well attended as was the open forum later in the day. She said although the vast majority of people in attendance at the Conference were troubled by this activity there was an opportunity to hear both sides of the issue. She said at past conferences members of the State's leadership attended the Conference; however, this year there was only a presence by the Lieutenant Governor, and she said she was disappointed by the lack of participation from State leaders.

Mrs. McBean-Clairborne, District No. 2 Legislator, thanked Mr. Burbank and Ms. Herrera for attending the rally on Saturday. She also thanked those who came to the strategic planning session for the Ithaca Downtown Alliance plan. She called attention to the quilt on display in Legislature Chambers and spoke of each of the honorees of Black History Month in New York State: Sojourner Truth, Harriet Tubman, George Crum, Jermain Loguen, and Mabel Webb Van Dyke.

Mr. Lane, District No. 14 Legislator, described the New York State Senate as being dysfunctional and said the Senate just expelled one of its members from New York City. He said last week there was an opinion article in the Ithaca Journal concerning the need for a constitutional convention. Mr. Lane said he supports this. He said there will not be an opportunity to vote on this until 2017 unless the Legislature decides to put this proposition to voters sooner. He suggested communicating with New York State Legislators that voters would prefer voting on this sooner rather than later. Mr. Lane also said there needs to be changes made to the way the State legislative districts are set up.

Mr. Robison, District No. 9 Legislator, spoke of a recent public forum that was held in the Town of Lansing on the AES PILOT, which is an issue that is of particular interest. He commended Ms. Pryor for organizing a very informative and well-attended event and suggested other Legislators consider doing the same if a large issue is before them.

Presentation on 2008 Student Survey – Youth Services Department

Ms. Zahler, Director of Youth Services, said the Department is responsible for ensuring that approximately 8,000 kids each year receive services from agencies and municipalities that help them develop the skill they need to succeed in school, work, and life. The Department's prevention and intervention programs also help youth from zero to 20 avoid delinquency and avoid the risk of other behaviors that would increase the likelihood of needing more intensive and expensive services. The purpose of the presentation is to report on the Department's relationship and partnership with the Community Coalition for Healthy Youth which is dedicated to preventing and reducing substance use and abuse by young people. In October 2009, the Department helped secure five-year funding in the amount of \$650,000 to help reduce access by youth to alcohol, pharmaceuticals, tobacco, and marijuana. Kris Bennett and Janice Johnson conducted an interactive presentation on the Countywide student survey that was done throughout Tompkins County in 2008 and outlined future steps that will be taken.

Presentation of Resolution by the Planning, Development, and Environmental Quality Committee

Resolution No. 18 - Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency

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

Ms. Herrera said she found the resolution adopted by the Town of Lansing in support of this and discussions that have taken place helpful in making her decision to support this resolution. She stated the possibility of the County being overcharged and potentially incurring significant legal fees as main reasons for her support of the resolution.

Ms. Robertson said a number of questions and concerns were expressed at today's Industrial Development Agency (IDA) meeting and a transcript will be available on February 19th. Mr. Burbank said the substance of the comments in opposition at the IDA meeting were related to a model that is being used in comparison to another model used for a coal plant in Somerset that has a much higher valuation. Ms. Robertson said at that meeting Mr. Coles, an appraiser, spoke of discounted cash analysis and was proposing a different way of valuation. However, Mr. Franklin, Director of Assessment, said the formula Mr. Cole had suggested for valuation is not possible. Mr. Mareane communicated the concerns of the Lansing School Superintendent and said a more gradual lowering of the assessment is preferred by the Superintendent.

Ms. Pryor said one of the suggestions made was to keep the valuation the way it is for a couple of years and then to reexamine it after the economic situation changes. Ms. Pryor explained that assessments have to be at 100% so that is not something the State would allow the County to do. Mr. Mareane said he

does not believe the concerns expressed by the Lansing School Superintendent were about the PILOT but about the phased steps that takes ot down from its current value as it drops from \$160 million to \$100 million.

Ms. Chock said she understands why people feel this is the best that could be done at this time, but she cannot support the PILOT. She believes a lot of time and good-faith negotiations went into this agreement but she is not comfortable recommending a plan that is for a four-year period because of the amount of revenue that will be lost. She said she may have been able to support a plan for a shorter period of time.

Ms. Robertson said part of the agreement says negotiations will reopen this summer. She also said if this resolution does not pass the IDA, Mr. Franklin will have to make a determination by March 1st on value of the plant.

Mr. Proto said the document includes a provision for reopening negotiations upon an extraordinary event. He said while he appreciates the concerns Ms. Chock raised, the alternative could have a much more severe impact on the community.

Mr. Lane said he can support this based on the statements made that negotiations would be ongoing.

Ms. Kiefer said she disagrees with the concept that there should be something other than a four-year agreement and believes it is more reasonable to all parties to execute the model on a gradual basis. She said she would be interested in receiving further information on the suggestions made at the IDA meeting.

Mr. Stein said after gaining a better understanding of what has gone into this he can support the resolution. However, he views decision made at the beginning as being arbitrary and not based on any standards. He said everyone pays taxes based on what the current situation is and doesn't think a decision should be made to pay taxes on a mutually agreed upon value. Mr. Stein said he would be more comfortable if there was agreement by both sides on what goes into a model and have a model that is based more on facts derived from formulas, not opinions.

Ms. Pryor said she greatly appreciates the support and information provided by Legislators and County staff. She said this is a painful decision and something the taxpayers of Lansing will not be able to handle easily. Ms. Pryor said it has become clear to her that at this time that to do anything other than to support this resolution would not be in the best interest of the taxpayers of Lansing or the entire County. She said the alternative would result in a high likelihood that the value of the plant would be set at a figure even less than it is in the PILOT and would result in less tax revenue coming in 2010.

Ms. Robertson announced the IDA meeting will be February 24th at 3:30 p.m.

A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Chock). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Industrial Development Agency and AES Cayuga signed a Payment in Lieu of Taxes (PILOT) Agreement on February 27, 2009, and

WHEREAS, Paragraph 6.3 of the Rider to the PILOT agreement provides that “if extraordinary circumstances shall occur at any time during the term of this PILOT Agreement” either party may “...give notice to the other of its desire to ... review and modify the Taxable Values, and the noticed party shall not unreasonably refuse or condition its participation in such review and modification process”, and

WHEREAS, during 2009 several meetings were held at the request of AES Cayuga, due to extraordinary circumstances resulting from the national economic recession that have significantly affected the financial condition of the Lansing facility and that in turn would affect its valuation as a income property for tax purposes, and

WHEREAS, as provided by paragraph 6.3 of the Rider, a modification is allowed in the event of such extraordinary circumstances, and

WHEREAS, representatives of the Tompkins County Industrial Development Agency, Tompkins County, the Lansing School District, and the Town of Lansing were involved in said meetings with representatives of AES Cayuga, and

WHEREAS, a modification of the PILOT agreement was negotiated, such that the agreement will provide for the following values to be substituted for the values of the corresponding year in Exhibit A to the Rider to the PILOT Agreement (also referred to as the Value Exhibit):

2010 Assessment Roll	\$130,000,000
2011 Assessment Roll	\$120,000,000
2012 Assessment Roll	\$110,000,000
2013 Assessment Roll	\$100,000,000

, and

WHEREAS, the understanding outlined above was reached by the IDA/County negotiating team and AES on November 5, 2009, and

WHEREAS, the Tompkins County Industrial Development Agency voted on January 8, 2010, to hold a public hearing on the proposed agreement, and

WHEREAS, the Tompkins County Legislature recognizes that this modification represents a difficult adjustment for the three taxing jurisdictions; however, the alternative of litigation is expensive and time-consuming, with the outcome far more uncertain, and

WHEREAS, as has been the case throughout these and prior negotiations, the candor and good faith of all parties have been greatly appreciated, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature supports the renegotiation of the original PILOT pursuant to procedures and conditions as outlined in the February 27, 2009, agreement.

SEQR ACTION: TYPE II-20

Chair's Report and Appointment(s)

Ms. Robertson reported on a recent meeting she attended with Senator Schumer to discuss economic development. At that meeting she spoke of concerns related to gas drilling, milk prices, and fair trade.

Ms. Robertson spoke of an article in today's newspaper in which it was reported that the State is imposing a tax on IDAs. She also commented on the NYSAC Conference and said there was discussion of the maintenance of effort requirement for the Assigned Counsel program. It was reported that the Governor's Executive Budget includes the creation of a new office of indigent defense at the State level that will be overseen by a Board that will include representatives nominated by NYSAC. There will also be performance-based standards and grants to counties that meet those standards. Ms. Robertson said the current maintenance-of-effort requirements will be eliminated and there will be a cap on local expenses for assigned counsel programs.

Mr. Proto raised the issue of gas drilling and the resolution adopted by this Legislature in 2009 that outlined the County's comments to the New York State Department of Environmental Conservation on the draft Supplementary Generic Environmental Impact Statement. He said there may be some individuals who oppose any drilling being done in Tompkins County, but wanted to clarify the message

being sent by this Legislature to Senator Schumer is that this body has questions that need to be answered. Ms. Robertson said she did not state that this Legislature opposes drilling; however, she believes there is a sentiment here that the costs associated with gas drilling are greater than the benefits. Mr. Proto said the Water Resources Council has asked several times to be shown where the economic benefits are and he will continue to ask that question.

Ms. Robertson stated it has come to her attention that there needs to be a focus for discussion of issues related to broadband development and said the Government Operations Committee will assume this responsibility for 2010.

Report from the County Administrator

Mr. Mareane reported on sessions he participated in at the NYSAC Conference. He said it has been forecast that the State Budget has significant gaps that will need to be addressed over the next three years. He attended a presentation on the Pension situation and reported the County should expect to see increases for the next five years. Two different amortization plans are being presented for counties to borrow to cover the spikes in pensions costs. He will be gathering more information on that, but noted this will be an important policy discussion this Legislature will have over the next few months.

Mr. Mareane also reported on a grant application being submitted to NYSERDA in the amount of \$200,000 to divert food waste from the waste stream.

Recess

Ms. Robertson declared recess from 7:30 p.m. to 7:38 p.m.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report.

Addition and Withdrawal of Resolution(s) from the Agenda

There were no resolution(s) added to the agenda.

Ms. Robertson granted the appropriate committee chair permission to withdraw the resolution from the agenda entitled Approval of Amended Bylaws of the Tompkins County Board of Health.

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Ms. Chock, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the following resolution under the Consent Agenda.

Resolution No. 19 - Budget Adjustment – Planning Department

It was MOVED by Ms. Chock, seconded by Ms. Mackesey, and unanimously adopted by voice vote 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 Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Planning

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
A8027.43959	State Aid Planning	\$65,917	A8027.54400	Program Expense

Explanation: State Grant for the County Wide Water and Sewer Evaluation Project per Resolution No. 186 of 2008.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Ms. Chock, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the following appointment(s) under the Consent Agenda.

Agriculture and Farmland Protection Board

Frank Proto – County Legislator representative; term expires December 31, 2013

Hillview Road Landfill Citizens Advisory Committee

Dooley Kiefer – Legislature Program Committee representative; term expires December 31, 2010

Air Services Board

Leslyn McBean-Clairborne – Legislature Program Committee representative; term expires December 31, 2012

John Gutenberger – Cornell University representative; term expires December 31, 2012

Workforce Diversity and Inclusion Committee

Pat Pryor- Legislator – County Legislator; term expires December 31, 2010

Kathy Luz Herrera - County Legislator; term expires December 31, 2012

Soil and Water Conservation District

Pam Mackesey – County Legislator; term expires December 31, 2010

Planning Advisory Committee

Rick Couture – Education representative; term expires December 31, 2012

Environmental Management Council

Arthur D. Dawson – Town of Groton representative; term expires December 31, 2011

Youth Services Board

Maureen Kelly – City of Ithaca representative; term expires December 31, 2012

Board of Health

Patrick J. McKee – At-large representative; term expires December 31, 2015

Will Burbank – County Legislator; term expires December 31, 2013

Greater Ithaca Activities Center Board

Nathan Shinagawa - County Legislator; term expires December 31, 2011

Recreation Partnership

Frank Proto - County Legislator; term expires December 31, 2011

Human Rights Commission

Charles M. Larsen - term expires December 31, 2011

Joyce Muchan - term expires December 31, 2011

Josephine Carcich - term expires December 31, 2012

Barbara L. Coman - term expires December 31, 2012

Report and Presentation of Resolution(s) from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee met on February 5 and heard that the Health Department's move to Brown Road will happen in late March or early April. Ed Marx, Commissioner of Planning and Public Works, reported he is working on a proposed road preservation law that would address heavy truck traffic on County roads. The Committee also heard reports on a NYSERDA block grant application for Solid Waste to have a home composting program and a grant application for solar panels on the Human Services Building. Don Ellis, Director of Weights and Measures, reviewed the Division's annual report with the Committee. Ms. Kiefer spoke of this one-person Department and the clerical work involved and said it seemed that if he could get some assistance with that work he could devote more time to the weights and measures work. Once again the Committee heard good news about Airport enplanements being up. Ms. Kiefer said the Committee spent the majority of its meeting time reviewing the County's five-year bridge plan, including the status of the Red Mill Road Bridge that has been closed for five years. She said since Malloryville Road Bridge and Red Mill Road Bridge serve similar populations and cross the same creek it is unlikely there will be funding to repair both bridges; therefore the County is working with the Town of Dryden on finding a solution that will serve County residents best.

Resolution No. 20 - Authorization to Conduct a Public Hearing - Proposed Acquisition for Public Purpose of Property for Reconstruction of Hanshaw Road, CR 109, in the Towns of Ithaca and Dryden and Village of Cayuga Heights, PIN 3753.25

MOVED by Ms. Kiefer, seconded by Ms. Mackesey.

Ms. Herrera asked how many properties have already been acquired, how many are still under negotiation, and if the County is expecting litigation. Mr. Wood said at this time none have been acquired but that is because rates have not been set. He said as a standard of practice an eminent domain resolution is adopted and a public hearing is held in the event that the County needs to take any of the properties by eminent domain. If the County were to wait to find out if eminent domain is needed it would be too late in the year and could delay the project for another year. He said the County has never taken a property by eminent domain but has held hearings like this and it does provide an opportunity to inform the public. Ms. Herrera requested a summary of the content of Mr. Hutchin's communications with the Committee. Mr. Wood said Mr. Hutchin has spoken to this Legislature on several occasions and his concerns have all been related to his property. He said at this time it sounds like there is an agreement with Mr. Hutchins that there would be no additional use of his property. A voice vote resulted as follows: Ayes – 15, Noes – 0. 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 Resolution No. 166 of 2007 issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, Resolution No. 167 of 2007 granted Design and Right of Way Plan approval of the referenced project in accordance with applicable Federal regulations and guidelines finding that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

WHEREAS, negotiations regarding approximately fifty-seven permanent and sixty-four temporary easements for the project have not yet been completed, and

WHEREAS, the County intends to pursue all means to complete these negotiations in a timely manner without necessitating legal measures, but must provide for the contingency that the properties in question may need to be acquired via eminent domain procedures as a last resort, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law at the Tompkins County Courthouse on the 16th day of March, 2010, at 5:30 o'clock in the evening thereof,

RESOLVED, further, That the purpose of said hearing is to inform the public and to review the public use to be served by the reconstruction of the Hanshaw Road in the Towns of Ithaca and Dryden and Village of Cayuga Heights, and the impact on the environment and residents of the locality where said project will be constructed,

RESOLVED further, That pursuant to Section 202 of the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten days and not more than thirty days prior to said hearing a notice of same in at least five consecutive issues of the Ithaca Journal.

SEQR ACTION: Unlisted

Negative Declaration Issued (No further action required)

**Resolution No. 21 - Authorizing the County Administrator to Enter into a Lease for Property
Located on Elmira Road in Ithaca**

MOVED by Ms. Kiefer, seconded by Mr. Proto.

It was MOVED by Mr. Lane, seconded by Mr. Burbank, to remove the second Whereas: "WHEREAS, the City of Ithaca had no interest in purchasing the property, and".

Ms. Herrera spoke of a public protest that took place along Route 13 last week and stated she supports the County continuing to lease this parcel. She believes it is important for the County to maintain ownership of this property, particularly because of the County's right to free assembly in an area that could be abridged as it was last Saturday. The County's continued leasing of this property allowed there to be a default location for free-speech expression in the neighborhood of businesses that may not allow it.

Mr. Burbank agreed with Ms. Herrera's comments; one additional concern he expressed is that the rent being charged for the property has not changed in several years and he hopes there will be a review of the property value before it is renegotiated.

Mr. Dennis said he would support discussions about the lease amount and/or the potential sale of the land.

Mr. Proto agreed with examining the rent and also suggested that the County Attorney provide the Legislature with a report about the other irregular property lines that run along Elmira Road.

A voice vote on the amendment resulted as follows: Ayes – 15, Noes – 0. MOTION CARRIED.

A voice vote on the resolution as amended resulted as follows: Ayes – 15, Noes – 0. MOTION CARRIED.

WHEREAS, Will-Ridge Associates, LLC (a company associated with Benderson Development Corporation) constructed a retail commercial development on Elmira Road in the City of Ithaca including a road providing access to the development and a sign for advertising purposes, on an irregularly shaped 0.25-acre parcel, which parcel is owned by Tompkins County and located in a heavily developed urban corridor, and

WHEREAS, the County and Will-Ridge executed a lease Agreement commencing December 28, 2005, with subsequent lease modifications on December 4, 2006, December 13, 2007, and September 19, 2008, which extended the lease for a period of one year until December 31, 2009, and

WHEREAS, the County desires fair compensation for the use of its property, now therefore be it RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator is authorized to enter into an agreement to extend the lease through December 31, 2010, with an annual rent of \$2,000.

SEQR ACTION: TYPE II-26

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be February 18th at 9:30 a.m.

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

Ms. Mackesey, Chair, reported the Committee met on February 3rd and had a lengthy discussion on the proposed AES agreement and the Route 96 corridor management study. Ed Marx, Commissioner of Planning and Public Works reported on the implementation of the Community Housing Fund, putting together the second part of the County Conservation Plan, an agriculture resource plan, and review and recommendations for a five-year action plan for the Planning Department. The next meeting will be March 3rd.

Resolution No. 22 - Endorsing the Route 96 Corridor Management Study

Moved by Ms. Mackesey, seconded by Ms. Chock.

Mr. Lane said he is always cognizant of the problems that occur sometimes if municipalities believe the County is trying to direct land-use planning; however, it is his understanding that all of the affected municipalities have approved this management study and the County will just be continuing to advise them with respect to that. Ms. Mackesey said that is correct and said all involved municipalities have passed resolutions in support.

Mr. Burbank said he will support this resolution but understands this has been the subject of discussion by many residents on West Hill and there is a perception by some of his neighbors that this plan may have a perverse effect and promote development and not address the growing traffic problems. Mr. Burbank said he agrees otherwise and thinks this is a sound way to direct development in ways that will minimize trips into town and make areas more livable. He is aware the ultimate language decisions will be left to the towns. He reminded the Legislature that the County owns a considerable parcel in the area adjacent to the Biggs complex and hopes careful consideration will be given to its future use.

Mr. Proto said the Town of Ulysses is one of a few towns that has begun revision of its comprehensive plan with some of the concerns incorporated. He said at the Committee meeting it was emphasized by Commissioner Marx that this is a planning tool and municipalities could incorporate any portion of it into its own plan. He said the Agriculture and Farmland Protection Board has reviewed this and it was well-received.

Ms. Chock said while the title of this is a Corridor study the County is recommending a solution that is a node. She said there is a difference because the term “corridor” implies sprawl and development along a bigger, more spread out area of land. She said the County’s Comprehensive Plan calls for nodes. She said there has been discussion of nodes in various areas around the County and that each is not being done in isolation.

Mr. Dennis said over the last few years the Town of Ulysses and the Village of Trumansburg have spent time on zoning and comprehensive plans and welcome the work the County has done with this particular plan. As both municipalities struggle with water issues they have also looked at the way development should happen both in the Village and in the Town.

Ms. Mackesey said she has been concerned about planning issues for a number of years and planning being done by municipalities in isolation from each other. The City has a comprehensive plan; however it is severely outdated and they are in the process of redoing it. She said the lack of planning coordination has allowed development to come about in a way that is not productive. Ms. Mackesey sees the role of the County as helping municipalities look outside their borders and looking at what is most important for the entire County.

Mr. Stein said although it is true that every community controls its own land use, no community controls its own traffic. The traffic on Route 96 has been a real concern for all of the residents in the corridor of it. He said it is true that the Town of Ithaca did approve a plan, but the issue of planning for West Hill has become a source of great controversy in the Town.

Ms. Robertson announced a Presentation on the Water and Sewer Infrastructure Study will take place on March 4th at 5:30 at the Public Library.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0). **RESOLUTION ADOPTED.**

WHEREAS, pursuant to General Municipal Law Section 119-o, the County of Tompkins, the City of Ithaca, the Towns of Ithaca and Ulysses, and the Ithaca-Tompkins County Transportation Council entered into an agreement to complete a corridor management study of New York State Route 96, and

WHEREAS, the purpose of the Route 96 Corridor Management Study was to evaluate traffic impacts associated with development along the corridor from the Village of Trumansburg to the junction of Routes 96 and 13, and to consider techniques that could be implemented to mitigate those impacts, and

WHEREAS, a survey of residents in the Route 96 Corridor was conducted, focus group meetings with businesses/institutions in the Corridor were held, two area-wide public meetings regarding the Route 96 Study were held at the Museum of the Earth in 2008, and comments received from the public participation process were factored into the Route 96 Corridor Management Study reports, and

WHEREAS, a consultant team was hired and completed Technical Reports # 1, 2, and 3 with technical information, analysis, and recommendations, and

WHEREAS, the study quantifies existing and projected traffic and levels of service, evaluates how a nodal development pattern with a mix of uses, including enhanced transit opportunities, improved pedestrian and bicycle connections and systems, better management of access within the Corridor, traffic-

calming measures, infrastructure improvements, and zoning and land-use modifications where applicable, could mitigate the impacts of this traffic, and examines the option of promoting development nodes in the vicinity of Cayuga Medical Center and the Hamlet of Jacksonville, and

WHEREAS, Draft Technical Report #4 (dated 4/6/09) was prepared by the representatives of the Route 96 Corridor Technical Review Committee, including representatives from the participating organizations, and draws from the three earlier technical reports to develop an inter-municipal strategy for mitigating the impacts of traffic by promoting a nodal pattern of development in the Corridor and utilizing related strategies, and

WHEREAS, the study concludes that a nodal development pattern would offer many advantages in terms of reduced traffic, traffic management, and maintaining the quality of life within the corridor, and

WHEREAS, the principles of the Route 96 Corridor Management Study are consistent with those of the Tompkins County Comprehensive Plan, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature hereby accepts the Route 96 Corridor Management Study,

RESOLVED, further, That the Tompkins County Legislature endorses the Route 96 Corridor Management Study and the principles therein and urges that it be used as a planning tool by the participating organizations as they develop and modify their municipal comprehensive plans,

RESOLVED, further, That the Tompkins County Legislature fully supports continuation of the cooperative planning efforts begun during the Study among participating organizations.

SEQR ACTION: TYPE II-18

Appointment

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, to appoint Gay Nicholson to the Planning Advisory Board as an at-large representative; term expires December 31, 2012. A vote by show of hands resulted as follows: Ayes – 14, Noes – 1 (Legislator Proto). APPOINTMENT CARRIED.

Report from the 2010 Census Committee

Ms. Mackesey, Chair, said last time she reported that the Committee had written a letter of protest to the Census Bureau because they did not approve any of the recommended sites and came up with four sites that were unsatisfactory. The Committee then came up with a reduced list of sites and they were approved. Those sites include: Shops at Ithaca (Pyramid Mall), Human Services Building, Dryden Town and Village Halls, TC3 (Tompkins Cortland Community College), Tompkins County Public Library, and the Green Café in Collegetown. The next meeting will be February 23rd at 3:30 p.m. The kickoff meeting will be around March 1st. Ms. Mackesey commended Marcia Lynch and Kevin Sutherland of County Administration for the work they have been doing for the Committee.

Report from the Budget and Capital Committee

Mr. Dennis, Chair, reported the Committee met on February 8th and had a discussion with Carl Haynes, President of TC3, and Jim Turner, TC3 Facilities Manager, about a plan to replace electric panels throughout this summer. It was suggested that TC3 report periodically to the Capital Plan Review Committee about their Master Plan. Ms. Herrera clarified that there is a major policy decision that needs to be made by the Legislature concerning physical infrastructure responsibilities and commitments. She does not think any assumption should be made on anything that the Legislature hasn't made a policy decision on. The next meeting will be February 22nd at 3:30 pm.

Ms. Kiefer said at a previous Facilities and Infrastructure Committee meeting President Haynes was asked to provide information about what the long-term needs of the College are with regard to the maintenance of its aging physical plant. Mr. Haynes said information would not be ready until spring but he will plan to provide a report to the Capital Plan Review Committee.

Mr. Proto asked for a status report on the the search for Youth Services Director and Public Health Director. Mr. Mareane reported the selection process is underway. He anticipates the Public Health Director position interviews will take place in the Spring and interviews for the Youth Services Department in the Fall. He also gave an update on road patrol negotiations and noted there has not been a contract in place for four years.

Report and Presentation of Resolution(s) from the Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be March 1st. One item on the agenda will include a discussion of public safety impacts from natural gas drilling.

Resolution No. 23 - Appropriation from Contingent Fund – Terminal-Pay Reimbursement to the Department – Department of Probation and Community Justice

It was MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, in the Department of Probation and Community Justice, one Probation Supervisor retired effective December 31, 2009, and one Registered Professional Nurse left the services of the County effective January 1, 2010, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM:	A1990.54400	Contingent Fund	\$5,447
TO:	A3141.51000211	Probation Supervisor	727
	A3142.51000211	Probation Supervisor	2,909
	A3141.51000565	Registered Prof. Nurse	369
	A3141.58800	Fringes	395
	A3142.58800	Fringes	1,047

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on February 24th. The Committee will be discussing the designation of handicapped parking spaces in County lots.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on February 10 and heard from Lee Dillion, Executive Director of Tompkins Community Action on two exciting development projects. One is a new childcare center and the second is a new facility for women in recovery. Ms. Dillion has received a preliminary approval on \$1.7 million for the childcare center. The \$14 million for the Women in

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Recovery facility will be discussed in the next few months. The Committee also heard a report on the proposed JOBS Program through Tompkins Community Action. Mr. Proto also reported on the distribution of \$2.4 million on the Rapid Rehousing Grant received through the Department of Social Services. He spoke of potential changes in Agriculture and Farmland Protection law that may impact delivery of services by SPCA organizations throughout New York State. The next meeting will be March 10th.

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, reported the Committee met on February 11th and went through the 20-year Capital Plan with Commissioner Ed Marx. She said they also hope to add energy use in the revised plan. Some items that will be under consideration for action within the next five years include future of the Jail and space in the Old Library space.

Approval of Minutes of February 2, 2010

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to approve the minutes of February 2, 2010 with the corrections offered by Ms. Herrera. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 8:49 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office