

Planning, Development, and Environmental Quality Committee
Regular Meeting Minutes – Approved 12-7-17
Thursday, October 5, 2017 3:00 PM
Legislature Chambers

Attendance

Attendee Name	Title	Status	Arrived
Martha Robertson	Chair	Present	
Dooley Kiefer	Vice Chair	Present	
Michael Sigler	Member	Late	3:17 PM
David McKenna	Member	Late	3:04 PM
Carol Chock	Member	Present	
Katrina McCloy	Deputy Clerk, Legislature	Present	
Heather McDaniel	Director of Economic Development Services, TCAD	Present	
Margaret Frank	TCAD	Present	
Katie Borgella	Acting Planning & Sustainability Commissioner	Present	
Dwight Mengel	Chief Transportation Planner	Present	

Guests: Dennis Shaw and Andrew Murphy, Environmental Compliance Office, Cornell University

Call to Order

Ms. Robertson, Chair, called the meeting to order at 3:01 p.m.

Public Comment

There were no members of the public present.

Changes to Agenda

Ms. Robertson stated that Mr. Mareane would not be in attendance to provide a report regarding PACE/Energize NY, but he has provided a memo with a brief update and will be at the November meeting to discuss this more.

Chair's Report

Mr. McKenna arrived at this time.

Mr. Sigler arrived at this time.

Tompkins County Area Development

Resolution No.20- Resolution of the Tompkins County Legislature, as the Elected Legislative Body of Tompkins County, New York, in Accordance with Section 147(f) of the Internal Revenue Code of 1986, as Amended (the "Code"), Approving the Issuance by the Tompkins County Development Corporation of up to \$26,500,000 Aggregate Principal Amount Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2017 (ID #7325)

Ms. Kiefer requested additional information be completed on the Application for Incentives including the signature page with a signature. Ms. McDaniel explained that the application is geared

towards industrial projects and property tax incentive projects and some places on the application are not applicable to the College. She will make sure those areas are completed and forward an updated copy to the Legislature. Ms. Robertson would also like the average annual salary range portion of the application completed.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	David McKenna, Member
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the elected legislative body of Tompkins County, New York (the "County"), has been advised by the Tompkins County Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Ithaca College (the "College"), a not-for-profit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2017 in one or more series, in an aggregate principal amount not to exceed \$26,500,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist principally of: financing all or a portion of the cost of a certain project (the "Project") consisting of:

(A) the advance refunding of the outstanding principal amount of the Issuer's \$25,905,000 original principal amount Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2011 (the "Series 2011 Bonds"), the proceeds of which were used to finance a certain project (the "2011 Project") consisting of: (1) the acquisition of a parcel (or parcels) of land located at 1031 Danby Road, Ithaca, New York, and containing in the aggregate approximately 30.5 acres (the "Land") and the existing improvements situated thereon consisting principally of 21 apartment buildings containing in the aggregate approximately 286,000 square feet of space and 150 residential units, parking areas containing in the aggregate a capacity for approximately 659 vehicles and other related improvements (the "Existing Apartments"), and a community building containing in the aggregate approximately 7,800 square feet of space (the "Community Building" and, together with the Existing Apartments, the "Existing Improvements"); (2) (i) the renovation, rehabilitation, and general upgrading of the Existing Improvements and (ii) the construction on the Land of up to 5 new apartment buildings and an addition to be added on to the community building containing in the aggregate approximately 133,000 square feet of space and 78 residential units, parking areas containing in the aggregate a capacity for approximately 85 additional vehicles and other related improvements (collectively, the "Improvements"); (3) the acquisition and installation in and around the Existing Improvements and the Improvements of certain items of machinery, equipment, and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, hereinafter the "Facility"); and (4) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (1) through (4) above being hereinafter collectively referred to as the "2011 Project Costs"); and

(B) funding of a debt service reserve fund, if any and certain costs incidental to the issuance of the Bonds (the costs associated with items (A) and (B) being hereinafter collectively referred to as the "Project Costs"), and

WHEREAS, the Issuer proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the cost of financing the Project and (ii) pay reserves and costs

incidental to the issuance of the Bonds, and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice, and

WHEREAS, October 4, 2017, at the South Hill Business Campus, 950 Danby Road, Ithaca, New York 14850, the Issuer held such a public hearing upon proper notice in compliance with Section 147(f) of the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the College's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal* on September 20, 2017, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on October 4, 2017, and

WHEREAS, on the recommendation of the Tompkins County Planning, Development, and Environmental Quality Committee, the Legislature, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, approved the issuance of the Bonds on October 5, 2017, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, and by the County Legislature of Tompkins County, That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the prior recommendation of the Tompkins County Planning, Development, and Environmental Quality Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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Transportation

Resolution No. - Amendment to Resolution No. 2017-149 - Authorization of New York State Department of Transportation Master Mass Transportation Capital Project Agreement – Tompkins County and TCAT, Inc. (K007262) (ID #7331)

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	David McKenna, Member
SECONDER:	Dooley Kiefer, Vice Chair
AYES:	Robertson, Sigler, McKenna, Chock
NAYS:	Kiefer

WHEREAS, the New York State Department of Transportation (NYSDOT) has awarded a Mass Transportation Capital Project Agreement (K007262) to authorize payments to Tompkins County for mass transportation capital aid over a five-year period from 2017 to 2021, and

WHEREAS, the State Mass Transportation Capital Project Agreement provides reimbursements of 10% for capital projects eligible for Federal Transit Administration (FTA) grant funding and up to 100% for New York State funded capital projects, and

WHEREAS, NYSDOT awarded \$837,520 to Tompkins County in a combined payment to reimburse the State’s share of nine projects in two grants (FTA grant NY-2016-010 and State grant ATC-16-TOM) to Tompkins Consolidated Area Transit, Inc., and the County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution 2017-149 Authorization of New York State Department of Transportation Master Mass Transportation Capital Project Agreement - Tompkins County and Tompkins Consolidated Area Transit, Inc., (K007262) be amended to reflect the revised award of \$837,520,

RESOLVED, further, That the County Administrator, or his designee, be and herby is authorized to execute the Mass Transportation Capital Project Agreement (K007262) and subsequent supplemental agreements awarded by NYSDOT,

RESOLVED, further, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement.

SEQR ACTION: TYPE II-20

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County Administration

Resolution No. - PACE/EnergizeNY Update From J. Mareane, County Administrator (ID #7360)

RESULT:	DEFERRED	Next: 11/2/2017 3:00 PM
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Planning and Sustainability Department

Resolution No. - Making a Negative Determination of Environmental Significance in Relation to Resolution No. ____ of 2017: Appropriating Funds from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection for the Black Diamond Trail - Reynolds Buffer Project (ID #7340)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Michael Sigler, Member
SECONDER:	Dooley Kiefer, Vice Chair
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

WHEREAS, in Resolution No. ____ of 2017 the County allocates funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection to the Finger Lakes Land Trust for the purpose of supporting the acquisition of 12-acre Black Diamond Trail - Reynolds Buffer Project (Portion of Town of Ulysses tax parcel 32.-2-3.22), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate the Environmental Assessment Forms with respect to these actions, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget, Capital, and Personnel Committees, That Resolution No. ____ of 2017 is an unlisted action,

RESOLVED, further, That the Legislature hereby makes a negative determination of environmental significance in regard to Resolution No. ____ of 2017.

SEQR ACTION: Unlisted

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Resolution No. - Appropriating Fund from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection for the Black Diamond Trail - Reynolds Buffer Project (ID #7338)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	David McKenna, Member
SECONDER:	Michael Sigler, Member
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

WHEREAS, the Tompkins County Legislature established the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection by Resolution No. 217 of 2005, and

WHEREAS, the current balance in the Capital Reserve Fund is \$50,023.06, and

WHEREAS, the purpose of the Capital Reserve Fund is to support participation by Tompkins County in partnerships with other levels of government and private organizations to:

- protect and preserve the natural, scenic, and recreational resources found in the Agricultural Resource Focus Areas and Natural Features Focus Areas identified in the Comprehensive Plan;
- preserve and develop recreational trail corridors that cross municipal borders; and
- develop outdoor recreation facilities, within the focus areas, that are intended to serve all county

residents, and

WHEREAS, the Program Guidelines identify Project Priority Criteria for use of the Capital Reserve Fund that requires proposed projects to substantially further at least one of the following objectives:

- Substantially protects land within the 330-foot buffer of a perennial stream.
- Provides public access to Cayuga Lake.
- Protects land that is adjacent to permanently protected open space, including both natural and agricultural lands.
- Protects land on an existing or potential intermunicipal trail corridor.
- Protects a high concentration of Prime Soils or Soils of Statewide Significance.
- Protects a Distinctive or Noteworthy view as identified in the Tompkins County Scenic Resources Inventory.
- Protects corridor or habitat that can provide for connectivity between protected areas, and

WHEREAS, the Finger Lakes Land Trust has requested financial support from the Capital Reserve Fund for the purpose of preserving the 12-acre property on Route 89 adjacent to the Black Diamond Trail (Portion of Town of Ulysses Tax Parcel #32.-2-3.22) to buffer trail corridor within the Lakeshore Natural Features Focus Areas (NFFAs), and

WHEREAS, the project meets all of the project eligibility requirements of the Capital Reserve Fund and fulfills the fund's project priority criteria in that it

- "Protects land on an existing or potential intermunicipal trail corridor", and

WHEREAS, support from the Capital Reserve Fund is an important but modest component of the total funding needed to complete the survey for the acquisition of the parcel, and

WHEREAS, the Interim Commissioner of Planning and Sustainability and the Planning Advisory Board have recommended that the County Legislature authorize \$5,000 in funding from the Capital Reserve Fund to support the Black Diamond Buffer Protection Project, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget, Capital and Personnel Committees, That a total of five thousand dollars (\$5,000) in funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection be appropriated for the purpose of supporting the Finger Lakes Land Trust's Black Diamond Trail Protection Project,

RESOLVED, further, That the Director of Finance be authorized and directed to make an adjustment to the Planning and Sustainability Department budget (A8027.54400 - \$5,000) from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection,

RESOLVED, further, That the County Administrator or his designee be and hereby is authorized to execute any contracts or agreements related to this project.

SEQR ACTION: Unlisted

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Resolution No. - Making a Negative Determination of Environmental Significance in Relation to Resolution No. ____ of 2017: Appropriating Funds from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection for the West Hill Wildway - Babcock Acquisition (ID #7341)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	Dooley Kiefer, Vice Chair
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

WHEREAS, in Resolution No. ___ of 2017 the County allocates funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection to the Finger Lakes Land Trust for the purpose of supporting the acquisition and easement on 70-acre West Hill Wildway - Babcock Acquisition (Town of Ithaca tax parcel 31.-1-14.2), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate the Environmental Assessment Forms with respect to these actions, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget, Capital, and Personnel Committees, That Resolution No. ___ of 2017 is an unlisted action,

RESOLVED, further, That the Legislature hereby makes a negative determination of environmental significance in regard to Resolution No. ___ of 2017.

SEQR ACTION: Unlisted

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Resolution No. - Appropriating Fund from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection for the West Hill Wildway - Babcock Acquisition (ID #7342)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Dooley Kiefer, Vice Chair
SECONDER:	David McKenna, Member
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

WHEREAS, the Tompkins County Legislature established the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection by Resolution No. 217 of 2005, and

WHEREAS, the current balance in the Capital Reserve Fund is \$50,023.06, and

WHEREAS, the purpose of the Capital Reserve Fund is to support participation by Tompkins County in partnerships with other levels of government and private organizations to:

- protect and preserve the natural, scenic, and recreational resources found in the Agricultural Resource Focus Areas and Natural Features Focus Areas identified in the Comprehensive Plan;
- preserve and develop recreational trail corridors that cross municipal borders; and
- develop outdoor recreation facilities, within the focus areas, that are intended to serve all county residents, and

WHEREAS, the Program Guidelines identify Project Priority Criteria for use of the Capital Reserve Fund that requires proposed projects to substantially further at least one of the following objectives:

- Substantially protects land within the 330-foot buffer of a perennial stream.
- Provides public access to Cayuga Lake.
- Protects land that is adjacent to permanently protected open space, including both natural and agricultural lands.
- Protects land on an existing or potential intermunicipal trail corridor.
- Protects a high concentration of Prime Soils or Soils of Statewide Significance.
- Protects a Distinctive or Noteworthy view as identified in the Tompkins County Scenic Resources Inventory.
- Protects corridor or habitat that can provide for connectivity between protected areas, and

WHEREAS, the Finger Lakes Land Trust has requested financial support from the Capital Reserve Fund for the purpose of preserving the 70-acre property on Culver Road (Town of Ithaca Tax Parcel #31.-1-14.2) to connect Coy Glen to Town of Ithaca conservation land, and

WHEREAS, the project meets all of the project eligibility requirements of the Capital Reserve Fund and fulfills the fund's project priority criteria in that it "protects land that is adjacent to permanently protected open space, including both natural and agricultural lands", and

WHEREAS, support from the Capital Reserve Fund is an important but modest component of the total funding needed to complete the survey for the acquisition of the parcel, and

WHEREAS, the Interim Commissioner of Planning and Sustainability and the Planning Advisory Board have recommended that the County Legislature authorize \$15,000 in funding from the Capital Reserve Fund to support the West Hill Wildway-Babcock Acquisition, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget, Capital, and Personnel Committees, That a total of fifteen thousand dollars (\$15,000) in funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection be appropriated for the purpose of supporting the Finger Lakes Land Trust's West Hill Wildway-Babcock Acquisition,

RESOLVED, further, That the Director of Finance be and hereby is authorized and directed to make an adjustment to the Planning and Sustainability Department budget (A8027.54400 - \$15,000) from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection,

RESOLVED, further, That the County Administrator or his designee be and hereby is authorized to execute any contracts or agreements related to this project.

SEQR ACTION: Unlisted

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Interim Commissioner of Planning and Sustainability's Report (ID #7332)

Ms. Kiefer requested a list of the members of the Energy Task Force. Mrs. McCloy agreed to provide that information.

Radiation and Chemical Disposal Site Update

Executive Summary 2016 Annual Report Radiation and Chemical Disposal Sites, Cornell University, Lansing, NY (ID #7344)

Ms. Kiefer was interested in the tritium levels as shown in Appendix C and stated tritium is biologically active. Mr. Murphy stated tritium is still being monitored in both ground water and surface water on-site. He will provide Ms. Kiefer with data tables and trend lines. In the ground-water monitoring locations the tritium is decreasing to stable and on surface water it was below background at the analytical laboratory. Ms. Kiefer requested a copy of the table in larger print.

Minutes Approval

September 7, 2017

RESULT:	ACCEPTED [4 TO 1]
MOVER:	Michael Sigler, Member
SECONDER:	David McKenna, Member
AYES:	Robertson, Sigler, McKenna, Chock
NAYS:	Kiefer

Advisory Board Appointment(s)

Advisory Board Appointment(s) (ID #7326)

Water Resources Council

Emelia Delmarta Allee Jumbo - At-large representative; term expires December 31, 2019

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Dooley Kiefer, Carol Chock
AYES:	Robertson, Kiefer, Sigler, McKenna, Chock

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Committee Members' Reports

Ms. Kiefer inquired if the Committee wanted to pursue looking into the percentage of plastics tainting local tap water or if they would like the Water Resources Council to take on that task.

Ms. Robertson stated there are a number of counties in the State that have banned plastic bags. Ms. Robertson asked Ms. Kiefer to see if the EMC would like to take another look at this. Ms. Kiefer would like to know the status of what the Governor's Office and Task Force have done regarding this and once she has that information she can talk to the EMC about this. Ms. Kiefer asked Mrs. McCloy to contact the Governor's Office to obtain information about the Plastic Bag Task Force and she agreed.

Adjournment

The meeting adjourned at 4:47 p.m.