

Planning, Development, and Environmental Quality Committee
 Regular Meeting Minutes – Approved 12-7-17
 Thursday, November 2, 2017 3:00 PM
 Legislature Chambers

Attendance

Attendee Name	Title	Status	Arrived
Martha Robertson	Chair	Present	
Dooley Kiefer	Vice Chair	Late	3:05 PM
Michael Sigler	Member	Late	3:04 PM
David McKenna	Member	Present	
Carol Chock	Member	Present	
Catherine Covert	Clerk of the Legislature	Present	
Katie Borgella	Acting Planning & Sustainability Commissioner	Present	
Joan Jurkowich	Planning Administrator	Present	
Paula Younger	Deputy County Administrator	Present	
Fernando de Aragon	ITCTC Director	Present	
Joe Mareane	County Administrator	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	
Scott Doyle	Planner, Tompkins County Planning Department	Present	
Thomas Knipe	Tourism Coordinator	Present	
Megan McDonald	Senior Planner	Present	
Erica Beversluis	Compliance Program Coordinator	Present	

Guests: Mike Stamm and Margaret Frank, Tompkins County Area Development; Paul Rossi, Ithaca Board of Directors; Irene Weiser, Caroline Town Board member; Members of the Public, James Molino and Henry Granison

Call to Order

Ms. Robertson, Chair, called the meeting to order at 3:02 p.m.

Public Comment

No member of the public wished to speak.

Changes to Agenda

The Committee agreed to add an appointment to the Tompkins Consolidated Area Transit Board of Directors to the agenda.

Mr. Sigler arrived at this time.

Tompkins County Area Development

Resolution No. - 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 \$13,500,000 Aggregate Principal Amount Tax-Exempt Revenue Bonds (Ithacare Center Service Company, Inc.), Series 2017 (ID #7390)

Ms. Kiefer arrived at this time.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Michael Sigler, 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 Ithacare Center Service Company, Inc. (the "Company"), 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 (Ithacare Center Service Company, Inc. Project), Series 2017 in one or more series, in an aggregate principal amount not to exceed \$13,500,000 (the "Bonds"), and

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

(1) the refinancing of the outstanding principal amount \$14,600,000 Tompkins County Industrial Development Agency (the "IDA") Variable Rate Demand Civic Facility Revenue Bonds (Ithacare Center Service Company, Inc. Project), Series 2008 (the "Series 2008 Bonds"), the proceeds of which were used to provide funds to the Company to undertake a certain project (the "Project"), consisting of: (A) the refunding of the IDA's \$11,350,000 original principal amount Civic Facility Revenue Bonds (FHA Insured Mortgage-Ithacare Center Service Company, Inc. Project), Series 1997 (the "1997 Bonds"), the proceeds of which were used to finance (i) the acquisition, construction, and equipping on approximately 28 acres of land located at 1 Bella Vista Drive (also known as 980 Danby Road), in the Town of Ithaca, Tompkins County, New York (the "Land") of an approximately 129,700 square-foot licensed adult home and HUD-approved assisted-living facility (the "Existing Improvements") and (ii) the acquisition and installation in and around the Existing Improvements of certain items of machinery, equipment, furniture, and other tangible personal property (the "Existing Equipment"); (B) the acquisition, construction, and equipping on the Land of an approximately 24,700 square-foot expansion to the Existing Improvements to house an additional thirty-two (32) residential care beds and related improvements (the "Improvements"); (C) the acquisition and installation in and around the Existing Improvements and Improvements of certain items of machinery, equipment, furniture, and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the funding of a debt service reserve fund to secure the 2008 Bonds; (E) the payment of certain costs and expenses incidental to the issuance of the 2008 Bonds (the costs associated with items (A) through (E) above being hereinafter collectively referred to as the "2008 Project Costs"); and (F) the lease (with an obligation to purchase) or sale of the facilities financed with the 2008 Bonds to the Company; and

(2) the 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, Wednesday, November 1, 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 Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal* on October 17, 2017, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on November 1, 2017, and

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

* * * * *

Tompkins County Area Development November 2017 Report (ID #7392)

In response to Ms. Robertson’s question about the draft work plan for 2018, Mr. Stamm said he would review the plan with the Committee at the next meeting.

County Administrator's Report

PACE/EnergizeNY Update (ID #7360)

Ms. Chock requested a list of the 26 properties referenced in the memorandum that have been engaged with EnergizeNY to explore and to potentially secure financing. Mr. Mareane said he would look into providing that information.

* * * * *

Resolution No. - Approving Revisions to Policy 09-33 of the Tompkins County Government Administrative Policy Manual - Complying with the State Environmental Quality Review Act (SEQRA) (ID #7374)

At this time, it was MOVED by Mr. McKenna, seconded by Mr. Sigler, to recommend the resolution.

Ms. Chock suggested having a table included in the policy that outlines the various times for review and the comment period for Unlisted and Type I actions. In addition, she expressed concern with the seven-day period for Unlisted actions not requiring an environmental impact statement and that it should be extended. Ms. Jurkovich said she would support changing it to 15 days. Ms. Jurkovich said she would also provide clarifying language as necessary in this section of the policy.

Ms. Kiefer said she would like to restore language from the Legislative Policy Statement from the original policy and to reorder some sections of the policy.

Following further discussion, Ms. Robertson asked that the motion to recommend the resolution be withdrawn to allow Committee members to meet with appropriate staff to discuss any proposed changes to the policy and to bring the resolution and policy back to the Committee next month. The Committee agreed.

Ms. Robertson requested the word “may” following the word “...systems” to be added to paragraph six of the Energy Addendum.

RESULT:	WITHDRAWN NOT FINAL	Next: 12/7/2017 3:00 PM
----------------	----------------------------	--------------------------------

WHEREAS, it is in the interest of Tompkins County government to have policies and procedures that are current, accurate, and consistent, and

WHEREAS, Administrative Policy 09-33 regarding procedures for processing County actions in compliance with the New York State Environmental Quality Review Act (SEQRA) has not been updated since 2003 and required revisions to more accurately reflect procedures to comply with SEQRA and to improve proposed projects and protect the environment, and

WHEREAS, Administrative Policy 09-33 has been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government, and

WHEREAS, this policy also has been reviewed by the Planning, Development, and Environmental Quality Committee, the Facilities and Infrastructure Committee, and the Government Operations Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality, the Facilities and Infrastructure, and the Government Operations Committees, That the proposed revisions to Administrative Policy 09-33 regarding compliance with SEQRA are hereby adopted.

SEQR ACTION: TYPE II-20

* * * * *

Transportation

Resolution No. - Affirming Ithaca-Tompkins County Transportation Council (ITCTC) Recommendation to Increase the ITCTC Staff Director's Salary (ID #7396)

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

WHEREAS, Tompkins County entered into a Memorandum of Understanding with the Ithaca-Tompkins County Transportation Council (ITCTC) on September 30, 1992, agreeing that “...staff will be hosted by Tompkins County as an administrative rather than a reporting arrangement..... staff is selected by the Council [with] staffing plan, staff qualifications and salary schedule established by the Council”, and

WHEREAS, Board Resolution No. 99 of 1993 “Clarification of Employment Status - Position of Ithaca-Tompkins County Transportation Council Planning Director” stated the following:

“...the position of Ithaca-Tompkins County Transportation Council Planning Director shall be entitled to the terms and conditions of employment established by this [County] Board for management employees unless otherwise recommended by the Council and established by this [County] Board of Representatives”, and

WHEREAS, on March 14, 2000, the Director’s salary was modified by ITCTC resolution 2000-01 above the management salary range with the stipulation that the Host Agency, Tompkins County, execute the necessary administrative procedures to implement this modification, and

WHEREAS, on February 5, 2002, the Tompkins County Board of Representatives passed Resolution No. 6 Affirming Ithaca-Tompkins County Transportation Council (ITCTC) recommendation to establish the ITCTC Planning Director's salary above the salary range, and

WHEREAS, on October 24, 2017, the ITCTC passed Resolution 2017-06 to adjust the salary of the Staff Director, effective January 1, 2018, by 2.25%, and

WHEREAS, in keeping with the County's requirement that salaries established above the salary range be authorized exclusively by resolution, and to establish or affirm recommendations made by ITCTC that are contrary to the terms and conditions of employment for management staff, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Board affirm the 2.25% increase of the salary for the Ithaca-Tompkins County Transportation Council Planning Director to a total of \$89,583, effective January 1, 2018, as approved by the Ithaca-Tompkins County Transportation Council.

SEQR ACTION: TYPE II-20

* * * * *

Planning and Sustainability Department

Resolution No. - Award of Two-Year Forestry Services Contract For County-Owned Forest Lands in the Town of Newfield (ID #7394)

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

WHEREAS, the Tompkins County Department of Finance duly advertised a Request for Qualifications for forestry services in the Town of Newfield, and

WHEREAS, three responses were received and Forecon Forestry and Natural Resources Consultants (Forecon) was selected as the preferred firm to assist the County in assessing County forest land and managing a timber harvest, and

WHEREAS, Forecon recommends timber harvests be bid over two seasons so as to allow for highest potential rate of return and compliance with the harvest recommendations in the County Forest Management Plan, and

WHEREAS, a two-year contract with Forecon would be required to allow for a timber harvest that could span two seasons, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That a contract be authorized for two years with Forecon Forestry and Natural Resources Consulting of Cortland, New York, for a total of fifteen thousand dollars (\$15,000),

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

RESOLVED, further, That the contract will take into account management of old growth according to the County's 2007 Plan.

SEQR ACTION: TYPE II-21

* * * * *

Tompkins Priority Trails Strategy Updates (ID #7380)

In response to Ms. Kiefer, Mr. Knipe said he could share the updated list of people involved with the Parks and Trails network.

* * * * *

Housing Capital Reserve Fund Discussion (ID #7398)

Ms. Robertson said the Economic Development Collaborative is a group that meets every other month and said they discussed the idea of a Housing Capital Reserve Fund and are in the process of setting up a brainstorming session among the housing planning committees.

Ms. Robertson said she is interested in also receiving feedback from Committee members and to discuss different areas that this funding could be used for.

Ms. Chock said she is interested in starting a discussion about priorities for what the funding would pay for as well as discuss the criteria. She would also like to discuss the types of applicants and consider the categories before any decision is made on what to spend the funds on. Another question she would like to have addressed is who would be making the decision and suggested a committee be set up with various stakeholders involved. She questioned if the projects would be leveraged or leveraged along with current funding. Additionally, she asked if this would present a potential for getting current partners to step up or new partners.

Mr. Sigler said what is more important is what would be the purpose of the money used for. He also questioned who would receive the money.

Ms. Robertson said that is the question she is asking of Committee members.

Mr. Sigler said the legalities of how the funds are spent would have to be considered.

Mr. Mareane said there are constitutional restrictions of public funds. He believes there are structures in place the County could use to help such as endowing an LDC. Any direct relationship with a developer or not-for-profit agency, he said the County needs to be careful and that the County Attorney should be consulted.

Ms. Robertson said this money will be a unique source of funds and again asked Committee members what they would like to see it used for.

Ms. Kiefer spoke of a recent meeting she attended in the Village of Cayuga Heights where public input was being received concerning zoning ordinances. There was great discussion on the need for older people to remain in their expensive homes and be able to rent out rooms in those homes. She questioned whether that could be a topic of discussion. Ms. Robertson said the topic could be supporting seniors living in the homes that they have if desirable.

Ms. Chock said her priorities include affordability, owner-occupied housing, and combat gentrification including involving people who are living in the communities. In addition, she would like to have new partners brought in with some of the money.

Mr. Sigler asked how much of this issue is a money problem or a regulation problem and spoke of recent infrastructure problem with a housing project. Ms. Robertson said infrastructure is on the list as it can be a block for developing housing. Mr. Sigler also spoke of intermunicipal agreements being established where municipalities work together.

Mr. McKenna spoke briefly about the proposed project in the Town of Newfield for low and high-end housing.

Ms. Robertson summarized the discussion and said the following topics were captured: senior living, infrastructure, owner-occupied housing, and affordability. Ms. Kiefer added education as another area.

Mr. Mareane asked the Committee to think about a different model similar to an industrial park model. Through an LDC, a track of land could be purchased for development with utilities and other basic infrastructure brought in and dealt with up front; the County could then decide what types of uses it would want on the land including owner-occupied, lower-income housing, etc., along with amenities. Request for Proposals could be done and developers could come in and build what the County has requested. In summary, the County would capitalize the LDC, the LDC makes that up-front investment to make sure it is shovel ready. Infrastructure would be built, plans would be taken care of, and then the County would sell it. The money would then be recycled and ready to use for another project.

RESULT:	COMPLETED
----------------	------------------

* * * * *

Resolution No. - Budget Adjustments - Various Community Development Block Grants (CDBG) Activities Through the Use of Grant Funds and Program Income Funds Generated from Previous CDBG Grants (ID #7393)

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

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, and

WHEREAS, the Tompkins County Department of Planning and Sustainability has received funding from several multi-year Community Development Block Grants (CDBG) grants in 2014, 2015, 2016, and 2017, and

WHEREAS, the Tompkins County Department of Planning and Sustainability has Program Income Funds that are generated from the repayment of loans from previous CDBG-funded Tompkins County Homeownership Program loans, and

WHEREAS, Tompkins County, with the approval of the U.S. Department of Housing and Urban Development (HUD), uses Program Income Funds for its contributions to the Community Housing Development Fund, and

WHEREAS, the Tompkins County Legislature has previously approved the Homeownership, and Community Housing Development Fund activities, and

WHEREAS, as a result of the multi-year grants, Program Income revenue, and delays in

Community Housing Development Fund projects, several adjustments to the 2017 budget are needed to move the funds into the appropriate fiscal year for these activities, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Director of Finance is hereby authorized and directed to make the following budget adjustments for 2017:

	Revenue	Title	Amount	Appropriation	Title	Amount
State CDBG	8688.44	Federal	\$229,87	8688.54	Program	\$229,87
Grants	959	Aid	0.48	400	Expense	0.48
State CDBG	8684.42	Program		8684.54	Program	\$180,00
Program Income	411	Income	\$73,395.00	400	Expense	0.00

SEQR ACTION: TYPE II-20

* * * * *

Resolution No. - Appropriation From Contingent Fund - Terminal-Pay Reimbursement - Department of Planning and Sustainability (ID #7383)

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

WHEREAS, the Commissioner of Planning and Sustainability resigned effective August 27, 2017, 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 Planning, Development, and Environmental Quality and the Budget, Capital, and Personnel Committees, That the Director of Finance be and hereby is authorized and directed to make the following budget appropriations:

FROM:	A1990.54400	Contingent Fund	\$42,108
TO:	A8020.51000243	Commissioner of Planning and Sustainability	\$29,362
	A8020.58800	Fringes	\$12,746

SEQR ACTION: TYPE II-20

* * * * *

Appointment(s)

Advisory Board Appointment(s) (ID #7412)

Tompkins Consolidated Area Transit Board of Directors
 Frank P. Proto - County Representative; term expires December 31, 2020

Minutes
Planning, Development, and Environmental Quality Committee
Thursday, November 2, 2017

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

* * * * *

Minutes Approval

October 5, 2017

Following questions being raised about the minutes, Mrs. Covert agreed to provide clarification and resubmit the minutes for approval.

RESULT:	DEFERRED
----------------	-----------------

Committee Members' Reports

Mr. McKenna requested an update on the hydro-electric project in Seneca Falls next month.

Adjournment

The meeting adjourned at 5:01 p.m.