

MINUTES

Adopted 11/12/09

PLANNING, DEVELOPMENT, AND ENVIRONMENTAL QUALITY COMMITTEE

OCTOBER 14, 2009 3:15 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: P. Mackesey, Chair; F. Proto; W. Burbank; C. Chock (arrived at 3:18 p.m.); M. Robertson (arrived at 3:25 p.m.)

Staff: C. Covert, Clerk of the Legislature; M. Lynch, Public Information Officer; J. Jurkowich, J. Leccese, E. Marx, K. Borgella, L. Schill Planning Department; J. Mareane, County Administrator; J. Mattick, Workforce Investment; D. Mengel, Department of Social Services; P. Younger

Guests: S. Shackford, Ithaca Journal Reporter; J. McPheeters, Chamber of Commerce President; F. Bonn, B. Stoff, and J. VanVleet, Convention and Visitor's Bureau; H. Filiberto, Area Development; R. Gaenzle, Harris Beach PLLC

Call to Order

The meeting was called to order at 3:16 p.m.

Changes to Agenda

There were no changes to the agenda.

Approval of Minutes

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, to approve the minutes of the September 9, 2009, meeting as submitted.

Ms. Chock arrived at this time.

Strategic Tourism Planning Board

Convention and Visitors Bureau Report

Mr. Bonn provided an overview of the organizational structure and the local tourism economy. He began by briefly reviewing the organizational chart and the 2008 economic impact. There was \$170 million of consumer spending associated with tourism in 2008, a 5.9 percent increase over 2007, generating an estimated \$11.9 million in local taxes. Mr. Bonn also provided the tourism economic impact trends from 2005 through 2008 as follows:

<u>2005</u>	<u>2006</u>	<u>% Change (2005-06)</u>	<u>2007</u>	<u>% Change (2006-07)</u>
\$124,608,000	\$148,616,000	19.3%	\$160,933,000	8.3%
<u>2008</u>	<u>% Change (2007-08)</u>			
\$170,256,000	5.8%			

Lastly, Mr. Bonn reviewed the supply versus occupancy rate from 2004-2008 and the comparison on how Tompkins County is performing in 2009 with lodging numbers compared to the Finger Lakes, New York State, and the United States.

Ms. Mackesey asked if information was available on the growth of rooms in Tompkins County over the last five years and if it could be provided. Mr. Stoff believes the increase averages four percent per year and said there are approximately 1,800 rooms total now.

At this time, Ms. VanVleet provided an overview of the visiting services program she manages and Mr. Stoff provided information on the marketing services area.

Ms. Robertson arrived at this time.

Mr. Bonn spoke briefly about the sales aspect of the Convention and Visitors Bureau and said it focuses on large groups of people traveling into the community for events such as associations, conferences, weddings, etc.

Ms. Mackesey asked if any “measurement of success” for the amount of money spent on media and the relationship with the number of visitors coming to Tompkins County has been done. Following a brief explanation by Mr. Bonn, he said a conversion study could be done; there is some regional data available now. It was noted that the best form of advertisement is public relations and word of mouth.

Mr. Burbank asked what challenges and/or problems the Convention and Visitors Bureau sees in promoting tourism. Mr. Bonn said there are two challenging areas: consumer confidence and business climate.

Ms. Chock spoke about statistics and staffing levels and asked how there can be a rise in the local tourism economy when people are not traveling. Mr. Bonn believes people who traditionally travel further distances for vacations such as Europe are staying closer to home and had there not been a “soft” economy it was likely at the end of 2008 there would have been a double-digit increase. He commented that although the budget has increased over the last five years and responsibilities have increased, staff has not.

Tompkins County Area Development

Resolution – Formation of Development Corporation

Ms. Filiberto introduced Mr. Gaenzle of Harris Beach PLLC and explained TCAD’s support for the creation of a new County Local Development Corporation with the authority to issue tax-exempt bonds to local not-for-profit organizations. The Industrial Development Agency’s (IDA) ability to issue tax-exempt bonds for not-for-profit projects ended January 2008. This proposal is similar to many other communities that have formed local development corporations that operate in basically the same manner as an IDA.

Ms. Chock asked if there were any disadvantages and if the County Attorney has had an opportunity to review the resolution. Ms. Filiberto said the Corporation would operate the same as the IDA and would not incur any obligations for the County. It is only a conduit to the bond market.

Mr. Gaenzle provided a brief history and said in January 2008 the IDA’s ability to do civic facility (not-for-profit transactions) ended and it has not been reenacted by the State. These organizations do not have the ability to avail themselves of the tax-exempt bond market short of going to a State Authority. In answer to Ms. Chock’s question, there is no downsize to this proposal. If this entity is formed, it would be controlled by the County. The administrative fees will be paid and invested locally.

Ms. Robertson said the question of local hiring was raised at a recent meeting and she said that the same policies as IDA has would be followed as a starting model, including encouragement of local hiring.

Mr. Proto asked who would collect the fees as mentioned above. Mr. Gaenzle said the percentage of fees collected will be based on what the corporation establishes and will likely be very similar to the

IDA's policy. The County will decide where the fee will go and will be determined at the time the Board of Directors is appointed and the bylaws are adopted. Bond Counsel has been recommending that the IDA Board make up the LDC (Local Development Corporation) Board as they have contacts with the entities that need this type of borrowing mechanism.

Mr. Gaenzle commented there are other municipalities and counties that have established similar corporations.

Following further discussion, the Committee agreed the County Attorney should review the resolution prior to the Committee taking action.

Ms. Chock proposed adding two Resolved's as follows:

"RESOLVED, further, That all policies of the IDA related to such public interests as non-discrimination, hiring practices, apprenticeships, payment of wages, LEED construction, green operation and other public interest stipulations that are in existence as of the date of issuing of any bonds, notes or other obligations will apply to the contract related to the issuance of such debt,

"RESOLVED, further, That any and all fees resulting from the issuance and re-payment of such bonds, notes or other obligations will be used to support economic development activities in Tompkins County."

The Committee requested action on the resolution with the changes being suggested be postponed to the next meeting to allow the County Attorney to review. In response to Ms. Chock's question, Mr. Mareane said Mr. Squires, Finance Director, has reviewed the resolution and does not have any concerns.

Resolution – Recovery Zone Designation

It was MOVED by Ms. Robertson, seconded by Mr. Burbank, to approve the following resolution and submit it to the Legislature for approval. Mr. Gaenzle briefly explained the resolution and said in order for the County to issue facility bonds designating all or part of the County as a recovery zone is required. Following a brief discussion, a voice vote resulted as follows: Ayes – 5, Noes – 0. RESOLUTION CARRIED.

RESOLUTION NO. – DESIGNATING TOMPKINS COUNTY A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 AND DESIGNATING THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS THE EXCLUSIVE ISSUER OF RECOVERY ZONE FACILITY BONDS

WHEREAS, the American Recovery and Reinvestment Tax Act of 2009 (the "ARRA") created a new type of tax-exempt exempt facility bond entitled Recovery Zone Facility Bonds ("RZFBs"), which, among other things, must be issued in 2009 or 2010, and

WHEREAS, RZFBs are designed to assist counties and large municipalities with local job creation and economic development activities by providing access to tax-exempt financing for certain kinds of business development activities which historically would not qualify for such low-cost financing (e.g. large manufacturing plants, distribution centers, hotels, research parks, and any other project deemed appropriate), and

WHEREAS, pursuant to the ARRA, the County received authority to issue up to \$2,321,000 of RZFBs (the "Allocation"), and

WHEREAS, the County lacks the authority under the Laws of New York State to issue RZFBs for the benefit of private entities, and the failure by the County to designate the Tompkins County

Industrial Development Agency (the "Agency") as the exclusive issuer of RZFBs will likely cause the County to lose the Allocation and its ability to avail itself of this significant benefit of the ARRA, and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of taxable and tax-exempt financing by the Agency and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities, and

WHEREAS, since the current economic crisis started, the County has experienced increases to its unemployment rate and the home foreclosure rate, and is experiencing general distress, and

WHEREAS, the County desires to designate Tompkins County as a Recovery Zone (within the meaning of the ARRA) to maximize potential qualifying projects, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County determines that all areas of Tompkins County have significant unemployment, rate of home foreclosures or general distress and therefore the County hereby designates Tompkins County as a Recovery Zone pursuant to the ARRA,

RESOLVED, further, That the County hereby designates the Agency as the exclusive issuer of the County for the purposes of issuing RZFBs and to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the RZFBs, provided however that any obligations issued by the Agency shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the Agency) and neither the State of New York, the County or any political subdivision thereof (other than the Agency) shall be liable thereon,

RESOLVED, further, That the County is hereby authorized to covenant and agree with the Agency in one or more transactions contemplated by this resolution for the benefit of the Agency and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively, the "Securities") issued by the Agency, and that the County will not limit or alter the rights of the Agency to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders of the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. Authorized representatives of the County are hereby granted the power to make such a covenant to and agreement with the Agency and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Agency is hereby authorized to assign to, or for the benefit of, the holders of its Securities any covenant or agreement made by the County pursuant to the foregoing provisions,

RESOLVED, further, That the Chair of the Legislature or his designated representative is hereby authorized and directed for and in the name and on behalf of the County to perform all tasks and other actions to perform all acts and things required of the County or provided for by the provisions of the ARRA with respect to the County in connection with the issuance of RZFBs, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the Chair of the Legislature or his designated representative, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the County with all of the terms, covenants and provisions of the ARRA with respect to the County in connection with the issuance of RZFBs,

RESOLVED, further, That this resolutions shall take effect immediately.

SEQR ACTION: TYPE II-20

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Planning Department

Resolution – Public Hearings

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. – AUTHORIZING PUBLIC HEARINGS FOR HOUSING, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT NEEDS FOR THE OFFICE OF HOUSING AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the New York State Office of Housing and Community Renewal’s funding for the Community Development Block Grant (CDBG) program accepts competitive applications for housing, public facilities, and microenterprise projects in the spring of each year, and

WHEREAS, Tompkins County would like to apply for competitive housing, public facilities, and/or microenterprise funds in 2010, and

WHEREAS, the Tompkins County Legislature would like to solicit input from the public regarding needs in these areas, and

WHEREAS, Tompkins County is required to have at least two public hearings prior to submitting any CDBG applications for funding, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That two public hearing dates be set: the first to be held on November 4, 2009, to discuss general housing, public facilities, and economic development needs in the County; and the second to be held on January 19, 2010, to discuss submitting a specific application for competitive housing, public facilities, and/or microenterprise funds under the CDBG program in 2010. These hearings will be held at 5:30 p.m., at a regularly scheduled meeting of the Tompkins County Legislature, 320 North Tioga Street, Ithaca, New York,

RESOLVED, further, That the Clerk of the Legislature is authorized and directed to place proper notice of these public hearings in the official newspaper of the County.

SEQR ACTION: TYPE II-20

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Energy Efficiency Financing Presentation

Ms. Jurkowich distributed and provided an overview of the interim report for the energy and greenhouse gas emissions element of the Comprehensive Plan. One of the action items was to investigate the feasibility of developing a low-interest revolving loan fund to improve the pay back period for energy efficiency investments made by landlords, homeowners, and businesses. Ms. Borgella explained the Department has been doing research and spoke about a home energy program and having municipalities bond for the money required to do energy efficiency, giving loans out to willing participants, having them do the energy efficiency work, and having the loan paid back on the tax bill. She said this is called an Energy Financing District and is a lien on the property. Ms. Borgella highlighted some of the benefits to homeowners including a long repayment period, potential for lower interest rates, and tax-deductible interest payments.

Ms. Borgella said Energy Financing Districts are not generally authorized for counties in New York State. There have been a few communities that have established such programs in the State and have received special authorization.

Ms. Mackesey requested further discussion on this program be held at the next meeting to allow Committee members time to review the information. Mr. Marx said he would like the sense of the Committee on the concept for moving forward with requesting enabling State legislation. He has had informal conversations with Assemblywoman Lifton and said his Department would like to have this introduced in this State Legislature’s session.

Ms. Robertson supports the program and believes it would eliminate the two biggest problems homeowners and landlords have with coming up with up-front money and having the option to payback in a long period time with the debt transferring if they sell the property.

Mr. Proto said he also likes the idea, however, his concern is the amount of potential staff time it may entail. He would like to know what the cost of the program would be if implemented.

Ms. Chock spoke of her support for the program and asked if there would be any grant funding available similar to what is done in the affordable housing area.

Mr. Burbank also spoke in support of the program and encouraged the Committee to ask the Department to move forward with a proposal to the State Legislature.

Following further discussion, Ms. Jurkowich distributed an analysis of what the program might look like in Tompkins County. Mr. Marx commented that this program would be a significant commitment and would require additional staff, which would be paid in part by fees from the loans.

It was MOVED by Ms. Robertson, seconded by Mr. Burbank, to authorize the Department to pursue legislative action and grant funding available to give the authority and the ability to establish the Energy Financing District program as described above. A voice vote resulted as follows: Ayes – 4, Noes – 1 (Proto). MOTION CARRIED.

Resolutions – Snowmobile Trail Grants-in-Aid Program

Ms. Robertson said that Legislator Kiefer had commented to her that the Environmental Management Council submitted comments and asked if they had been reviewed. Ms. Schill said she received them just prior to this meeting, but staff has not had an opportunity to review them. Ms. Robertson asked if the towns have been contacted concerning the changes being proposed. Ms. Schill was uncertain and said she would look into it.

Discussion followed concerning the additional trails being added in particular, the Village of Groton, and Ms. Schill noted they are existing trails; they just had not been funded through the State in the past.

Mr. Burbank said he is uncomfortable with supporting this at this time. Mr. Marx reminded the Committee that many small communities view this type of recreation as economic development by bringing people in to buy gas, food, etc. In rural areas this is also an important winter recreation to a lot of people.

Following further discussion and some concerns raised, Mr. Marx said that a municipality could enact ordinances that address any concerns in their jurisdiction.

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, to approve and submit the following resolution to the full Legislature for approval. Ms. Chock expressed her interest in publicizing this to allow comments to be made to the Legislature. In response to Ms. Robertson's concern with the Village of Groton, Ms. Jurkowich agreed to follow-up with the Village Clerk and/or Mayor. Ms. Robertson requested that all the municipalities impacted be contacted. A voice vote resulted as follows: Ayes – 4, Noes – 1 (Burbank). RESOLUTION CARRIED.

RESOLUTION NO. – MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. ____ OF 2009 (AUTHORIZATION TO ACCEPT 2009-2010 SNOWMOBILE TRAILS GRANT-IN-AID)

WHEREAS, Resolution No. ____ of 2009, would authorize the Planning Department to accept the 2009-2010 Snowmobile Trails Grant-In-Aid funds from the New York State Office of Parks, Recreation and Historic Preservation in the event that grant funds are awarded, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Resolution No. ____ of 2009 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. ____ of 2009.

SEQR ACTION: Unlisted
(Negative Declaration and Short EAF on file with Clerk of the Legislature)

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Acceptance of Grant

It was MOVED by Ms. Robertson, seconded by Mr. Proto, to approve and submit the following resolution to the full Legislature for approval. Ms. Robertson asked how much staff time is required for this program. Ms. Jurkowich noted that this is one area that will be impacted significantly if the budget as proposed for the department is adopted. She said the Department will continue to sponsor the grant, but would longer package the information or administer the program. A voice vote resulted as follows: Ayes – 4, Noes – 1 (Burbank). RESOLUTION CARRIED.

RESOLUTION NO. – AUTHORIZATION TO ACCEPT 2009-2010 SNOWMOBILE TRAILS GRANT-IN-AID

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation administers a grant program to encourage local snowmobile club stewardship and development of snowmobile trails in the state, and

WHEREAS, in order to be eligible for this grant program, a local municipality must agree to sponsor the application and administer the program, which the Tompkins County Planning Department has done for local snowmobile clubs since 1998, and

WHEREAS, this year, five snowmobile clubs are proposing to maintain 119 miles of trails for snowmobile use in Tompkins County, and as part of the grant application, each club prepared a 3-year maintenance plan which has been compiled for a master application, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Planning Department is authorized to accept the 2009-2010 Snowmobile Trails Grant-In-Aid funds in the event that grant funds are awarded.

SEQR ACTION: Unlisted
(Negative Declaration and Short EAF on file with Clerk of the Legislature)

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Explanatory Note: There are five snowmobile clubs with trails in Tompkins County that participate in this grant program: Dryden Caroline Drifters Snowmobile Club, Twin Lakes Snowmobile Association, Spencer Van Etten Snowmobile Club, Candor Valley Riders Snowmobile Club, and Horseheads Snowmobile Club. This program is somewhat unusual in that the application “represents a project agreement with the OPRHP.”

Commissioner's Report

Mr. Marx announced the Department received an award at the Upstate Chapter of the American Planning Association Conference for the Comprehensive Plan. He also reported that he is beginning the review of the draft Supplemental Generic Environmental Impact Statement regarding natural gas drilling. A schedule has been established to have a full report given to this committee at the next meeting. Mr. Marx hopes to have draft comments by November 6th to compare and clarify comments and receive feedback. In response to question from Mr. Proto, Mr. Marx said his Department will be sharing their review with the Health Department including any impacts on the County and the community.

In response to Ms. Chock's questions about a point person and the drafting of a resolution for the Legislature, Mr. Marx believes the comments will be very detailed and lengthy and will be from various entities. He hopes that each entity or group will share comments. A decision on how to proceed will also need to be discussed. Some suggestions he made include submitting comments directly to the Department of Environmental Conservation, a resolution of the Legislature, or a letter from the Chair of the Legislature.

Ms. Robertson spoke about the gas drilling subcommittee of the Tompkins County Council of Governments and said they are setting up two meetings: a public information meeting on November 5th, and a public hearing on November 19th.

Discussion on this subject continued later in the meeting.

Transportation

Resolution

It was MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. – AUTHORIZING AMENDMENT TO 2009 FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT – NY-90-X618

WHEREAS, the New York State Department of Transportation notified the County that it approved a transfer of \$182,900 in Section 5311 rural funds to the Section 5307 urban formula program, and

WHEREAS, Tompkins Consolidated Area Transit (TCAT) requested the County to amend a 2009 Federal Transit Administration Section 5307 grant (NY-90-X618) to increase the budget for Preventive Maintenance for TCAT's bus fleet, and

WHEREAS, the amended grant budget would be as follows:

TCAT Projects:	FTA	State	TCAT	County	Total
Preventive Maintenance	\$1,225,676	\$ 153,210	\$ 153,210	-	\$ 1,532,095
Short Range Planning	\$ 56,000	\$ 7,000	\$ 7,000	-	\$ 70,000
Operating Assistance	\$ 30,000	\$3,897,977	\$6,773,997	-	\$10,701,974
Clean Diesel Conversion	\$ 45,740	\$ 5,717	\$ 5,718	-	\$ 57,175
Acquire ADP Hardware/Software	\$ 38,065	\$ 4,758	\$ 4,758	-	\$ 47,581
Acquire Support Vehicles	\$ 12,800	\$ 1,600	\$ 1,600	-	\$ 16,000
Rehab/Renovate Facility Surveillance/ Security System	\$ 8,000	\$ 1,000	\$ 1,000	-	\$ 10,000

County Projects:					
Mobility Management	\$ 32,640	\$ 4,080	-	\$ 4,080	\$ 40,800
Project Admin	\$ 48,000	\$ 6,000	-	\$ 6,000	\$ 60,000

TOTAL for NY-90-X618 Grant	\$1,496,921	\$4,081,342	\$6,947,283	\$ 10,080	\$12,535,625
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, now therefore be it

Minutes
Planning, Development, and Environmental Quality Committee
October 14, 2009

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Contracts Coordinator to execute and file an amendment on behalf of the County of Tompkins with the Federal Transit Administration for the 2009 Section 5307 Grant NY-90-X618, in the amount of \$182,900 to increase Preventive Maintenance funds.

SEQR ACTION: TYPE II-20

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Explanation:

This resolution would amend a County FTA grant (NY-90-X618) by adding \$182,900 in federal rural transit funds, allocated by NYSDOT, to TCAT's preventive maintenance budget at TCAT's request.

The TCAT share for operating assistance includes fare revenues and local shares.

Employment and Training

Budget Adjustment

It was MOVED by Mr. Proto, seconded Mr. Burbank, and unanimously adopted by voice vote, to approve and submit the following budget adjustment to the full Legislature for approval:

Office of Employment and Training

<u>Revenue Acct</u>	<u>Title</u>	<u>Amount</u>	<u>Appropriation Account</u>	<u>Title(s)</u>
6292.44797	Federal Aid TAA	\$80,000	6290.54400	Program Expense

Explanation: Trade Act Assistance funds being made available for training for recently laid off Borg Warner employees.

Commissioner's Report (Continued)

Natural Gas Drilling

Following further discussion, Mr. Marx suggested that since comments are due to the Department of Conservation by November 30th and if the Committee met in mid-November, a resolution could be prepared for action by the Legislature on November 17th. He also recommended that formal comments can still be submitted in letter form after the November 17th date and as the Legislature agrees.

Ms. Mackesey said she would work on preparing a draft resolution and asked that any Committee members interested in helping her should let her know. Ms. Robertson also commented that the Tompkins County Council of Governments will be considering a resolution on November 19th.

Departmental Budget

Mr. Marx commented that at the last Expanded Budget, Capital, and Finance Committee there had been some lack of clarity expressed and offered to provide further information if needed. The Committee suggested it would be more appropriate that information be provided at an Expanded Budget, Capital, and Finance Committee meeting.

Next Meeting

The Committee rescheduled the November 18th meeting to November 12th at 3:30 p.m.

Adjournment

The meeting adjourned at 5:20 p.m.