

# AGENDA

## Planning, Development, and Environmental Quality Committee

Wednesday, November 3, 2010 - 3:30 PM  
Scott Heyman Conference Room, 125 East Court Street, Ithaca, NY

1. **Call to Order**
2. **Changes to Agenda**
3. **Approval of Minutes**
  1. Wednesday, October 06, 2010
4. **Tompkins County Industrial Development Agency (3:35 PM)**
  1. **RESOLUTION:** Approving a Certain Project to be Undertaken by the Tompkins County Industrial Development Agency for the Benefit of Transonic Systems Inc. (ID # 2273) – Michael Stamm
5. **Planning Department (3:45 PM)**
  1. **ACTION ITEM:** Flood Hazard Mitigation Program -- Redistribution of Funds Among Projects (ID # 2277) – Scott Doyle (10 min)
  2. Downtown Transit Feasibility Study (ID # 2282) – Ed Marx (15 min)
  3. Commissioner’s Report (ID # 2274) – Ed Marx (5 min)
  4. **RESOLUTION:** Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High- Volume Hydro-Fracturing -- Ed Marx (20 min)
6. **Other - Action Item (4:35 PM)**
  1. **RESOLUTION:** A Resolution Expressing Opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) Regulatory Proposal by the United States Environmental Protection Agency (EPA) and Raising Serious Concerns Regarding the Unattainable Mandate and Lack of Parity Represented in Load Allocations for the State of New York Compared to Other Bay States and Watershed Jurisdiction Partners; and Requesting Intervention by Our Elected Representatives in the United States Congress, New York State Senate and New York State Assembly in Securing a Moratorium on Regulatory Implementation of the Chesapeake Bay TMDL in New York Until Such Objections and Concerns Are Fully Addressed (ID # 2247) – Frank Proto
7. **Adjournment (5:00 PM)**

RESPONSIBILITIES: Planning Department, Census Planning/Reapportionment Preparation, MPO, TCAT, Soil and Water Conservation District, Flood Control/Water Quality, EMC, WRC, Agriculture and Farmland Protection Board, Land Management, Workforce Development, TCAD, Industrial Development Agency, Chamber of Commerce, Tourism Program/CVB, Strategic Tourism Planning, Ithaca Downtown Partnership, Community Celebrations & Arts, County Historian

MEMBERS: P. Mackesey, Chair; C. Chock, Vice Chair; W. Burbank; F. Proto; P. Pryor  
Inclusion through Diversity

*Inclusion through Diversity*

**Planning, Development, and Environmental Quality Committee**

Regular Meeting Minutes

**Wednesday, October 6, 2010 3:30 PM**

Scott Heyman Conference Room

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>	<b>Excused</b>
Pam Mackesey	Chair	Present		4:35 PM
Will Burbank	Member	Excused		
Carol Chock	Member	Present		
Frank Proto	Member	Present		
Pat Pryor	Member	Present	3:39 PM	

Present: J. Mareane, County Administrator; Ed Marx, Commissioner of Planning and Public Works; J. Kippola, Administration; H. Filiberto, M. Armstrong, TCAD; D. Mengel, Department of Social Services; M. Roth, Cornell Cooperative Extension; C. Schutt, J. Negley, Soil and Water Conservation District; K. Fuller, Deputy Clerk

Guest: Linda Adams, Town of Caroline

**Call to Order**

Chair Mackesey called the meeting to order at 3:30 p.m.

**Changes to Agenda**

Ms. Mackesey reordered the items on the agenda to accommodate time constraints of members and participants.

**Soil and Water Conservation District**

**Six Mile Creek Stream Rehabilitation Project**

John Negley provided a PowerPoint presentation of work that has been completed on the Six Mile Creek Stream Rehabilitation Project covering the area between New York State Route 79 and Creamery Road. Previous mitigation provided a temporary approach and in the early 1990's when attempting to mitigate problems an artesian aquifer was opened in the digging process, causing the County to provide water to homeowners in the immediate vicinity.

Since that time new techniques for stream protection have been developed and include the following:

- Utilize natural channel design methods (combine stream dynamics with human uses)
- Goals:
  - To protect artesian aquifer system.
  - Decrease sediment loading of eroding streambanks.
  - Increase productive fish habitat.
  - Increase knowledge of stream systems in the County and how to better manage them.

Using the new techniques, the project moved forward with the design phase, obtaining necessary permits, and landowner permission. Permits required approval of the Army Corps of Engineers as well as the New York State Department of Conservation. The Town of Caroline assisted with the project as well.

To avoid the previous breach in the artesian aquifer, test holes were dug to determine its stability.

Ms. Pryor arrived at this time.

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The work included sloping banks, six to eight feet of excavation within streams, and use of rocks. A 3,000-foot stream-channel was constructed and stream buffer in the form of vegetation has been added to the project, which was completed within the last several weeks.

Mr. Negley reported that the recent rainstorms provided a test of the completed work, which was very successful.

The Tompkins County Soil and Water Conservation District (SWCD) provided labor, survey assistance, hydroseeding, and tree planting. It was noted the trees had been provided by a grant from AES. In addition to the labor, the SWCD is conducting habitat surveys of fish, invertebrate, vegetation, etc.

The project cost \$476,000, \$10,000 was provided by Tompkins County. Mr. Negley said that 3,200-feet of stream was included in the project and that in 2005 over a mile was completed. Mr. Schutt said it was actually two projects at the same time as a result of testing on the aquifer. The Town of Caroline obtained funding from the State Emergency Management Office to provide aquifer protection. During the start of the project it was found that the protective layers of the aquifer were thin in some places, placing it in jeopardy if a large storm occurred. Ms. Adams said the SWCD was an integral part of being able to complete this project. Being able to spend five years on the project to see it through completion.

Mr. Proto said years ago it had been decided to hold off on flood projects, however, Ms. Hackett in the Planning Department, completed an overall review to determine what should take place. As a result of the review, a project took place the other side of the State bridge at a cost of \$650,000; this project continues the plan developed by Ms. Hackett. He spoke of the punctured aquifer that required the bridge removal and the County to install a water system for residents.

Ms. Chock asked if of property owners whose building may have buildings next to the streams provided any funding for the mitigation. Ms. Adams noted the project was funded through the State. She said many of the property owners are middle- to low-income families that could not afford to provide funding.

Mr. Proto said the old flood program was funded 1/3 by the County, 1/3 by the municipality, and 1/3 by the property owner.

Ms. Chock suggested there might be a way to have property owners that benefit from the flood mitigation work to fund a portion. Ms. Adams said perhaps it would be possible to do so by either cash payment or volunteer work on the project.

\* \* \* \* \*

**Tompkins County Development Corporation**

**Resolution (DOC ID: 2223): Approval of the Issuance by Tompkins County Development Corporation of Up to \$30,000,000 Aggregate Principal Amount Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2010**

Ms. Filiberto reported there were no members of the public at the public hearing for this project that will provide student housing at the college. In response to a question, Ms. Filiberto said she did not know what the fee structure for the bonding issue would be, however it usually is one percent.

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<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Frank Proto, Member
<b>SECONDER:</b>	Carol Chock, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor
<b>EXCUSED:</b>	Will Burbank

WHEREAS, the Tompkins County Planning, Development and Environmental Quality Committee (the "Committee"), 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, a not-for-profit corporation duly formed and validly existing under the laws of the State of New York (the "Company"), the Issuer proposes to issue its Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2010, in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds"), and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires the approval by the Tompkins County Legislature (the "Legislature") prior to the issuance by the Issuer of the Bonds, and

WHEREAS, the Committee desires to recommend to the Legislature that it give such approval in accordance with the Code, and

WHEREAS, the project (the "Project") shall consist of the payment, reimbursement and/or financing of existing indebtedness incurred by the Company for the purpose of financing (A) 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 7,800square feet of space (the "Community Building" and, together with the Existing Apartments, the "Existing Improvements"); (B) (i) the renovation, rehabilitation and general upgrading of the Existing Improvements and (ii) the acquisition and 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"); (D) 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 (E) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (A) through (E) above 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 Internal Revenue Code of 1986, as amended (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, the Issuer has scheduled such a public hearing to be held on October 4, 2010, upon proper notice in compliance with the Code, and

WHEREAS, the Committee, after due consideration of the foregoing, desires to recommend to the Legislature that it 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 Tompkins

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County, New York, and neither the State nor any political subdivision thereof, including without limitation Tompkins County, New York, shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE TOMPKINS COUNTY PLANNING, DEVELOPMENT AND ENVIRONMENTAL QUALITY COMMITTEE:

Section 1. The Committee hereby recommends that the Legislature, as the applicable elected representative of Tompkins County, New York, give its approval of the issuance of the Bonds in accordance with Section 147(f) 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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**Planning Department**

**Resolution (DOC ID: 2228): Resolution in Opposition to Drilling for Natural Gas on State Forest Lands**

Mr. Marx explained the resolution is to respond to the State’s public comment period for the Strategic Plan for State Forest Management prior to the deadline of October 29<sup>th</sup>. Within this document there is a reference stating that drilling for natural gas on State forest lands using high-volume hydro-fracturing should be considered because natural gas is less of a carbon-emitting fuel.

Ms. Chock urged support of the resolution and said there are questions whether natural gas drilling through the hydrofracture process is in fact less carbon producing. She thinks there is a potential negative impact on the timber economy should drilling occur. She saw a drilling operation in Bradford County and farmers spoke of concerns that the farm roads were blocked off and prevented access to their land and forests. The State forests are not only a recreational asset but there is also a timber management plan in place that allows a sustainable economic activity. Allowing a drilling operation may interfere with these activities as well as animal patterns. The leasing of State land will impact on the ability for gas companies to put together their required sixty percent of landowners in a certain area, which could impact neighboring properties. She believes at this point drilling should not take place and asked to have it pass to provide the opportunity for the full Legislature to comment.

Mr. Proto asked how the resolution would affect the work being done on the SGEIS. Mr. Marx did not believe it would affect the document and noted the New York State Department of Environmental Conservation said the State forest land should be included in the same mitigation as private forest land.

**RESULT: RECOMMENDED [UNANIMOUS]**

<b>MOVER:</b>	Carol Chock, Member
<b>SECONDER:</b>	Pat Pryor, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor
<b>EXCUSED:</b>	Will Burbank

WHEREAS, the New York State Department of Environmental Conservation has developed a draft Strategic Plan for State Forest Management to guide the management of the 780,000 acres of State Forest lands in New York State, and

WHEREAS, the New York State Department of Environmental Conservation is soliciting public comment on that plan, and

WHEREAS, the plan states that drilling for natural gas on State forest lands using high volume hydro-fracturing should be considered on a case by case basis because the greenhouse gas emissions from

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natural gas are lower than for other fossil fuel energy sources, and

WHEREAS, evidence is mounting that the life cycle greenhouse gas emissions from natural gas developed using high volume hydro-fracturing is equivalent to and perhaps greater than from coal, and

WHEREAS, the industrial scale of hydro-fracturing operations is incompatible with the purposes of and values provided by our state forest lands, and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of State forests we should be increasing our acreage of unbroken State forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, as climate change occurs the State forest lands will become increasingly important as routes of migration for those species that cannot adapt to that climate change and must move north or to higher elevation to survive, and that the fragmentation and other impacts from drilling will impair the ability of the State forest lands to perform that function, and

WHEREAS, our State forests are increasingly used for all types of outdoor recreation activities and gas drilling will impair if not irreparably damage the value of this recreational resource, and

WHEREAS, outdoor recreation provided by the State forest lands is a valued and recognized component of our tourism economy with much potential for future growth, and

WHEREAS, most State forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high volume hydro-fracturing, and

WHEREAS, it is clear that, from a long-term environmental, economic, and social perspective, the value of our State forest lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature urges the New York State Department of Environmental Conservation to modify the State Forest Management Plan to prohibit drilling for natural gas on State forest land using high volume hydro-fracturing, and to specifically recognize the important role that State forest lands can play in helping to mitigate some of the impacts of hydro-fracturing that may occur on private land,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51<sup>st</sup> District), Senator George Winner (53<sup>rd</sup> District), Senator Michael Nozzolio (54<sup>th</sup> District), Assemblywoman Barbara Lifton (125<sup>th</sup> district), and NYSDEC Commissioner Pete Grannis.

**SEQR ACTION:** TYPE II-20

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**Resolution (DOC ID: 2229): Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High Volume Hydro-Fracturing**

Ms. Mackesey noted this resolution does not have the same time-sensitivity as the previous resolution.

Mr. Proto is concerned about language contained in the body of the resolution relating to climate change and said he is not sure he is ready to make that statement. Ms. Chock said she believes that if the

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County comments to the State about what it should do it is necessary to be willing to take the same action with County lands. The resolution would apply to County-owned forests and other properties such as the airport. She would be willing to revise the resolution to make it more acceptable.

Mr. Marx noted the Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan lays out what needs to be done.

Mr. Proto also expressed concern that the “Resolved” would disallow any drilling activities on land; should the drilling process be found to be safe he believes it should be more flexible. Ms. Chock believes it is important the County position be put on record. Mr. Marx said the resolution would also be considered by the Facilities and Infrastructure Committee.

Mr. Proto said for the same reasons he does not support the Comprehensive Plan he would not support the resolution; the Legislature should move slowly. It was also noted that if the resolution passed and the County decided to allow drilling in the future the resolution could be rescinded. Ms. Mackesey said by passing the resolution it may save staff time with requests to have conversations about the possibility of drilling on the County-owned land.

Amended language to clarify the potential adverse impact relating to the development of Marcellus Shale was suggested and found to be friendly.

<b>RESULT:</b>	<b>RECOMMENDED [3 TO 1]</b>
<b>MOVER:</b>	Pat Pryor, Member
<b>SECONDER:</b>	Carol Chock, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Pat Pryor
<b>NAYS:</b>	Frank Proto
<b>EXCUSED:</b>	Will Burbank

WHEREAS, it is increasingly clear that drilling for natural gas using high volume hydro-fracturing may have severe adverse impacts on communities and the environment, and

WHEREAS, evidence is mounting that life cycle Greenhouse Gas Emissions from natural gas extracted using high volume hydro-fracturing is equivalent to the emissions from coal, and

WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to reduce greenhouse gas emissions 80% by 2050, a goal that it would be impossible to meet if natural gas drilling occurred on county-owned land, and

WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, and

WHEREAS, Tompkins County further believes that development of the Marcellus Shale will likely have a net adverse impact on reducing greenhouse gas emissions, and

WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management Plan specifically states that “drilling sites and pipeline corridors that permanently alter the character of the land would not be compatible with the goals outlined in this Plan,” and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be increasing our acreage of unbroken forest lands off limits to drilling to provide mitigation for the

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increasing fragmentation of private forest lands, and

WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high volume hydro-fracturing, and

WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee and the Facilities and Infrastructure Committee, That Tompkins County will not lease any county-owned lands, including but not limited to County forest lands, for high volume hydro-fracturing to extract natural gas, and

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51<sup>st</sup> District), Senator George Winner (53<sup>rd</sup> District), Senator Michael Nozzolio (54<sup>th</sup> District), Assemblywoman Barbara Lifton (125<sup>th</sup> district), and NYSDEC Commissioner Pete Grannis.

SEQR ACTION: TYPE II-20

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**Transportation**

**Resolution (DOC ID: 2224): Authorizing 2010 Federal Transit Administration Section 5307 Grant Application for TCAT and Tompkins County**

Mr. Proto said this is the largest grant received for transportation. The division of the funds is consistent with the TCAT and County Mobility Management Project administration. In response to Ms. Chock’s question, it was noted the County share is \$10,300 and is not part of the \$800,000 or capital funds the County provides. Mr. Mengel said the funds are within the current budget.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Frank Proto, Member
<b>SECONDER:</b>	Carol Chock, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor
<b>EXCUSED:</b>	Will Burbank

WHEREAS, the Secretary of the United States Department of Transportation is authorized to make grants for mass transportation projects pursuant to Section 5307 of Chapter 53, Title 49, of the United States Code, and

WHEREAS, the County of Tompkins is the Designated Recipient by the Governor of New York State for the Federal Transit Administration (FTA) Section 5307 Urban Formula program, with responsibilities to propose FTA-funded projects to the Ithaca-Tompkins Transportation Council (I-TCTC) (after coordinating with public transportation providers) and to select projects from the I-TCTC Transportation Improvement Program for inclusion in FTA grants, and

WHEREAS, the FTA fund sources for the 2010 Section 5307 Grant are as follows:

2010 Sec 5307 Urban Formula Allocation	\$1,489,459
NYS DOT Transfer from Sec 5311	\$ 195,700
Total Federal Transit Funds	\$1,685,159

, and

WHEREAS, the County and TCAT agreed to the projects selected for inclusion in the 2010 grant

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from the I-TCTC's 2007-2012 Transportation Improvement Program, as amended on May 18, 2010, and  
 WHEREAS, the County desires to accept a grant of funds from FTA, in the amount of \$12,733,998, to be used for operating assistance, capital and planning projects for 2010, and

WHEREAS, the County will receive and use said FTA funds as follows:

<b>Project Descriptions</b>	<b>Federal</b>	<b>NYSDOT</b>	<b>TCAT</b>	<b>County</b>	<b>TOTAL</b>
Preventive Maintenance	\$ 1,424,839	\$ 178,105	\$178,105	-	\$1,781,049
Mobility Management - County	\$ 34,400	\$ 4,300	-	\$ 4,300	\$ 43,000
Program Administration - County	\$ 48,000	\$ 6,000	-	\$ 6,000	\$ 60,000
ADP Hardware and Software	\$ 16,000	\$ 2,000	\$ 2,000	-	\$ 20,000
Shop Equipment	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Security Equipment	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Bus Stop Signs	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Passenger Shelters	\$28,000	\$ 3,500	\$ 3,500		\$ 35,000
Rehab/Renovate TCAT Facility	\$ 38,320	\$ 4,790	\$ 4,790	-	\$ 47,900
Short Term Transit Planning	\$ 16,000	\$ 2,000	\$ 2,000	-	\$ 20,000
Support Vehicles	\$ 25,600	\$ 3,200	\$ 3,200	-	\$ 32,000
<b>SUBTOTAL CAPITAL &amp; PLANNING PROJECTS</b>	<b>\$ 1,655,159</b>	<b>\$ 206,895</b>	<b>\$ 196,595</b>	<b>\$ 10,300</b>	<b>\$ 2,068,949</b>
Operating Assistance	\$ 30,000	\$ 3,400,000	\$ 7,235,049	-	\$ 10,665,049
<b>TOTAL</b>	<b>\$ 1,685,159</b>	<b>\$ 3,606,895</b>	<b>\$ 7,431,644</b>	<b>\$ 10,300</b>	<b>\$ 12,733,998</b>

, now therefore be it

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 applications on behalf of the County of Tompkins with the Federal Transit Administration for the 2010 Section 5307 Grant,

RESOLVED, further, That the grant budget total is \$12,733,998 including Federal, New York State, TCAT and County sources,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the Federal Transit Administration for the Project.
2. Any and all agreements between Tompkins County and the State of New York for the Project.
3. Any and all agreements between Tompkins County and TCAT, and any third-party subcontractors necessary to complete the project, if applicable.

**SEQR ACTION:** TYPE 11-20

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**Strategic Tourism Planning Board**

**Resolution (DOC ID: 2233): Award of Tourism Capital Grants**

Ms. Armstrong said the resolution deals with three multi-year grants. Cayuga Nature Center was awarded the grant in 2009 and received \$25,000. The Hangar Theatre and Kitchen Theatre did not get their award until this year.

The Cayuga Nature Center used their first-year funding and completed approximately \$90,000 of items within the contract. In 2010 the focus has shifted to work on a bio-mass boiler, water system, and other areas. In meeting with the Director of Cayuga Nature Center he said it is not expected to do the capital work until next spring and has asked to encumber the 2010 funding until that time.

Mr. Proto spoke of last year's questions regarding the entrance and flags to bring attention to the Center and asked if that had been completed. Ms. Armstrong said the work has five components, one being a new entrance that would be in the upper level, which is not yet completed; a wheelchair

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accessibility entrance will happen next year. What is accomplished is the roadside regarding and flags making the entrance and building more visible.

Mr. Proto asked if there is any further information regarding a parcel next to the Center that had been thought to be part of the property. Ms. Armstrong is not aware of any real property concerns. She said the five items that the grant relates to are strictly capital projects. She said the Nature Center also has an art trail and a turtle pond as well.

Mr. Proto said the Hangar Theatre had a very successful fund drive. He asked how it would affect the grants. Ms. Armstrong said this funding is already included within their budget; the fund raisers would be used to reduce other loans. In response to Mr. Proto’s question on future grants, Ms. Armstrong said they would be eligible to request future grants for other projects. Ms. Mackesey said the process includes a review of how much the applicant has received from the County and for what period of time; there are many capital project requests and those with substance are considered.

Ms. Chock is pleased that the grants are offered and said it has assisted in providing assistance at the start of the projects, which helps to move them along. She expressed appreciation to everyone who works with the program.

**RESULT:** RECOMMENDED [UNANIMOUS]  
**MOVER:** Frank Proto, Member  
**SECONDER:** Carol Chock, Member  
**AYES:** Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor  
**EXCUSED:** Will Burbank

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the Room Tax Occupancy budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following projects with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following projects will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and the following grant award has been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to these projects:

Entity	Project	2009	2010	2011	2012	2013
Cayuga Nature Center	New Entrance and Attractions	\$25,000		\$50,000	\$25,000	
Kitchen Theatre	Bold New Space Renovation		\$25,000	\$25,000	\$25,000	\$25,000
Hangar Theatre	A Hangar for All Seasons Renovation		\$25,000	\$25,000	\$25,000	\$25,000
	<b>TOTAL</b>	\$25,000	\$50,000	\$100,000	\$75,000	\$50,000

**SEQR ACTION:** TYPE II-20

\*\*\*\*\*

Explanatory note:

Minutes Acceptance: Minutes of Oct 6, 2010 3:30 PM (Approval of Minutes)

Minutes  
Planning, Development, and Environmental Quality Committee  
Wednesday, October 6, 2010

- Each annual award shall be subject to the approval of the Legislature.
- Full application materials are available for review upon request at the office of TCAD.

\*\*\*\*\*

**Planning Department Continued**

**Resolution (DOC ID: 2226): Acceptance of NYS Office of Housing and Community Renewal  
Community Development Block Grant- Homeownership IX**

In response to Ms. Chock’s question, it was noted that an applicant may be eligible for assistance through this program and the Trust Fund program.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Frank Proto, Member
<b>SECONDER:</b>	Pat Pryor, Member
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor
<b>EXCUSED:</b>	Will Burbank

WHEREAS, Tompkins County has been awarded New York State Office of Housing and Community Renewal Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) administered by New York State for the purpose of continuing its successful existing home mortgage program for first-time homeowners, and

WHEREAS, these funds will assist twenty-one families in Tompkins County to become first-time homeowners, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby accepts New York State Office of Housing and Community Renewal CDBG funds in the amount of \$750,000,

RESOLVED, further, That the County Administrator be authorized to execute any contracts related to this project.

**SEQR ACTION:** TYPE II-20

\*\*\*\*\*

**Appointment (DOC ID: 2232): Planning Advisory Board Appointment**

Mr. Marx said he seeks individuals with the experience and knowledge required for openings on the advisory board.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Chock, Member
<b>SECONDER:</b>	Pamela Mackesey, Chair
<b>AYES:</b>	Pamela Mackesey, Carol Chock, Frank Proto, Pat Pryor
<b>EXCUSED:</b>	Will Burbank

**Planning Advisory Board**

Todd Bittner, Natural Environment Representative – term to expire December 31, 2013

\*\*\*\*\*

Ms. Mackesey was excused at this time.

Minutes Acceptance: Minutes of Oct 6, 2010 3:30 PM (Approval of Minutes)

Minutes  
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 Wednesday, October 6, 2010

**Agricultural and Farmland Protection Board**

Agricultural and Farmland Protection Board Work and Agricultural District Review in 2011 (DOC ID: 2225)

Ms. Roth requested support of the \$2,000 per year over-target request for work on the Agricultural District Review process. She explained the State requires a review of districts every eight years; the next review, which would be Agriculture District 1 (eastern portion of the County) would occur during 2011 and 2012.

The process, which requires 300 days, will include going to the appropriate municipalities to suggest properties to be added or removed from the district; their requests are then honored. In addition to the all farmers are surveyed to determine future plans. Ms. Roth noted census data is not available to the towns, therefore, as part of the process it is obtained and shared with them. Cornell Cooperative Extension also expands on the State's required questions, providing information to be used for future planning by the towns. Since the farmers are notified that failure to respond could result in the loss of an agricultural district designation responses are received. In order to receive the agricultural district designation, fifty percent of the land must be used for active farming.

Upon receipt of the information a report is compiled and presented to the Agricultural and Farmland Protection Board, Planning Advisory Board, Tompkins County Legislature, and a public hearing is held. The next step is to send the information to the State, who then sends a representative to verify the information followed by the final State approval.

Ms. Roth noted that for the amount of work the review requires it is relatively inexpensive. She also said the State is considering updating the Agricultural and Farmland Protection Plan; more information should be available by the beginning of the year.

In response to Ms. Pryor's question of what would happen if the funds were not approved, Ms. Roth said it would require taking time away from current staff and would require discussions with the Planning Department. She said there are already impacts as a result of the 2010 reductions in funding. For clarification, Ms. Roth said the total cost for the review is \$4,000, spread over a two-year period due to the State timeline of 300 days total. The cost for this review has always been handled as an over-target request; Cornell Cooperative Extension has done this work for the last thirty years; although preliminary work is completed in September of each year, it is not as comprehensive as the actual review. The annual review provides information to farmers about the benefits and shortfalls of being in an agricultural district.

If the review were not done locally it would require farmers to apply to the State for an assessment. Presently there are 400 properties receiving an exemption. She said farmers highly value the designation and it assists in the protection of farmland and neighborhoods.

The benefits of Cornell Cooperative Extension doing the work for the Agricultural District reviews is that the farmers feel very comfortable working with them versus the County representatives and the additional information provided by their survey is a valuable planning tool.

Mr. Proto spoke of the Tompkins County Comprehensive Plan speaks of open space and agriculture. He does not understand why the review was not viewed as a mandate since it is required by the State. Mr. Proto asked if Cornell Cooperative Extension does not perform this task would it then be shifted to the Planning Department. Ms. Roth said the grant used to assist in performing the work requires a match from Tompkins County. With the budget reductions that have been made, the match is small and there would be very little funding to work with. Mr. Mareane said if this cut was not made a

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Minutes  
Planning, Development, and Environmental Quality Committee  
Wednesday, October 6, 2010

determination of what other program would face funding reductions would need to be made. Mr. Marx said the agricultural district reviews are an important process and that Cornell Cooperative Extension has done a good job over the years. Ms. Roth said the grant is for an eighteen-month period and the review is spread over a two-year period.

\* \* \* \* \*

**Approval of Minutes**

It was MOVED by Ms. Pryor, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of August 30, and September 1, 2010, as presented. MINUTES APPROVED.

**Planning Department Continued**

Tompkins County Area Development Countywide Loan Fund Update (DOC ID: 2227)

Mr. Marx said the Tompkins County Area Development Countywide Loan Fund program states the County would annually provide a balance figure to be used for the program. The amount recommended for use is \$145,000. There is presently a \$72,00 commitment of funding. He said once the transfer is made there is no further tracking of the funding. He noted the Committee only receives the annual report of what is being transferred to the program; as the loans are repaid they become TCAD funds. The Committee agreed to the amount of funds being transferred.

\* \* \* \* \*

Commissioner's Report (DOC ID: 2230):

CDBG Housing Program Grant

Mr. Marx said the County would be making Better Housing of Tompkins County the sub-recipient of funds, making them responsible for loans through the Homeownership Program. In response to Mr. Proto's question on liability issues relating to this action, Mr. Marx said the program would be operating under certain rules and is already responsible for reporting to the State. They are familiar with the State requirements and the County would still work closely with the agency. Ms. Chock said if there is a problem the State could come back to Better Housing at a later date and request return of funds. This transfer of responsibilities would require a contract and approval from the oversight committee; the County will not be the writing of mortgage documents and collecting payments. As a result of the transfer there will be less fees for administration of the program and the individual presently completing these tasks will be shifted to the tourism programs.

Ms. Chock asked if any agreement could possibly have priority use of funds and longevity such as the housing trust program. Mr. Marx said the program would be operated as outlined within the grant award specifications, which indicates the criteria. Mr. Marx said the State is shifting to a preference of grants versus repayment of funds provided. He also said that the County could not require specific criteria on a program that is not under our control.

Black Diamond Trail

Mr. Marx reported the State has resolved the problems associated with application for funds to repair/replace the bridges and it is hoped that over the next few years the funds would be received to complete the work on the Black Diamond Trail bridges.

Minutes Acceptance: Minutes of Oct 6, 2010 3:30 PM (Approval of Minutes)

Minutes  
Planning, Development, and Environmental Quality Committee  
Wednesday, October 6, 2010

Tompkins County Council of Governments Planner

Darby Kiley has been hired to be the Senior Planner that will work with Tompkins County Council of Governments. She will begin work next week.

County Forestation Harvest Project

The planned forestation harvest project on 69 acres in Newfield will be going out to bid in the near future.

Talisman Tour

Ms. Chock said Talisman, formerly Fortuna, is offering a tour on November 1<sup>st</sup>. She said it would be beneficial to see the impact on streams and forests.

\* \* \* \* \*

Adjournment

On motion, the meeting adjourned at 5:10 p.m.

Minutes Acceptance: Minutes of Oct 6, 2010 3:30 PM (Approval of Minutes)



**Planning, Development, and Environmental Quality Committee**

121 E. Court Street  
Ithaca, NY 14850

Meeting: 11/03/10 03:30 PM  
Department: Planning Development & Env. Quality Committee  
Category: Administrative  
Functional Category: Industrial Development Agency

**REVIEWED**

DOC ID: 2273

**RESOLUTION NO.**

**Approving a Certain Project to be Undertaken by the Tompkins County Industrial Development Agency for the Benefit of Transonic Systems Inc.**

RESOLUTION OF THE TOMPKINS COUNTY PLANNING, DEVELOPMENT & ENVIRONMENTAL QUALITY COMMITTEE RECOMMENDING THAT THE TOMPKINS COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF TOMPKINS COUNTY, NEW YORK, APPROVING A CERTAIN PROJECT TO BE UNDERTAKEN BY THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR THE BENEFIT OF TRANSONIC SYSTEMS INC.

WHEREAS, the Tompkins County Planning, Development & Environmental Quality Committee (the "Committee"), has been advised by the Tompkins County Industrial Development Agency (the "Agency") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Transonic Systems Inc., a corporation duly formed and validly existing under the laws of the State of New York (the "Company"), the Agency proposes to issue the Bonds (as defined below); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires the approval by the Tompkins County Legislature (the "Legislature") prior to the issuance of the Bonds; and

WHEREAS, the Committee desires to recommend to the Legislature that it give such approval in accordance with the Code; and

WHEREAS, the project (the "Project") consists of: (A)(i) the acquisition by the Agency of title to or a leasehold or other interest in an approximately 10-acre parcel of land located at 34 Dutch Mill Road, in the Town of Lansing, Tompkins County, New York (the "Land") and the existing improvements located thereon, consisting principally of an approximately 24,000 square-foot building and related improvements (the "Existing Improvements") used by the Company for the manufacturing of flow measurement and other medical devices; and (ii) the construction of an approximately 30,000 square-foot addition to the Existing Improvements for the purpose of providing additional space for the Company's manufacturing and research operations and related office and administrative space (the "Improvements"); (B) the acquisition and installation in and around the Improvements and Existing Improvements of certain items of machinery, equipment, fixtures and other tangible personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); (C) paying certain costs incidental to the issuance of the Bonds (the costs associated with (A) through (C) above hereinafter referred to as "Project Costs"); and (D) the sale or lease of the Facility financed with the Bonds from the Agency to the Company.

WHEREAS, the Agency 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 Internal Revenue Code of 1986, as amended (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, the Agency held such a public hearing September 28, 2009, upon proper notice in compliance with the Code; and

47  
48 WHEREAS, the Committee, after due consideration of the foregoing, desires to recommend to the Legislature  
49 that it approve issuance of the Bonds, provided that the Bonds shall be a special obligation of the Agency and shall  
50 never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation  
51 Tompkins County, New York, and neither the State nor any political subdivision thereof, including without limitation  
52 Tompkins County, New York, shall be liable thereon.

53  
54 NOW, THEREFORE, BE IT RESOLVED BY THE TOMPKINS COUNTY PLANNING, DEVELOPMENT  
55 & ENVIRONMENTAL QUALITY COMMITTEE:

56  
57 Section 1. The Committee hereby recommends that the Legislature, as the applicable elected  
58 representative of Tompkins County, New York, give its approval of the Project in accordance with Section 147(f) of  
59 the Code.

60  
61 Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

62  
63 Section 3. This Resolution shall take effect immediately.

64  
65 SEQR Action: Type II-20

66  
67  
68  
69 The foregoing Resolution was offered by \_\_\_\_\_  
70 and seconded by \_\_\_\_\_.

Resolution (ID # 2273)

Meeting of November 3, 2010

72 The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as  
73 follows:

	<u>YEA</u>	<u>NEA</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
74				
75				
76				
77				
78	[ ]	[ ]	[ ]	[ ]
79	[ ]	[ ]	[ ]	[ ]
80	[ ]	[ ]	[ ]	[ ]
81	[ ]	[ ]	[ ]	[ ]
82	[ ]	[ ]	[ ]	[ ]

83  
84  
85 The Resolution was thereupon duly adopted.

86 STATE OF NEW YORK )  
87 ) ss.:  
88 COUNTY OF TOMPKINS )

89  
90 This is to certify that I, the undersigned, Clerk of the Planning, Development and Environmental Quality  
91 Committee, Tompkins County, New York, have compared the foregoing copy of resolution with the original resolution  
92 now on file in the office and which was passed by the Planning, Development and Environmental Quality Committee,  
93 Tompkins County, on the 3<sup>rd</sup> day of November 2010, a majority of all the members elected to the Committee voting in  
94 favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

95  
96 IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Planning, Development and  
97 Environmental Quality Committee, Tompkins County, this \_\_\_\_ day of November, 2010.

98  
99  
100  
101 \_\_\_\_\_  
102 Clerk of the Planning, Development and Environmental  
103 Quality Committee, Tompkins County

104  
105 [SEAL]

106  
107

**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning  
and Public Works

Telephone (607) 274-5560  
Fax (607) 274-5578

### Memorandum

To: Members of the Planning, Development, and Environmental Quality (PDEQ) Committee  
of the Tompkins County Legislature  
From: Scott D. Doyle, AICP, Tompkins County Planning Department  
Re: **Redistribution of Funds Between Tompkins County Flood Hazard Mitigation Program Projects**  
Date: October 26, 2010

#### Requested Action

Authorize the redistribution of \$13,733.50 of Tompkins County Flood Hazard Mitigation Funds from project along Ekroos Road (Caroline) which is not moving forward to previously approved project along Salmon Creek Road (Lansing).

#### Background

In 2008, the Tompkins County Flood Hazard Mitigation Program Technical Advisory Committee and PDEQ approved the use of program funds to address culvert and erosion issues on Ekroos Road at Boyer Creek. This project has not progressed, in part due to decreased support for the project from the Town of Caroline. In an effort to advance local flood hazard mitigation measures it is recommended that these unused funds which are contracted for use through the end of 2010 (\$13,733.50) be redistributed to a project approved in 2007.

The Salmon Creek Road Encroachment project, originally approved in 2007, is the project recommended for implementation with the balance of the 2008 funds. The Salmon Creek project requires a level of engineered analysis that could not be afforded with the balance of 2007 funds. Over the last several years, this site has been monitored and has gotten progressively worse to the point that Salmon Creek Road is now threatened. It is recommended that the balance of the funds be used to develop an engineered plan that would help reduce the risk of Salmon Creek undermining Salmon Creek Road. An engineered design would help advance mitigation measure to protect the road and also assist in acquiring the necessary permits for work within Salmon Creek. The Town of Lansing has agreed to provide the materials and labor necessary to implement the design.

#### Budget Implications

The funds from this work will come directly from the previously budgeted 2008 Flood Hazard Mitigation Program.

#### Contact Information

Please contact me prior to the meeting should you like more detail about either project or this recommendation at:

Scott D. Doyle, AICP  
Tompkins County Planning Department  
Old Courthouse  
121 E. Court Street  
Ithaca, NY 14850  
274-5560 / [sdoyle@tompkins-co.org](mailto:sdoyle@tompkins-co.org)



**Planning, Development, and Environmental Quality Committee**

121 E. Court Street  
Ithaca, NY 14850

Meeting: 11/03/10 03:30 PM  
Department: Planning Departmen  
Category: Administrative  
Functional Category

**SCHEDULED**

DOC ID: 2229 A

**RESOLUTION NO.**

**Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High- Volume Hydro-Fracturing (Referred to Committee and Pending Planning, Development, and Environmental Quality Committee Action 11-3-10)**

WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic-fracturing (hydro-fracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, evidence is mounting that life cycle greenhouse gas emissions from natural gas extracted using high-volume hydro-fracturing is likely equivalent to the emissions from coal, and

WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to reduce greenhouse gas emissions 80% by 2050, a goal that would be impossible to meet if natural gas drilling occurred on county-owned land, and

WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, and

WHEREAS, Tompkins County further believes that development of the Marcellus Shale will likely have a net adverse impact on reducing greenhouse gas emissions, and

WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management Plan specifically states that “drilling sites and pipeline corridors that permanently alter the character of the land would not be compatible with the goals outlined in this Plan,” and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values, including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be increasing our acreage of unbroken forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high-volume hydro-fracturing, and

WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, now therefore be it

Resolution 2010-165

Meeting of November 3, 2010

46 RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee and  
47 the Facilities and Infrastructure Committee, That Tompkins County will not lease any county-owned lands, including  
48 but not limited to County forest lands, for high volume hydro-fracturing to extract natural gas,  
49

50 RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies  
51 of this resolution to Governor David Paterson, Senate Majority Conference Leader John Sampson, Senate Minority  
52 Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly  
53 Minority Leader Brian Kolb, Senator James Seward (51<sup>st</sup> District), Senator George Winner (53<sup>rd</sup> District), Senator  
54 Michael Nozzolio (54<sup>th</sup> District), Assemblywoman Barbara Lifton (125<sup>th</sup> district), and New York State Department of  
55 Environmental Conservation Commissioner Pete Grannis.

56 **SEQR ACTION:** TYPE II-20  
57  
58



**Planning, Development, and Environmental Quality Committee**

121 E. Court Street  
Ithaca, NY 14850

Meeting: 11/03/10 03:30 PM  
Department: Tompkins County Legislatur  
Category: Legislation/Funding - State and Federa  
Functional Category

WITHDRAWN

DOC ID: 2247

RESOLUTION NO.

**A Resolution Expressing Opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) Regulatory Proposal by the United States Environmental Protection Agency (EPA) and Raising Serious Concerns Regarding the Unattainable Mandate and Lack of Parity Represented in Load Allocations for the State of New York Compared to Other Bay States and Watershed Jurisdiction Partners; and Requesting Intervention by Our Elected Representatives in the United States Congress, New York State Senate and New York State Assembly in Securing a Moratorium on Regulatory Implementation of the Chesapeake Bay TMDL in New York Until Such Objections and Concerns Are Fully Addressed (Pending Planning, Development, and Environmental Quality Committee Action 11-3E-10)**

WHEREAS, clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources, and

WHEREAS, the U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area, and

WHEREAS, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector, and

WHEREAS, the Federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal, and

WHEREAS, the best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size-fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed, and

WHEREAS, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area, and

WHEREAS, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

WHEREAS, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation, and

42  
43 WHEREAS, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm  
44 communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no  
45 additional water quality protection for the Chesapeake Bay watershed, and  
46

47 WHEREAS, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction  
48 and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and  
49 environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay  
50 watershed water quality concerns, and  
51

52 WHEREAS, we object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water  
53 quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not  
54 provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to  
55 site-specific environmental variables, and  
56

57 WHEREAS, each and every day farmers across New York work to improve their environmental sustainability  
58 recognizing that appropriate natural resource management is critical to maintaining success of their businesses for  
59 future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting  
60 water quality, and  
61

62 WHEREAS, we support state and locally driven collaborative initiatives which effectively use federal  
63 environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such  
64 as NYS Department of Agriculture and Market's Agricultural Environmental Management Program, and  
65

66 WHEREAS, we support NYS Department of Environmental Conservation's recommendations in their draft  
67 Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and  
68 inherent inequality of the current EPA proposal, now therefore be it  
69

70 RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That  
71 while the Tompkins County Legislature fully supports responsible efforts to improve water quality in the Chesapeake  
72 Bay watershed and protect our State's environment and natural resources, we object to the unfair and unattainable  
73 mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms,  
74

75 RESOLVED, further, That the Tompkins County Legislature urges its Congressional and State representatives  
76 to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay  
77 TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns,  
78 now therefore be it  
79

80 RESOLVED, further, That a copy of this resolution be transmitted to our two United States Senators, the  
81 Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representatives, the  
82 Honorable Maurice Hinchey and Michael Arcuri; to the Honorable Governor David Paterson; to our New York State  
83 Senators, the Honorable James Seward, George Winner, Jr., and Michael Nozzolio; to our New York State Assembly  
84 Representative, the Honorable Barbara Lifton; to the Commissioner of the NYS Department of Agriculture and  
85 Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2  
86 Administrator Judith Enck.

87 **SEQR ACTION:** TYPE II-20  
88  
89

**AMENDMENTS PROPOSED BY DOOLEY KIEFER 10/18/2010**

A Resolution ~~Raising Serious Concerns Regarding Expressing Opposition to~~ the Chesapeake Bay Total Maximum Daily Load (TMDL) Regulatory Proposal by the United States Environmental Protection Agency (EPA) and ~~Raising Serious Concerns Regarding the Unattainable Mandate and Laek~~ and about the assumption of Parity Represented in Load Allocations for the State of New York Compared to Other Bay States and Watershed Jurisdiction Partners; and Requesting Intervention by Our Elected Representatives in the United States Congress, New York State Senate and New York State Assembly in Securing a Moratorium on Regulatory Implementation of the Chesapeake Bay TMDL in New York Until ~~Such~~ all major Objections and Concerns are Fully Addressed

WHEREAS, clean water and healthy watersheds are a priority for the Tompkins County Legislature~~New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources,~~ and

WHEREAS, the U.S. Environmental Protection Agency Region 3 has recently released draft TMDLs (a total maximum daily load sets forth the maximum amount of a "water pollutant" that can legally enter a water body) for the ~~is implementing a~~ Chesapeake Bay watershed, ~~TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area,~~ and

WHEREAS New York State's part of the Chesapeake Bay watershed includes all or portions of approximately 19 counties, and includes 650,000 residents and 2,000 New York family farms, and

WHEREAS, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed, and has ~~with~~ agriculture (21%) as being the dominant business sector, and

WHEREAS, the Federally ~~designed~~ TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected by the New York Farm Bureau to cost New York State as much as \$250 million ~~over the next 15 years by 2015,~~ without being able to satisfy EPA's regulatory goal, and

~~WHEREAS, the best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top down federal, one size fits all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed, and~~

~~WHEREAS, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area, and~~

WHEREAS, according to the New York Farm Bureau, even if the other {number of states?} states (Delaware, Maryland, Pennsylvania, New Jersey, ? etc) achieve their EPA ~~mandated~~ allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

WHEREAS, according to our local Soil and Water Conservation District (SWCD), the proposal also includes requiring the important CAFO regulations, designed for very large-scale animal operations,

to be extended to every animal operation in the basin, which, without significant financial help, might put the smaller operations out of business, and

WHEREAS, according to our local SWCD, if the TMDL allocations are done by county, each county will have to figure out how to comply and pay for compliance, and

~~WHEREAS, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation, and~~

~~WHEREAS, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed, and~~

WHEREAS, it is crucial that EPA work we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts, and local communities to address Bay watershed water\_ quality concerns, and

WHEREAS, the Federal Government should we object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not\_ ensured realistic delivery of needed funding and technical assistance and has not\_ provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

~~WHEREAS, each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality, and\_ and~~

~~WHEREAS, we support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as NYS Department of Agriculture and Market's Agricultural Environmental Management Program, and~~

WHEREAS, we support NYS Department of Environmental Conservation's recommendations {check first -- Is a copy available?!} in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal, now therefore be it

RESOLVED, That, while the Tompkins County Legislature \_\_\_\_\_ fully supports responsible science-based efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the adoption and implementation of the proposed regulations without further consultation with the affected states; unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms

RESOLVED, further, That the TC Legis. \_\_\_\_\_ urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns

RESOLVED, further, That a copy of this resolution be transmitted to our two United States Senators, the Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representative, the Honorable Maurice Hinchey \_\_\_\_\_; to the Honorable Governor David Paterson; to our New York State Senators, the Honorable \_\_\_\_\_; to our New York State Assembly Representative, the Honorable \_\_\_\_\_; to the Commissioner of the NYS Department of Agriculture and Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2 Administrator Judith Enck.

**SEQR ACTION:** TYPE II-20

Attachment: Chesapeake amend Kiefer (2247 : Chesapeake Bay - Soil and Water)