

## MINUTES

Adopted 9/11/08

### PLANNING, DEVELOPMENT, AND ENVIRONMENTAL QUALITY COMMITTEE

**AUGUST 14, 2008 3:00 P.M. SCOTT HEYMAN CONFERENCE ROOM**

Present: F. Proto, Member (Chaired in place of Legislator Robertson); M. Sigler; C. Chock; M. Koplinka-Loehr, appointed himself a member (arrived at 3:06 p.m.)

Excused: M. Robertson and P. Mackesey

Staff: C. Covert, Clerk of the Legislature; E. Marx, Planning and Public Works Commissioner; J. Leccese, Planning Department; K. Wilsea, Planning Department; J. Thomas, Personnel Department; J. Jurkowich, Deputy Planning Commissioner; L. Schill, Planning Department; S. Doyle, Planning Department; J. Wood, County Attorney; N. Tedesco, TCAT; J. McPheeters, Chamber of Commerce President; B. Bossard, Community Arts Partnership; S. Stein, Strategic Tourism Planning Board; F. Bonn, Convention and Visitor's Bureau; S. Penningroth, Community Science Institute

#### Call to Order

The meeting was called to order at 3:00 p.m.

#### Changes to Agenda

There were no changes to the agenda.

#### Approval of Minutes

It was MOVED by Ms. Chock, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to approve the minutes of the July 1 and July 10, 2008, meetings as submitted. Ms. Chock asked if there has been any follow-up to the question for the County Attorney concerning the scholarship program referenced on page 7 of the July 10<sup>th</sup> minutes. [This was addressed later in the meeting when the County Attorney arrived.]

#### Rescheduling October Committee Meeting

The Committee agreed to change the October 9 meeting to October 8 tentatively. Appropriate staff and Committee members will be contacted to confirm the date.

Mr. Koplinka-Loehr arrived at this time.

#### Community Science Institute

Mr. Penningroth, member of the Water Resources Council and Executive Director of the Community Science Institute, provided an overview of the monitoring program and the characteristics of the County-wide monitoring initiatives. He explained partnerships are formed through a network of volunteers, including Soil and Water District personnel from Cortland and Tompkins County as well as Cornell University. The monitoring completed indicates the phosphorous levels in Cayuga Lake may be coming from tributaries rather than lake source cooling or farms, although there is still more work to be done before providing a definitive answer. It was reported the present USGS gauging stations are seeking funding to undertake continued testing. Mr. Penningroth, when asked, expressed a desire to have a gauging station between Cascadilla Creek and the lake. He also stated that his comments do not suggest that lake source monitoring should not occur, rather, he feels the more monitoring the better. It was noted that volunteers are trained appropriately to collect water samples; the actual testing is done by qualified lab personnel.

Currently financial contributors include the City of Ithaca, Town of Ithaca, Town of Dryden, Town of Newfield, Village of Trumansburg, and Cornell University. Proposals for funding are being submitted to Tompkins County as well as other municipalities to continue the monitoring work.

Mr. Sigler spoke of inclusion of mitigation of findings within an action plan. Mr. Penningroth said it is difficult to determine what mitigation can be done; he noted that some of the findings such as phosphorus from agriculture applications could be a result of occurrences forty years ago. He said reducing phosphorous would require a determination of how to produce a fair plan, perhaps State funding could assist with this. Ms. Jurkowich reported that included in the Planning Department's budget is an over-target request to fund this proposal.

### **Planning Department**

#### **Commissioner's Report**

Mr. Marx distributed the 2007 Annual Report and briefly reviewed the components of it and how they relate to the Comprehensive Plan.

#### **Flood Hazard Mitigation Program**

Mr. Doyle provided a handout and brief overview of the 2007 projects, 2008 flood mitigation projects to date, and what projects would be worked on in the fall. Last year eight projects were identified, with six still having some work undertaken. There are three projects ready for implementation: Virgil Creek – Evergreen Street residential buffers, Boyer Creek at Ekroos Road Erosion, and Brown Road roadside ditches that is a 2007 carryover project. He indicated the resolutions are dealing with the first two projects being undertaken in the fall. Mr. Doyle spoke of the Riparian Buffer Agreement that was developed with an attorney. This document is to be signed by the landowner and the County, then filed with the County Clerk. The intent of the agreement is to protect County investments and assure that present and future owners would not disturb the mitigation provided by the County. There would be an evaluation trip by the Technical Advisory Committee in late October to look at the projects.

In response to a question, it was noted that there is no cost associated to landowners for the work completed on their property; it is a mitigation that affects many properties and water sources and it was felt the agreement is the important part of the mitigation involved. The project costs associated with the resolution are in the amount of \$18,500. Ms. Chock asked for a plain-language explanation for the public to have an understanding of the project.

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

**RESOLUTION NO. \_\_\_ MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. \_\_\_ OF 2008: AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS**

WHEREAS, in Resolution No. \_ of 2008, the Tompkins County Legislature would authorize the County Administrator or his designee to execute a contract with the Tompkins County Soil and Water District to implement projects identified through the Flood Hazard Mitigation Program, and would also be

authorized to execute other agreement necessary for the County to implement, monitor and protect the projects funded through this program, 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 2008 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. \_\_\_ of 2008.

**SEQR ACTION:** TYPE II-20

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

**RESOLUTION NO. \_\_\_ AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS**

WHEREAS, the Tompkins County Legislature re-established the Flood Hazard Mitigation Program in 2006, and

WHEREAS, the Tompkins County Legislature provided funding for the Flood Hazard Mitigation Program in the amount of \$25,000 in 2008, and

WHEREAS, the Technical Committee for the Flood Hazard Mitigation Program has identified several projects to be funded through the Flood Hazard Mitigation Program, and

WHEREAS, the Tompkins County Soil and Water Conservation District is prepared to undertake the projects identified by the Technical Committee, and

WHEREAS, the projects identified for implementation will be protected through the use of a Riparian Buffer Protection Agreement, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee be authorized to execute a contract with the Tompkins County Soil and Water District, in an amount not to exceed \$25,000, RESOLVED, further, that the County Administrator or his designee is also authorized to execute other agreements necessary for the County to implement, monitor and protect the projects funded by the Flood Hazard Mitigation Program.

**SEQR ACTION:** Unlisted

(Short EAFs on file in the office of the Clerk of the Legislature)

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Update on Housing Trust and Affordability Funds

Ms. Leccese provided an update and reported on a meeting with City of Ithaca officials to discuss a Memorandum of Understanding and Notice of Funding Availability (NOFA). It is anticipated there would be one more meeting with the City of Ithaca in September, which would be followed by a meeting with Cornell University to obtain their comments on the document. Ms. Chock briefly reported on the meeting and said there is general agreement. The concerns raised were getting the governance right as well as the process and reviewing of the NOFA.

State of Cities Data System – Building Permits Database

Ms. Leccese provided a handout for information only indicating the building permits for new residential construction issued by municipalities.

Guidelines for Advisory Board Term Limits and Attendance

Ms. Wilsea provided information on the guidelines for recruiting members of the Environmental Management Council and the Water Resources Council. It was noted the italicized text highlights the new procedures for 2008. Ms. Chock said she agrees with the proposal as well as the attendance records being considered by the nominating committees.

Draft Energy and Greenhouse Gas Emissions Element of the Comprehensive Plan

Mr. Koplinka-Loehr was excused at this time (4:13 p.m.).

Ms. Schill provided members with an overview of the draft Energy and Greenhouse Gas Emissions Comprehensive Plan Element.

Mr. Sigler believes the figures provided on page 3 of the document for possible annual heating costs in Tompkins County would be very difficult to reach, noting he recently underwent a great deal of weatherization and was unable to reduce expenses to that level. Ms. Schill said the figures were from several sources, including Cornell Cooperative Extension. Mr. Proto suggested placing another column in the table that would indicate the average usage in the appropriate measure. By monitoring the monthly and annual use it provides information on the high-use periods. Staff agreed to look into the possibility of including the information.

Ms. Chock felt that any proposal for transition to renewable energy sources should not have a negative impact on the future environment. As an example, she thought there should be information that stated "Any and all of these sources must be implemented with concern for environmental impacts and in a way that won't create any future problems." Within the policies she suggested a bullet second from the bottom that states "Evaluate ways to implement these with consideration of ways to reduce any negative impacts." Under Action Items, "Build in process to consider potential negative impacts and require use of best practices."

Mr. Sigler was uncertain whether the action item relating to a low-interest revolving loan fund to improve the payback period for energy efficiency investments was necessarily a local action versus State; the State provides a three-percent loan at the present time. He said if renters are at a particular income level there are weatherization programs that provide for work to be completed in a rental unit. He believes that if the landlord benefits from the work there should be a requirement in place that the tenant, if desired, could maintain the residence for a two-year period. Mr. Sigler suggested the last action item be modified to include water management as it is involved with carbon sequestration.

With regard to the action item: "Develop or identify a model energy code that addresses building envelope and heating systems", Mr. Sigler felt there would be resistance to the code. Mr. Marx said the statement does not have specific requirements, but indicates the need. In addition, it was requested to modify the item to delete the reference to low-income households, thereby including all households in the incentive.

Mr. Proto spoke of a Dryden firm that converts methane for agricultural operations as an energy alternative. He recalled that during the 1980's the County used an incentive of capturing the methane gas from the landfills. Harvesting the methane could be included as a resource in the plan.

Mr. Proto spoke of the first action item and indicated it parallels the Tompkins Consolidated Area Transit (TCAT) Comprehensive Plan. With regard to the biomass action item he reported that Cornell

Cooperative Extension has been working on a project through the Resource Conservation and Development to develop switch-grass. He agreed that the action plan should not be limited to low-income, that heating costs are affecting everyone. Mr. Proto expressed disagreement with the action item "Prepare an adaptation plan to help prepare the community for impacts from global warming", specifically he feels it is a political statement and should not be included. Mr. Marx indicated many involved with the development of the plan desired the inclusion of the statement.

Ms. Schill reported the information presented to the Committee would be going out for public comment with the results being provided to the Committee in October, followed by a resolution. Mr. Proto inquired whether there is a budget attached to the plan; Ms. Schill reported not at this time. In response to Ms. Chock's question about inclusion of topics, Ms. Schill offered the seventeen-page comments from public meetings.

### **Tompkins Consolidated Area Transit**

#### **Resolution**

Ms. Tedesco explained that vanpooling is a group of seven to fifteen individuals sharing a single ride to their place of employment. This is targeted to individuals working at Cornell University, downtown, the airport complex, Cayuga Medical Center, etc. and are commuting between 20 to 80 miles one-way. The program is being marketed as both a Green Program, saving energy emissions, and also providing an economic benefit due to fuel costs. The Federal Transit Administration is expected to provide a grant for the program and requires Tompkins County approval. Cornell University would be paying the first year start-up costs, with the second year being covered by Federal reimbursement, 30-50 percent of the program cost, and the balance covered by the vanpool itself.

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

#### **RESOLUTION NO.      – AUTHORIZING THE COUNTY TO ENTER INTO A CONTRACT FOR VANPOOL SUBSIDY CONTRACTS AND TAKE OTHER ACTIONS TO ENCOURAGE A NEW TOMPKINS CONSOLIDATED AREA TRANSIT (TCAT) VANPOOL PROGRAM**

WHEREAS, the use of vanpools helps to reduce vehicular congestion, gasoline consumption, and air pollution, and

WHEREAS, private companies currently provide, operate, and administer vanpool services for commuters in New York State, and

WHEREAS, Tompkins Consolidated Area Transit (TCAT) has proposed a vanpool subsidy program which will provide partial subsidies for eligible vanpools in order to lower the cost to commuters who participate in vanpooling and thereby increase the attractiveness of vanpooling as a commuting option, and

WHEREAS, such subsidies will facilitate a travel alternative in geographical locations where traditional public transit has not been available or feasible to operate, and

WHEREAS, TCAT initially will be reimbursed for such subsidies by Cornell University and after a period of time TCAT anticipates Federal funding will be received by Tompkins County as a recipient of Federal Transit Administration (FTA) grants, and that such grants pass through to TCAT to supplement and replace Cornell University funding, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is hereby authorized to execute vanpool subsidy contracts, applications for aid, and any other documents needed to implement and promote the vanpool subsidy program.

**SEQR ACTION: TYPE II-20**

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**Strategic Tourism Planning Board**

Scholarship Clarification

Mr. Wood, County Attorney, was asked whether it is allowed to name a scholarship assistance program after the County. He indicated that although he feels it is allowable he would come back with confirmation.

Resolutions

Mr. Stein reported the Tourism Program has been discussing a visitor profile study for the past several years. This initiative would cover four seasons and provide information that to date has not been captured due to the unique characteristics of the local economy, thereby documenting a baseline that would not be available without it. Mr. Bonn explained the survey would assist to determine the various reasons tourists come to Tompkins County. Mr. Stein said the initial proposals came in at over \$100,000; the scope of the study has been revised to fit within the budgeted amount. Mr. Bonn stated that Chmura received excellent references. Mr. Proto requested the Committee be provided updates of the comparative data the study would provide. In response to Ms. Chock's question, it was noted that Chmura would include the segment of visitors not staying in hotels/motels, but also residences, private homes, local parks, etc.

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

**RESOLUTION NO. - AUTHORIZING AGREEMENT FOR TOURISM VISITOR PROFILE STUDY**

WHEREAS, the Tompkins County Tourism Program has supported strategic initiatives that promote economic development and enhance the quality of life in the county, and

WHEREAS, the County's Strategic Tourism Planning Board (STPB) has recommended continuing that promotion and enhancement through marketing and product development to contribute to the growth in Tompkins County tourism, and

WHEREAS, the lodging supply has increased in recent years with the opening of a variety of national chain properties as well as independently operated establishments, and

WHEREAS, the Tompkins County Tourism program has historically tracked economic impact and visitor profiles using data compiled from state or regional level research that is unable to capture the unique characteristics of our local economy, and

WHEREAS, in order to continue to make informed decisions supporting the tourism sector and the county overall, the STPB recommends that the County engage a consultant to assist with developing a comprehensive visitor profile and establishing a viable, focused, and on-going visitor profiling program, and

WHEREAS, the County issued a request for proposals for consulting services for profile of visitors to Tompkins County and received five responses, and

WHEREAS, the STPB carefully reviewed the responses and interviewed two candidates, and recommends that the County enter into a contract with Chmura Economics & Analytics from Richmond, Virginia, to provide the consulting services for profile of visitors to Tompkins County for an amount not to exceed \$60,000, and

WHEREAS, the Tompkins County Tourism Program has \$40,000 and the Convention and Visitor's Bureau has \$10,000 budgeted in the 2008 budget for the consultant, and the STPB has recommended an additional \$10,000 in the 2009 budget for the consultant, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee be authorized to enter into an agreement with the Chmura Economics & Analytics to implement the visitor profile study in an amount to not exceed \$60,000,

RESOLVED, further, That the County Administrator or his designee be authorized to amend the Tompkins County Chamber of Commerce's contract to provide local resource coordination for the consultant for an amount not to exceed \$2,000,

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

**SEQR ACTION:** TYPE II - 21

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Mr. Stein indicated it was not entirely clear whether a resolution to revise the guidelines was necessary, noting other committees often amend guidelines without the full Legislature's approval. It was noted the resolution could be a Committee only action. Following discussion, it was determined to bring the resolution forward to the full Legislature for action.

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

**RESOLUTION NO. - ENDORSING REVISED GUIDELINES FOR THE ARTS/CULTURAL ORGANIZATION DEVELOPMENT PROGRAM (FORMERLY "ARTS & CULTURAL ORGANIZATION STABILIZATION PROGRAM")**

WHEREAS, Tompkins County's vibrant and cultural community makes it stand out as a special place in Upstate New York, providing qualities attractive to tourists and visitors, and

WHEREAS, since its inception in 2003 this program has sought to secure the financial and operational stability of the county's major arts and cultural organizations by funding strategy planning and the subsequent implementation of said strategies, to ensure the vitalization and viability of our arts and cultural assets, and

WHEREAS, as the county's tourism industry and room capacity grow, so too must the capabilities and level of quality of our arts and cultural organizations in order to maintain our competitive position in this region of the State, and

WHEREAS, at their 6/4/2008 meeting the Tompkins County Strategic Tourism Planning Board reviewed, discussed and voted unanimously in support of the recommended changes to this essential grant program (highlighted below) that enhances the experience of visitors and tourists alike while also enhancing the quality of life of the residents of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature supports the changes recommended and the re-naming of the grant program to the "Arts/Cultural Organization Development Program".

**SEQR ACTION:** TYPE II-20

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**Adjournment**

On motion, the meeting adjourned at 5:13 p.m.