

**TOMPKINS CONSOLIDATED AREA TRANSIT, INC.
BOARD OF DIRECTORS MEETING**

Thursday September 23, 2010
4:00PM TCAT Conference Room
737 Willow Avenue, Ithaca, NY

Attendees: D. Cogan, J. Dotson, H. Dullea, D. Lieb, K. Luz Herrera,
P. Mackesey, F. Proto, N. Schuler, J. Turcotte

S. Brock, A. Eccleston, P. Poist, D. Tome,
D. Swartz, T. Wright, S. Persons/Recording Secretary

Also Attended: George Eberhardt, Chrisophia Somerfeldt, Tom LiVigne

Agenda

I. Call to Order

F. Proto called the meeting to order at 4:11 PM, and welcomed everyone to the September 23, 2010 TCAT, Inc. Board of Directors Meeting.

II. Board Member Items

There were no Board Member items.

III. Public Comment

G. Eberhardt stated he had a compliment for the driver on the route 15 on Sunday, he went out of his way to help him, they got to Titus Towers and the driver got out of his seat took the groceries and put them in his shopping cart so he could get off the bus. He stated from what he understands drivers are not allowed to do this so he would like to compliment the driver for his extreme understanding and personal service.

Peter Salton of Cayuga Heights spoke regarding the Route 30, he stated he supports TCAT, that they work very hard, he knew there was a change in the route and about the process, it certainly was a delayed implementation. The Village of Cayuga Heights wants TCAT to submit to mediation, he does not support that at all as a villager, he stated he thinks it is a slippery slope and TCAT would be mediating every route instead of doing the work the Board needs to do. In addition the argument that the village is making that schools are inherently dangerous does not impress him at all, buses are in urban areas, buses happen, there are at least a half a dozen schools that the buses go by now. The village did upgrade The Parkway they have not put stop signs in and he thinks that they should. He stated he was at a village meeting a couple of months ago, they earmarked \$5800 for a traffic study that has been approved; a traffic study he will submit says what you pay for it to say. He stated he did legal research on VTL 1640 which does authorize villages to regulate commercial traffic on their public ways; he thinks that statute is based on a nuisance theory and possibly a safety theory, and he did read a case that talked about a funny entrance to a housing development back in 1960 on Long Island and they were able to get the bus moved, but the school argument that Cayuga Heights is trying to use he does not think is of similar characteristic or import. He stated he thinks really that 1640 is meant as a nuisance statute, a village can say that they want their commercial traffic only on certain roads, and he supports that. He thinks studies would show that running the bus number 30 up the Parkway and Northway does not pick up too many riders through Cayuga Heights; it is kind of a pass through. He stated that there is a little street called Country Club Lane

in Cayuga Heights, to him that is the key issue here, everyone he has spoken to thinks it is a great idea, however, there is involvement of punching back the existing right-of-way that was somehow covered up back in the 50's when the country club was closed that needs to be dealt with. He stated he cannot imagine that this would be difficult other than the expense, there are three owners of TCAT, three organizations that have an interest in this company and he would encourage TCAT to work very hard on that solution as opposed to these sort of attempts of the residents of The Northway to move this bus back to his street. He stated Country Club Lane is a win-win and he would encourage TCAT to pursue a win-win so that everyone is happy.

F.Proto stated when J. Turcotte and he met with Mayor Supron it came up about Country Club Lane, and subsequently we have spoken about that, and we are encouraging the Village to talk with Cornell because Cornell apparently owns a piece of land there, and the no-man's land which is the undeveloped piece of property in the middle, which we thought was privately owned by whoever owns the adjoining apartments and the parking lot. He stated he does not know what the status of it is now, but when they left, Kate Supron and Suzanne Van De Mark were going to pursue that with the other entities. TCAT does not own roads; that would not be in the cards for us to own, but to support their effort in some way, and we have done that.

IV. Approval of the minutes from July 22, 2010 meeting

The motion to approve the minutes from July 22, 2010 was made by H. Dullea; seconded by D. Cogan. The motion to approve the minutes passed unanimously.

V. Chairperson's Report

F. Proto stated he had three items to report on. TCAT received a letter from Suzanne Van De Mark to Congressman Hinchey and we are not letting it sit idle, we acknowledged receipt of the letter and Patty Poist the Marketing Director set up a meeting with Congressman Hinchey's office. We met with Dan Lamb at TCAT on Tuesday and went over the items that were in Suzanne's letter. He stated he asked P. Mackesey to sit in; A. Eccleston, J. Turcotte, P. Poist, D. Swarts, and D. Lieb were also in the meeting. We had a strait forward discussion with Dan Lamb, we went over the history of how far back this goes and how we originally talked about it in 2007. We are putting together a formal response, D. Lamb asked that it respond to each point in S. Van De Marks letter, and once it is completed it will be sent to all of the Board Members as well. F. Proto stated, second, J. Turcotte would give an update on the Roadeo later on and third, S. Brock wanted to talk about the Board Members whose terms are expiring.

S. Brock stated she is sending a letter to the various funding partner heads and she provided a copy for the Board so that they can work through their respective processes to get recommendations for Directors for the people whose terms are expiring. P. Mackesey, J. Dotson and D. Liebs' terms are all expiring this year, each of the entities that recommended them needs to provide a recommendation for Director for a three year term.

F. Proto stated we started the meeting late and we have Chrisophia Somerfeldt here for a presentation on the Way2Go system, and we have a resolution that came about within the last 24 hours that D. Lieb has asked Tom LiVigne from Cornell Real Estate to come and discuss it, he asked if C. Somerfeldt would like to give her presentation and then the Board go right to that resolution.

C. Somerfeldt suggested the Board go right to the resolution and come back to her presentation.

Consider approval of Resolution {2010-15} Acceptance of Concept of Transfer of Proposed Park and Ride Lot Located off of Trumansburg Road from Cornell University to TCAT. F. Proto presented resolution 2010-15.

RESOLUTION 2010-15
ACCEPTANCE OF CONCEPT OF TRANSFER OF PROPOSED
PARK AND RIDE LOT LOCATED OFF OF TRUMANSBURG ROAD
FROM CORNELL UNIVERSITY TO TCAT

WHEREAS, Cornell University ("Cornell") is the owner of 35+/- acres of land located off of Trumansburg Road (NYS Route 96) and West Hill Drive in the Town of Ithaca, Tax Parcel No. 24-4-5.2, and

WHEREAS, Cornell has been considering various development scenarios for the parcel, all of which include a 100 +/- space park and ride lot, and

WHEREAS, Cornell recently asked TCAT to consider whether TCAT would accept ownership, operation, and maintenance and repair of the park and ride lot once Cornell builds it, without charge to TCAT for the land or improvements, and

WHEREAS, TCAT's Transit Service Committee discussed this request at its September 21, 2010 meeting and recommends to the TCAT Board that TCAT accept the concept of the transfer of the park and ride lot and TCAT's assumption of responsibility for the lot's operation, maintenance and repair, subject to conditions,

NOW, THEREFORE, be it RESOLVED that the TCAT Board of Directors hereby accepts the concept of the transfer from Cornell to TCAT of the park and ride lot, as shown on the attached map entitled "Appendix A," dated _____, 2010, prepared by _____ (the "Map"), subject to the following conditions:

1. TCAT shall in its sole discretion determine the commencement date for bus service to the park and ride lot, the levels of service (including types of buses and timing and frequency of service), and whether to maintain or discontinue service to the lot.
2. Cornell shall transfer the ownership of the park and ride lot parcel and of the Cornell-constructed improvements without any monetary consideration paid by TCAT to Cornell.
3. The specific surveyed location, deed, and abstract showing good and marketable title for the proposed park and ride lot parcel shall be submitted in a form acceptable to TCAT's attorney and TCAT's General Manager, prior to the TCAT Board's final acceptance of the park and ride lot and parcel.
4. Cornell shall obtain at its sole expense all necessary final approvals from the Town of Ithaca, including but not limited to any necessary rezoning, subdivision and/or site plan approvals, prior to the TCAT Board's final acceptance of the park and ride lot and parcel.
5. Cornell shall pay for, design, construct, inspect and complete the park and ride lot and its associated facilities and infrastructure in accordance with the attached Map and _____ and to the satisfaction of TCAT's General Manager and its Purchasing and Projects Manager, prior to the TCAT's Board's final acceptance of the park and ride lot and parcel. Items to be completed to TCAT's satisfaction include, but are not limited to, the following: paving in the bus turnaround circle of sufficient construction and quality to withstand the weight of TCAT buses without damage; a paved road and paved opening onto West Hill Drive that provides safe and adequate access for TCAT buses and emergency response vehicles and that can withstand the weight of TCAT buses without damage; northern and southern access drives onto the road leading to West Hill Drive; circulation and access lanes and areas; pavement markings that comply with all applicable requirements for parking space dimensions, parking lot circulation, and lot ingress and egress; 6 installed handicap space signs and pavement markings; curbing; drainage improvements; stormwater management facilities; landscaping to

include at least the trees, ground cover vegetation and lawn/meadow as shown on _____, as that document may be amended by the final Town of Ithaca site plan approval; construction and installation of a bus shelter that is a minimum of ___ feet x ___ feet, is located on the north end of the bus turnaround circle, and can be connected to an electric utility supply; walkways, ramps and tactile warnings; and five sharp cutoff street light fixture on a 30-foot pole connected to an electric utility supply and located on the east end of the lot, said fixture to be compliant with the Town of Ithaca's Outdoor Lighting Law.

6. Any stormwater management facilities that serve the park and ride lot but are located off the parcel to be conveyed to TCAT shall be owned, operated, maintained and repaired by Cornell or the successor owner(s) of the parcel(s) on which the facilities are located.

7. Cornell shall pay all expenses associated with the planning, design, approvals, right-of-way acquisitions, bidding (if any), construction, and construction inspections of the park and ride lot and its associated facilities and infrastructure, and all expenses associated with the transfer of the parcel and park and ride lot to TCAT, including but not limited to closing costs and recording fees.

8. TCAT and Cornell shall enter into an agreement, subject to the approval of the TCAT Board, with adequate indemnification provisions for the parties, and with Cornell agreeing to pursue all rights for repairs and replacements pursuant to warranty and/or performance bond provisions in Cornell's construction documents.

9. TCAT shall be named as an additional insured on all insurance policies related to the park and ride lot that are required by the construction documents and on which Cornell is named as an additional insured.

The resolution to accept the concept of transfer of proposed park and ride lot located off of Trumansburg Road from Cornell University to TCAT was moved by K. Luz Herrera and seconded by D. Cogan. Discussion followed.

P. Mackesey stated this came to Transit Services Committee last month and we asked J. Turcotte to come up with some idea in terms of costs for TCAT in terms of how this would work for us, to provide some scenarios. She stated she does not know the whole history why Cornell is doing this and suggested D. Lieb or T. LiVigne explains it.

T. LiVigne stated this started about 2 years ago before Bill Wendt left; we were in the process of signing this land on West Hill to Conifer for other purposes when Bill Wendt came to us at the last minute and said this would be a good sight for a park and ride lot. Discussion followed.

K. Luz Herrera moved to table this resolution until the October 28th, 2010 meeting.

F. Proto asked if there was a second on the motion to table. D. Cogan seconded the motion. D. Lieb abstained, all others in favor; the resolution was tabled until the October 28, 2010 meeting.

VI. General Manager's Report

- Way2Go presentation by Chrisophia Somerfeldt – this was postponed until October meeting.
- Fare box system update – J. Turcotte reported that the system itself is fully implemented and operational. It is working extremely well and we did test it to try to determine what our Labor Day ridership was and it produced a very comprehensive report where we were able to pull every route by time of day.

- System Utilization by Local Hotels update – J. Turcotte reported that he met with Fred Bonn and Mary Rachen and they were very interested in the concept of the local hotels using their room keys as bus passes and they invited TCAT to attend the Hotel Association meeting on October 4th to give a small presentation on what that means. He stated that F. Bonn indicated that there were a couple hotels right now that probably would start if we asked. We do have to marry the technologies with room keys and the fare boxes but it is the same technology and we would just need to work through the logistics.
- NYS Roadeo update – J. Turcotte reported that the state roadeo is this Saturday and N. Oltz along with staff has been working very hard on this, we have 9 properties coming with 29 contestants, 19 bus operators and 10 mechanics. TCAT is putting in 4 bus operators and the event will take place all day Saturday and wrap up with a banquet Saturday night. He stated there were a lot of logistics behind the scenes to get ready for this, and thanks to Cornell for letting TCAT use their B Lot up on campus.
- Monthly Operating Reports – J. Turcotte presented the Monthly Operating Reports for July & August 2010. He reviewed the details of the Riders, Miles & Hours Statistics, Service Changes & Special Events, Maintenance Statistics, Accidents & Other Incidents, Finance, Human Resources, Marketing Initiatives, & Customer Communications.

VII. Action Items from Staff

Consider approval of Resolution {2010-14} Sub recipient agreement for 2010 FTA Section 5307 grant NY-90-X642. F. Proto presented Resolution {2010-14} to approve sub recipient agreement for grant NY-90-X642.

RESOLUTION 2010-14 SUB RECIPIENT AGREEMENT FOR GRANT NY-90-X642

WHEREAS, Tompkins County (the “County”) executed an agreement with the Federal Transit Administration for a 201- Section 5307 grant NY-90-X642 for \$ 1,658,159 in federal funds allocated between Tompkins Consolidated Area Transit, Inc. (TCAT) (\$1,602,759) and the County (\$82,400) and

WHEREAS, Tompkins County has advised TCAT that the two parties need to enter into a Subrecipient Agreement so TCAT can receive reimbursement of FTA funds for certain projects in the grant, and

WHEREAS, the attached “Subrecipient Agreement for 2010 FTA Sec 5307 Grant NY-90-X642” spells out each party’s rights and responsibilities related to the grant money to be received pursuant to Section 5307 Grant NY-90-X642, and specifies the projects and amounts for which TCAT will receive grant reimbursement,

NOW, THEREFORE, be it RESOLVED, that the TCAT Board approves the attached Subrecipient Agreement with Tompkins County and authorizes the Board Chair and General Manager to execute the Subrecipient Agreement, subject to the approval of TCAT’s attorney.

The resolution to approve the sup recipient agreement was moved by H. Dullea and seconded by N. Schuler. The resolution passed unanimously.

VIII. Committee Reports

- **Executive Committee**

F. Proto reported that the Executive Committee met on September 8, 2010 and discussed the county budget updates, farebox recovery plan, NYSEDA grant application, bus purchase, NYS Roadeo and Cayuga Heights bus routing.

- **Budget Committee**

F. Proto reported that the Budget Committee met on September 16, 2010 and discussed Revenue Expenditure Report: August 31, 2010, fuel report and draft 2011 operating and capital budget presentation to Tompkins County Expanded Budget Committee.

- **Transit Service Committee**

D. Lieb reported that the Transit Service Committee met on September 21, 2010 and discussed the proposed Park and Ride lot.

- **Human Resources Committee**

N. Schuler reported that the Human Resources Committee met on September 20, 2010 and discussed headcount, bargaining unit employee handbook, wellness program for 2011 and updating the administrative employee handbook.

- **Planning Committee**

D. Cogan reported that the Planning Committee met on September 23, 2010 and discussed the proposed park and ride lot located off of Trumansburg Road, the IT study, the regional study, and building expansion.

IX. Next meeting

F. Proto announced the next meeting date October 28, 2010 at 4:00 PM.

X. Attorney's Report

F. Proto asked for a motion to enter into Executive Session to discuss a personnel matter. The motion was made by K. Luz Herrera; seconded by J. Dotson. The motion passed. The Board entered into Executive Session at 5:45 PM. The Board arose from Executive Session at 6:25 PM. No action was taken.

XI. Adjournment

The motion to adjourn the meeting was made by J. Dotson; and seconded by K. Luz Herrera. The meeting adjourned at 6:25 PM.