

Minutes
Tompkins County Council of Governments
Thursday, September 23, 2010

APPROVED 10-28-10

Members Present: (11 municipalities)

T/Caroline – D. Barber, D. Frongillo	V/Lansing – D. Hartill
T/Danby – R. Dietrich	C/Ithaca – C. Peterson
T/Enfield – R. Barriere	Co./Tompkins – M. Robertson
T/Ulysses – E. Thomas	V/Groton – B. Conger
T/Dryden – M. Sumner	V/Cayuga Heights – K. Supron
T/Ithaca – H. Engman	

Municipalities Not in Attendance: (6 municipalities) T/Groton, T/Lansing, T/Newfield, V/Dryden, V/Freeville, Village of Trumansburg

Guests: L. Lawyer, Ithaca Journal; J. Carey, WHCU; Reporter from Finger Lakes Community News; D. Klein, Danby Town Board; K. Schlater, Cooperative Extension

County Staff: M. Lynch, J. Mareane, County Administration; E. Marx, Planning Department; N. Zahler, Youth Services Department; M. Pottorff, Legislature Office

Call to Order

Mr. Barber called the meeting to order at 3: 06 p.m.

Changes to the Agenda

An update on the cell tower agreement was added to the agenda.

Minutes Approval – August 26, 2010

It was MOVED by Ms. Conger, seconded by Mr. Dietrich, and unanimously adopted by voice vote by members present, to approve the minutes of August 26, 2010 as submitted. MINUTES APPROVED.

Update on Dog Control

Mr. Barber said the City and all towns should have received correspondence from April Sheffler, Town of Groton Clerk, concerning the resolution that municipalities were asked to adopt that states all spay and neuter funds received will now go to the County for a new locally administered spay/neuter program. Resolutions should be adopted and submitted before the end of December. Ms. Sumner clarified that the County will collect these funds and will then contract with an organization for administration of the program.

Mr. Barber said these municipalities also have to adopt a new dog control law before the end of the year. Mr. Barber said he found a template law posted to the website of the Department of Agriculture and Markets to be very cumbersome and confusing and has asked the Association of Towns to take the lead in developing a more understandable and comprehensive template. They are already working on and in the meantime, he will ask the Department of Agriculture and Markets to pull their template down from the website.

Mr. Barber said Mr. Dietrich has asked if all impacted municipalities could work collaboratively on this in order to save potential attorney costs.

Update on Health Insurance Consortium

At the last meeting Mr. Barber reported there were three remaining hurdles to cross. He said those have all been completed and said they were able to raise the \$1.223 million that was needed for the Reserve Account. Those funds have been posted in a bank account and information has been submitted to the New York State Insurance Department. The Insurance Department has communicated that everything possible is being done to ensure the Consortium receives its Certificate by October 1st. Mr. Barber said the Consortium Board of Directors has decided that education and outreach efforts will take place over the next couple of months and the coverage is planned to begin on January 1, 2011. Information sessions are taking place and third party administrators have been speaking and answering questions of employees and retirees.

Update on Cell Towers

Ms. Robertson said at the last meeting a few municipalities had already voted to be part of the Cell Tower Consortium. She requested a status report on this action by other municipalities. It was reported this is on the City of Ithaca's agenda and the Town of Ithaca has adopted a resolution. Other municipalities, including the Villages of Cayuga Heights and the Towns of Lansing and Danby will place this item on their agenda.

Ms. Robertson said this needs to move forward as soon as possible and she would like to know soon how many municipalities will be participating. She has received a letter from Dan Hoffman from the City of Ithaca who is working with the legal firm that was chosen. The firm sent a retainer agreement and it has been forwarded to Mr. Barber as Chair of TCOCG. Ms. Robertson said the County will be the fiscal agent for this process.

Mr. Dietrich thanked Mr. Engman for taking time to answer all of the questions put forth by Danby Town Board members.

It was MOVED by Ms. Sumner, seconded by Mr. Hartill, to authorize Mr. Barber, Chair to sign the retainer agreement with the expectation that the cost per municipality would be under \$1,500. A vote by show of hands resulted as follows: Ayes -10, Noes - 0, Abstentions - 1 (Mr. Barber/Town of Caroline). MOTION CARRIED.

Report from the Gas Drilling Task Force

Ms. Thomas reported on the following items from the September 16 Gas Drilling Task Force meeting.

- Craig Schutt from the Soil and Water Conservation Task Force attended and will be joining the Task Force more often and will be working closely on efforts related to water, pipelines, and wetlands.
- Several members are interested in a tour of Bradford County, Pennsylvania, in an area where drilling is well underway. They will speaking with landowners and the head of the task force in that area. She said anyone else who is interested in going should let her know.
- At the 2010 Association of Towns (AOT) meeting there was only one small session when the topic of hydrofracturing was discussed. In order to put this topic on a future AOT meeting agenda towns need to adopt a resolution requesting this. Mr. Barber suggested a request be made for education on hydrofracturing and the gas drilling industry; it could also include specific areas

such as roads or assessment. He also suggested this could be taken to the New York State Association of Counties (NYSAC) and the New York State Conference of Mayors. Ms. Robertson noted there has been discussion of this at NYSAC.

- Contrary to what has been printed, New York State does not have a moratorium on gas drilling. The New York State Senate passed a moratorium on gas drilling; however, this has not been passed by the Assembly or signed by the Governor as of this date.
- Helen Slottje updated the Task Force on her work on land use; her work is moving forward in many different areas. Ms. Slottje feels towns cannot regulate drilling; however, she said towns that have zoning in place may be able to influence where drilling can take place and ban it in certain zoned areas. Towns can use zoning and comprehensive plans as justification, especially if the comprehensive plans emphasize terms like rural character, outdoor recreation, environmentally sensitive areas. Areas in which banning might be logical: residential areas, unique natural areas, creeks and lakes, conservation and environmental protection zones. Banning across an entire municipality might not hold in court, but there is legal language stating that towns can restrict exploitation of its natural resources.
- Carol Chock is working on assessment with Jay Franklin, Tompkins County Assessment Director. He is working with his counterparts in Pennsylvania and observing the patterns that are emerging from gas drilling there. Ms. Chock has said for some landowners that have parcels of land that are not adjoining that if they have a lease on one parcel that has drilling activity it locks in the other parcels. Mr. Franklin is using the TCgasmap which was developed by volunteers and has found the information extremely valuable. Ms. Chock's next task is to work with Weights and Measures to see how gas will be metered and taxed.
- The new TCCOG gas drilling website is now online: http://www.tompkins-co.org/tccog/Gas_Drilling/Index_GasDrilling.html
- Mr. Marx reported Darby Kiley has been hired to fill the Planner position and will begin October 12th. Ms. Kiley will be spending time working with TCCOG, individual municipalities, and doing research. Ms. Kiley is familiar with most municipalities and has a very strong environmental background.
- Ms. Thomas reviewed requests that have been made for the Planner's time:
 - Work with the subcommittees that have a planning base -- land use and roads;
 - Help municipalities develop regulations to mitigate impacts from drilling;
 - Help planning boards;
 - Work together with municipalities with similar interests;
 - Communicate with other task forces both within New York and Pennsylvania;
 - Find activity on roads around the State; get a sense of what other counties are doing and what Delta is seeing based on its work;
 - Industrial site plan review – especially for municipalities without zoning;
 - Pipelines
 - Map potential build out if all leases were explored and if all land with potential for leasing were drilled;
 - Work with Soil and Water Conservation District to protect aquifers using lidar (work with Craig)
 - Focus on Land Use subcommittee;
 - Assist the task force since its membership is derived from municipalities with a common interest making it efficient to research topics and communicate within multiple municipalities at once.

- Find enacted legislation that can be used within Tompkins County.
Mr. Dietrich suggested emergency management be included on this list.
- Tony Ingraffea spoke recently on Capitol Pressroom about the usefulness of having a map that would visualize the impacts of gas drilling and what an area would look like once all the potential drilling is complete. Mr. Barber would like a map to be developed for Tompkins County to show where the Marcellus shale is in the County and where drill pads might be connected. He said they are looking for someone to take a technical lead on this and if anyone has ideas for this should let him know. Ms. Sumner will contact the Dryden Land Resources Awareness Council; Mr. Dietrich suggested Todd Miller from the U.S.G.S. (United State Geological Service).

The next Task Force meeting will be October 21 at 3 p.m.

Impacts of County Budget on Municipalities

Mr. Barber said there are many cuts being proposed to the County budget that impact County residents, including cuts to health care, assessment, and youth services. He said towns do have unfunded mandates but they are miniscule in comparison to what the County has to deal with. He said the County can no longer afford programs because of the costs being passed down by the State.

Mr. Mareane explained how the County is trying to approach a profound change in the fiscal environment. He said the budget challenge is unique because the County is a human services provider and provides safety net services that peak during a bad economy. There are a number of human services programs the County delivers on behalf of the State that are greatly affected by the recession. Mr. Mareane made the following points:

- The County Legislature adopted a property tax levy increase goal of five percent. Mr. Mareane said this is a very aggressive goal in the current economy;
- Although there is a cap on the rate of growth, the County must pay a three percent on top of the levy on the Medicaid bill (\$300,00+);
- Revenues have been affected because of the economy;
- Significant increase in pension costs (11.5% to 16.3% in 2011; 20.5% in 2012; 23.5% in 2013)
- There was a \$5 million gap at the beginning of the budget process; and
- It was decided after last year's budget adoption that there is only so much "belt-tightening" that can be done and this has been happening over the last few years. Spending cuts cannot continue to be gained through across-the-board cuts; the County needs to look at the budget programmatically. An inventory of County programs was produced during the Spring of 2010

Ms. Robertson noted the increase in pensions and mandates equal a five percent levy increase. A maintenance of effort budget (containing no increases and maintains the existing level of services) would be in excess of a ten percent increase in the property tax levy. At a time when mandates are increasing the budget recommended at this time does meet the Legislature's goal of a five percent property tax increase; however, it includes severe program cuts. She noted 88% of the County's property tax levy goes to mandates. Mr. Mareane said another setback was New York State embargoing home rule resolutions that had funds attached to them, including Tompkins County's Mortgage Recording Tax increase request of ¼ percent. This resulted in a loss in revenue to the County of \$900,000.

All County departments were directed to reduce non-mandated local spending by 6.9%. Mr. Mareane said when he looked at the consequences it was clear to him that many of the cuts were to critical services that impacted health, safety, and core government services. His goal in developing the budget was to move resources to the highest areas of need and impact. Some of the actions he took was

to move resources; one last installment of federal stimulus funds will be received in the amount of \$800,000. These funds will be used to restore some items that were scheduled to be cut in the 6.9% reduction. He is hopeful that in 2011 the Mortgage Recording Tax increase will be approved that will replace those stimulus funds. He noted, however, there are still many critical programs that could not be funded. Those programs include the services to municipalities that relate to zoning regulations, the Home Health Care Program within the Health Department that provides direct in-home help to people, primarily the elderly (\$400,000), and Municipal Youth Development Prevention Programs.

Mr. Mareane said the County raises approximately \$250,000 in property taxes and then allocates those funds to municipalities so they can provide youth programs within their communities; matching municipal funds, and often leveraging other funds. The County's contribution to program in the 2011 County Administrator's Budget is eliminated. He outlined three primary reasons for eliminating this funding:

- To provide funding to areas within the budget that were critically linked to health, public safety, or core government services.
- In looking at the County's contributions to youth services Tompkins County has been generous and a reduction could be made and still allow the County to stay above the average level of contribution to youth services being provided by other counties.
- Tompkins County is raising property taxes and giving those funds back to other jurisdictions that are also property tax-supported jurisdictions. In his judgment there is so much stress on the property tax levy from mandates and other things the County must do, that there is no longer the capacity to levy on behalf of other jurisdictions that could also levy a property tax.

Mr. Mareane spoke of the value of the program. He said it is an excellent, worthwhile program that has helped kids and communities. There are, however, significant demands being placed on the County's resources and the County may no longer be able to provide the same services as it has in the past.

Mr. Marx said the Planning Department has historically provided services to municipalities on a cost-sharing basis where the Department would absorb half of the staff-time costs for projects, such as site plan reviews, comprehensive plans, updates to zoning, and subdivision regulations. Under the proposed budget, he said the Department can no longer do this without being reimbursed for those services. Also, under State Law within the local zoning and planning review process, the Department has provided technical assistance comments in reviews that go beyond the requirements of law when there is a Countywide impact. Mr. Marx stated within the current budget proposal the Planning Department will no longer be able to provide assistance to municipalities who are undertaking these reviews.

Lastly, Mr. Mareane said there are a lot of child welfare services that are not funded in the 2011 budget, a full road crew in the Highway Division, and the Day Reporting Center is reduced to half-time. The budget does use some of the Fund Balance monies, however, those are appropriations are tied to one-time expenses.

Ms. Robertson announced a public forum on the County Budget will be held on September 27th at 7 p.m. at the Public Library.

Mr. Engman said all municipalities are facing tremendous budget pressures. One of them unfunded mandates that many municipalities are dealing with relates to the stormwater runoff. He estimates the Town of Ithaca has a \$70,000 cost for this and this equals a two percent tax rate increase for the Town. He spoke of the youth services program and said this is an intermunicipal program and

expressed concern that once cuts begin to be made it will have a ripple affect. He said the Town of Ithaca would lose \$30,000 from this cut and would only be able to make up for this cut by making a reduction in another area, such as TCAT or the parks. He asked that a second look be taken at this cut because he believes once cuts are made it is unlikely they will be restored at a later time.

Mr. Hartill said the unfunded mandate Mr. Engman spoke of represents ten percent of the Village of Lansing's tax bill. He suggested TCCOG, as a group, place pressure on the State Legislature to stop these unfunded mandates.

Ms. Peterson said NYCOM (New York State Conference of Mayors) has a website: www.stopthetaxshift.org and it has identified over 50 mandates that have affected municipalities. She also spoke of the proposed cut to youth services and said this will be a big concern for the City.

Ms. Conger said the proposed cuts to youth services would eliminate Groton's afterschool programs for both the elementary and middle schools. She spoke of one young lady who, over a five-year period, participated in 45 different programs that were offered through rural youth services. She said it costs approximately \$230 per year per child and stressed elimination of these programs would result in high costs in other areas, such as foster care.

Mr. Dietrich said this is the time for municipalities to begin long-term planning and to have discussions of what other solutions might exist because the County's budget problems are not going to away. He shared Mr. Engman's concerns that once a program is taken away it is unlikely to be brought back.

Update on TCCOG Resources

Mr. Mareane said a workgroup met to discuss whether TCCOG should have a modest budget to cover expenses. The workgroup included Elizabeth Thomas, Steve Thayer, MaryAnne Sumner, and Mr. Mareane. The purpose of having a modest budget is to allow TCCOG to be able to rapidly fund items during the year. This initial proposal is to have a have a \$7,500 to \$10,000 budget based on a voluntary approach with a recommended contribution by each municipality of \$750. The County is already providing significant in-kind expenses, primarily which is administrative support. These usage of these funds would be subject to a two-thirds vote of members present. The budget could vary from year to year and would only be spent if a need arises. It was acknowledged that some municipalities have a greater capacity to contribute to costs than others.

Mr. Engman questioned how this approach would be superior to the approach that has been used up to this point and described the process to this point as being a "coalition of the willing". Ms. Thomas provided the hearing on gas drilling at the State Theater as an example of when funds were needed; some boards contributed and some did not. She said she sees this approach as being more convenient because when a need arises members must go back to their municipal board with a request for funds. She also sees this proposal as being fair because this proposal includes a contribution from all municipalities; at this time some contribute and some do not.

Ms. Peterson asked if this is a voluntary approach why there is a set contribution. It was agreed to change the language of the proposal to from a fixed contribution to a voluntary contribution. Mr. Dietrich suggested an initial contribution per municipality of \$250-300 instead of proposed amount of \$750. There was consensus that a lower amount is preferred at this time. Mr. Barber asked that the subcommittee consider a lower amount and to consider developing criteria for usage of the funds.

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Report on Emergency Management Services

Mr. Dietrich reported on the last Emergency Management Committee meeting. He said the Committee believes there is a need to put forth plans and recommendations on the issue of emergency management as it relates to gas drilling. Mr. Dietrich said the Committee is looking to the County and municipalities for assurance that they are supported in these efforts. He requested this item be placed on the next agenda for discussion.

Adjournment

The meeting adjourned at 4:35 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office