

Minutes
Tompkins County Council of Governments
Thursday, April 22, 2010 – 3 p.m.
Scott Heyman Conference Room

Approved

Members Present: (14 municipalities)

T/Caroline – D. Barber	V/Cayuga Heights – K. Supron
T/Danby – R. Dietrich	T/Ithaca – H. Engman
T/Dryden – M. Sumner	V/Groton – E. Conger
T/Ulysses – E. Thomas, R. Marino	V/Trumansburg – D. Nottke
T/Newfield – R. Driscoll	C/Ithaca – C. Peterson
T/Enfield – R. Barriere	Co./Tompkins – M. Robertston
T/Groton – G. Morey	V/Lansing – D. Hartill

Municipalities Not in Attendance: (14 municipalities) V/Dryden, T/Lansing, V/Freeville

Guests: J. Mareane, M. Lynch, County Administration; L. Shurtleff, Department of Emergency Response; L. Eaton, Tompkins County Purchasing; C. Nelson, Tompkins County Emergency Planning Committee; P. Stein, Tompkins County Legislator; A. Smith, SPCA; WCHU
Staff: M. Pottorff, Legislature Office

Call to Order

Mr. Barber called the meeting to order at 3:02 p.m.

Changes to the Agenda

Mr. Barber said Abigail Smith, Executive Director of the SPCA, will be in attendance to discuss proposed State legislation. Due to time constraints the discussion item on the agenda relating to commercial delivery of telephone books was deferred.

Approval of Minutes of March 25, 2010

It was MOVED by Ms. Peterson, seconded by Mr. Hartill, and unanimously adopted by voice vote by members present, to approve the minutes of March 25, 2010 as submitted. MINUTES APPROVED.

Report on Emergency Management Services

Ms. Nelson distributed a document as a follow-up to the municipal officials outreach session that took place on March 30th at TC3. Included in the information are steps the County must perform and ideas for municipalities to proceed. The point of the exercise is for municipalities that have plans to review those plans and bring them up to date, and for those municipalities that do not have plans to begin discussions geared towards developing a plan. Ms. Nelson said the County has many resources and staff would be willing to work with municipalities to offer assistance, including training.

Ms. Robertson raised the subject of gas drilling as it relates to emergency management and asked what the next step would be. Ms. Nelson said questions about gas drilling were not addressed in this outreach session but could be directed to Mr. Shurtleff, Director of Emergency Response. Mr. Barber noted Mr. Dietrich is TCCOG's liaison to the Emergency Planning Committee.

Purchasing - Opportunities to Share Bid Information

Mr. Morey, TCCOG representative to the Finger Lakes Environmental Preferred Procurement Consortium, introduced Lisa Eaton of the Tompkins County Purchasing Division. Ms. Eaton reported on opportunities that exist for municipalities to purchase off County contracts, particularly highway

materials, janitorial supplies, and kitchen supplies. She also noted there are some green products available. Ms. Nelson said although those products often come with a higher price they think if there are more people purchasing green products the increase in the quantity of items being purchased will lead to lower prices. Anyone having questions should contact Ms. Eaton at 274-5500.

Mr. Dietrich arrived at 3:17 p.m.

Report on Gas Drilling

Ms. Thomas reported the Gas Drilling Subcommittee met last Friday. She said the amount of information coming in that relates to gas drilling is overwhelming; and the idea behind the following resolution was to make the subcommittee a sanctioned task force of TCCOG in order to be officially recognized. The goal of this group would be to network municipalities for information that is pertinent specifically to municipalities. The subcommittee had a discussion of how to break up into smaller groups and circulated a list of how the groups would break out. She asked that members suggest individuals to serve. The next meeting will be May 20th at 3 p.m. in the Scott Heyman Conference Room.

RESOLUTION NO. 02-2010: IN SUPPORT OF CONVENING A COUNTY-WIDE TASK FORCE TO ASSIST MUNICIPALITIES IN PREPARING FOR DRILLING ACTIVITIES ASSOCIATED WITH EXTRACTION OF GAS FROM THE MARCELLUS SHALE

MOVED by Mr. Dietrich, seconded by Ms. Robertson. Mr. Dietrich questioned where enforcement issues would fit into the list. Ms. Thomas said could get included in the one of the areas listed, such as public and emergency responder safety. Ms. Marino said she supports this resolution but said she recalls differences in this list versus what was discussed at the meeting, in particular references to water and air quality. She said Mr. Marx, Commissioner of Planning and Public Works, had stressed that emphasis should be placed on areas where we could have an impact. Ms. Marino said given those comments she assumed those areas were being removed from this resolution and included in other areas. Another area that was suggested was identifying issues and impacts and intercounty communication. Ms. Thomas noted the resolution does not set in stone the groups that will be created as the language “such as” is now included at the end of the second Whereas.

It was accepted by consensus to include Ms. Peterson’s suggestion of “Enforcement and inspection staff/services”. Mr. Dietrich said enforcement is a large part of this and should be incorporated into road use laws. He said there is the issue of storm water regulations that are likely to be an immense enforcement problem for municipalities.

Ms. Robertson spoke of permitting fees and suggested the cost of enforcement be built into permitting fees. Mr. Dietrich said the entire subject of emergency management needs to be considered and consciously built into a permitting process.

Ms. Thomas said she would distribute a copy of the Excel spreadsheet to all members and said if any one would like to suggest areas not already included in the resolution to let her know before the May 20 meeting.

A voice vote on the resolution resulted as follows: Ayes – 14, Noes – 0. RESOLUTION ADOPTED.

Whereas, extraction of gas from the Marcellus Shale using the technique called high-volume, slick water hydraulic fracturing may begin in New York within the near future, and

Whereas, in order to protect the health, safety and well-being of their residents and to protect the natural environment, municipalities within Tompkins County need to be prepared to address the impacts

of large scale industrialization that are part and parcel of gas extraction in areas of concern such as:

- Roads
- Water quality
- Air quality
- Land values
- Public and emergency responder safety in emergency situations
- Social and economic structure of our communities
- Land use issues
- Enforcement and inspection staff/services

, and

Whereas, municipalities within Tompkins County are neither staffed, nor have budgeted funds to individually address this large number of concerns in such a short period of time, now therefore be it

Resolved, That the Tompkins County Council of Governments hereby convenes a Task Force with the purpose of assisting municipalities within Tompkins County by gathering information for governing bodies to use in their deliberations when addressing gas drilling activities,

Resolved, further, That the Task Force shall be referred to as the TCCOG Gas Drilling Task Force and shall commence work immediately,

Resolved, further, That other organizations within Tompkins County with an interest in this topic such as the Water Resources Council, the Environmental Management Council, the County Department of Health, the County Planning Department, and individual municipal task forces may have representation on the TCCOG Gas Drilling Task Force as well as representatives from the governing body of each interested municipality.

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Report on Cell Towers

Ms. Sumner reported the subcommittee met last week to discuss the four proposals from legal firms that are interested in giving a presentiaon on cell tower construction and siting and a template ordinance. The list was narrowed to two and they will be interviewed in the next couple of weeks. Ms. Sumner said municipalities will be contacted to see if there is interest in contributing to the cost of this (conservative total estimate is between \$5,000-\$10,000).

Ms. Sumner said although this hasn't been a high priority issue lately it is expected that it will become one once the economy recovers. She spoke of new technologies and said there is a shorter signal range so there will need to be more towers constructed. Ms. Robertson said the subcommittee struggled with this and broke the issues down into several parts that need to be addressed:

1. What is the current state of the law regarding municipalities and cell tower siting;
2. Feasibility of creating a joint group;
3. Template for local laws;
4. A review of each municipality's ordinance

Ms. Sumner said municipalities that are not contributing to the cost of this will not be excluded from having information; however, those municipalities that will use the information are encouraged to contribute. It was also noted that when more municipalities share in the cost, the cost per municipality goes down. Ms. Robertson said if each of the municipalities could be mapped out there would be an opportunity to facilitate and encourage where towers are constructed.

Mr. Dietrich asked if this includes broadband; Ms. Sumner responded yes. Ms. Robertson said the County's Government Operations Committee is looking at broadband on a different route but there are opportunities to connect the conversations. She also spoke of the benefits that can be attained by municipalities working together on cell tower issues. Ms. Robertson said a proposal will come before

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TCCOG in May. She will send a copy of the RFP and a summary of all the vendor proposals to members in advance.

Health Insurance Consortium

Mr. Barber reported in the past month he and Mr. Mareane traveled to Albany to discuss the two outstanding issues. The financial issue relates to the NYS Insurance Department's view of how the numbers should be treated. A re-work of those numbers shows a five-year rather than three-year pro forma and at the end of five years there is over \$1 million of fund balance and all reserves are covered. Mr. Barber said Mr. Locey was using current claims data, which says approximately 8% of claims become paid in subsequent years, not the years the premiums are collected; this is incurred but not reported. The State Insurance Department had wanted 25% and negotiated down to 17%. Mr. Barber said the State also wants close to \$5 million in reserves; premiums would cover \$3 million of that. He said one suggestion to cover the remaining \$2 million is to take out a bond.

Mr. Mareane spoke of the other outstanding issue relating to union representation. He said the State Insurance Department indicated to the unions that the number of seats on the board for labor representation was up to them. He said the unions have met once to talk about this but wanted to have further discussion of the specific powers and responsibilities of the advisory committee. Mr. Mareane said the unions did come up with a proposed number of board seats. They will be meeting early next week prior to the Health Insurance Consortium Board of Directors' meeting.

Animal Control

Mr. Barber said he asked Ms. Smith to attend today's meeting to discuss a proposal in the Governor's budget that does away with dog licensing at the State level and a shift to it being controlled locally.

Ms. Smith said Governor's budget includes a provision in Article 7, the part of the Ag and Markets Law that addresses animal control. She said Ag and Markets claims it costs \$1 million annually to administer a Statewide database that contains licensing information. Licensing fees are collected by each municipality and sent to the State. The State distributes those funds among municipalities, a State fund, and a small portion to Cornell for animal-related research. Ms. Smith said the proposal is likely to pass and said the mandate doesn't change but municipalities will have to create and maintain a database and secure and administer license tags. She said having 12 different databases within the County could pose several problems and suggested a Countywide database and tag system be created. Ms. Smith said it is likely this proposal will pass and go into effect January 1, 2011.

She reported there is a statewide group that has formed called the New York Federation of Animal Welfare Organizations and Tompkins County is represented by the local SPCA; this group is looking at ways to keep funds currently being placed in a spay/neuter fund to be able to be accessed locally. Ms. Smith said there has been discussion with the County about whether there would be support from the County to support a centralized system. Mr. Mareane said Mr. Potter, Director of ITS, has begun exploring this. He also questioned whether the State would relinquish revenue if it gives up providing this service. It is estimated the amount of revenue that goes to the State is approximately \$7,000-\$8,000.

Mr. Morey asked how town clerks feel about this. Ms. Smith said the Statewide Clerk's Association is lobbying against this but she is not sure what clerks on the local level are thinking about it. She stressed there will not be much of a change for the clerks because information will still need to be input into a system.

Mr. Barber said the purpose of this discussion is to alert municipalities of a potential impact in the Governor's budget; a more in-depth discussion can take place if this proposal is approved in the State budget.

TCCOG Resources

Ms. Thomas said the issue of gas drilling has made it abundantly clear that between all of the various issues coming before TCCOG there is a need for a resource to manage a great deal of information. She noted that although there may be agreement to the need for this type of resource it may be difficult to find allocations for such as resource.

Ms. Robertson spoke of the how TCCOG has evolved over the last four years and the value it has in providing a place where municipal officials can discuss and collectively address common problems. She said she would be interested in someone filling a programming type of role. She also referred to the Recreation Partnership as a model.

Ms. Sumner said the cooperation in the discussions and projects taken on by TCCOG has been very valuable. She said the model for this is the old Board of Supervisors and does not want to create another layer of bureaucracy. She said up to this point this has been entirely voluntary although she thinks at some point there will need to be a budget. She spoke of the Recreation Partnership and said at times their Board of Directors have not been entirely effective and a likely cause is the allocation of membership fees and resources.

Mr. Dietrich said there will eventually need to be discussion of what costs will be associated to oversee or pay for some of the tasks that have been talked about, particularly with regard to gas drilling.

Mr. Mareane said he has been in communities that do not have forums like TCCOG and spoke of how fractured communication is in those places. He said he sees incredible value in TCCOG and it is a group that should continue. He questioned whether the need would be for ongoing help or assistance on an as needed basis and said he would be willing to develop a budget proposal with a list of resources to draw from.

Mr. Hartill said using consultants whenever possible versus hiring an employee saves a lot of money in the long run.

Mr. Engman said this group has worked quite well and municipalities have come together to have contributed funds when needed. He cautioned against considering the establishment of a budget and said such a step may have a negative impact. He thinks it is the volunteerism that makes this group work.

Ms. Thomas said this group has worked out very well due to the volunteerism and the leadership of Mr. Barber.

Suggestions were made for the following areas to be explored: whether it would make sense to have a fund municipalities would contribute to for purposes TCCOG decides on; discussion of what purposes funds could be expended; discussion of the County's former position of Circuit Rider; and discussion of the potential to save costs by collaborative approaches.

There was concern expressed by some members in having to request funding from municipal boards outside of the budget process.

No decision on how to proceed on this was made at this time.

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Upcoming Agenda Topics

The following items were suggested for inclusion on the May agenda:

- Cell Towers
- Trucking regulations

Adjournment

The meeting adjourned at 4:40 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office