

Tompkins County Council of Governments
Thursday, May 27, 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/Lansing – M. Christopher	C/Ithaca – M. Coles
T/Enfield – R. Barriere	Co./Tompkins – M. Robertson
T/Groton – G. Morey	T/Lansing – D. Hartill

Municipalities Not in Attendance: (3 municipalities) V/Dryden, V/Lansing, V/Freeville

Guests: J. Mareane, M. Lynch, County Administration; A. Smith, SPCA; J. Carey, WCHU
A. Scheffler, Town of Groton Clerk; S. Shackford, Ithaca Journal; L. Shawley, Town of Danby;
P. Goddard, Town of Danby Clerk; A. Linton, Town of Enfield Clerk; P. Terwilliger, Town of
Ithaca Clerk; B. Goodman, Town of Ithaca; B. Avery, Town of Dryden Clerk; K. Borgella, E.
Marx, Tompkins County Planning Department

Staff: M. Pottorff, Legislature Office

Call to Order

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

Approval of Minutes of April 22, 2010

It was MOVED by Ms. Conger, seconded by Mr. Engman, and unanimously adopted by voice vote by members present, to approve the minutes of April 22, as amended. MINUTES APPROVED.

Changes to the Agenda

A report on the PACE (Property Assessed Clean Energy) Program was added to the agenda.

Report on Gas Drilling

Mr. Barber reported at the direction of TCCOG a Task Force has been created and updated members on the creation of subcommittees:

Community Impacts committee has not yet been created;
Land Values subcommittee has been created, no chair has been appointed at this time;
Land Use subcommittee has been created and is being chaired by Richard Driscoll;
Lobbying subcommittee has been created and is being chaired by Martha Robertson;
Public Safety subcommittee has been created and is being chaired by Ric Dietrich;
Road Protection subcommittee has been meeting and is chaired by Don Barber
Water Quality subcommittee has been created and is being assisted by Sharon Anderson of
Cooperative Extension;

Mr. Barber said there are people are interested in working on issues relating to pipelines; Craig Schutt of the Soil and Water Conservation District will be participating. He said these subcommittees will be meeting in the next few weeks and there will be a roundtable discussion of activities of the committees after they have begun meeting. Ms. Robertson announced the County's Public Safety Committee will be hearing a presentation on public safety impacts of gas drilling at their regular meeting on June 7, 2010, at 3 p.m. The next Task Force meeting will be June 17 at 3 p.m.

Report on Cell Towers

Mr. Engman updated members on the interviews that took place with the two legal firms to look into the extent of the power there is at the local level to regulate cell towers. Dan Hoffman, City of Ithaca Attorney, and Mr. Engman interviewed two firms out of the four that responded to the RFP and thought both were highly capable. Mr. Engman said the firms gave different responses to questions about the current state of the law and Mr. Hoffman will be looking into which response was more accurate. Mr. Engman said cost, not including an ordinance review, would be between \$5,000 to \$10,000 and would be divided amongst the involved partner municipalities.

Ms. Robertson asked if there was any discussion about broadband. Mr. Engman said most companies are reluctant to do anything with towers because of the cost. He said there are some predictions that there could be “an explosion” of cell tower requests. Some people think this has been delayed because of the economy, but with all of the new applications for the handheld devices that use different frequencies these requests may begin coming in.

Report on Emergency Management Services

Mr. Dietrich reported he is waiting for the Hazmat team to have further discussion.

Report on Trucking Regulations

There was no report.

Health Insurance Consortium

Mr. Barber reported two months ago the State Insurance Department was asked to consider a surety bond but have not yet done that; one month ago the Department was asked to consider allowing municipalities to capitalize over five years and have not considered that as well. Mr. Barber reported one union stated they will not participate in the Consortium because they believe it is outside of Taylor Law. Mr. Barber said he wrote a letter to the Deputy Superintendent of Health in the State Insurance Department about these issues with a copy to the County Senators and Assembly people. Assemblywoman Lifton and Senator Neal Breslin responded they are working on this. The Consortium will meet this evening and will consider changing the number of labor voting seats from one to two. There will also be continued discussion on the outstanding issue of the reserve fund.

Presentation by Clerk’s Association – Dog Licensing

April Scheffler, President of the Tompkins County Clerk’s Association, introduced town clerks in attendance and made the following presentation concerning the New York State Executive Budget Proposal for Dog Licensing and what it means for Tompkins County:

“Almost 450 Town Clerks from across the State recently attended the New York State Town Clerks Association Conference where we had a long seminar with Ag & Markets. The Tompkins County Clerks would also like to address the fact that Tompkins County is exploring a possible countywide dog licensing system at the request of the Tompkins County SPCA. Ms. Scheffler said an Ithaca Journal article mistakenly reported that the State will save \$157,000 by shifting dog licensing to the local municipalities.

The Presentation

Facts

- Division of Animal Industry (DAI) operating budget: \$5.2 million.

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- Dog Licensing & Animal Population Control Program – 1/5 of budget or about \$1 million.
- Statewide dog licensing database software contract: \$185,000.
- 2009 estimated loss: \$450,000, mostly due to database expenses.

“In fact, the Division of Animal Industry (DAI) has an operating budget of \$5.2 million dollars. Dog Licensing and the Animal Population Control Program accounts for just under a fifth of their total budget, or almost \$1 million dollars, with about \$185,000 just for the software contract for the statewide dog licensing database. Their loss for 2009 is estimated at \$450,000, mostly due to the expenses connected with the database.

- Economic Realities
- Software contract expires in July and will not be renewed.
- Many staff members already transferred out.
- If DAI cannot free up resources, animal disease programs will be jeopardized.
- Town Clerks reluctantly agree.
- Association of Counties approve of budget proposal.

“The software contract expires in July and it has already been decided by the State that it will not be renewed. It is unclear how long the database will continue to operate once the contract is not renewed. But the hard facts are that whatever happens with the budget proposal, the database will become inoperable. When this happens the portion of the money from our dog licenses that is earmarked for the database will go directly into the State’s general fund. Many staff members have already been transferred and continue to transfer out of the Dog Licensing Unit, further proof that the decision has been made in Albany to proceed with the proposal.

“We all know what is happening with the State budget as well as our local budgets. If the DAI cannot free up resources in the coming year major animal and human contagious disease prevention programs will be jeopardized. We Clerks (albeit reluctantly) agree with Ag & Markets that the health and welfare of our citizens and animals is a much more important function of the DAI than dog licensing and the New York State Town Clerks Association has agreed to work with Ag & Markets on this issue. The Association of Counties has indicated its approval of the State’s budget proposal and is in favor of the counties being completely removed from dog licensing.

New Legislation Changes

- Directs 100% of license revenues into municipal coffers.
- Provides unlimited flexibility to set fees for licenses, dog tags, enumerations, impoundments and violations at a level that best suits the character of our own town.
- The ability to determine whether to retain, change or eliminate the current purebred license structure.
- Eliminates the Animal Population Control Fund surcharge, but allows local municipalities can decide whether or not to continue assessing the surcharge for population control and give them full control over how such money will be spent.
- Eliminates all local reporting to counties and NYS.
- Increases fines for violations from a maximum to minimum of \$25/\$50/\$100.
- Makes any fee exemptions a local option.
- Tags will state town name, contact information, an identification number and any other information we deem necessary.
- Municipalities will need to review and update their local dog laws.

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“Note on fines: Increases fines for violations from a maximum fine of \$25 for the first offense, \$50 for the second offense and \$100 for the third offense to a minimum of \$25/50/100. Many judges do not take dog offenses seriously and levy fines much less than the maximum. This would be a change to minimum fines with the ability to fine higher in some cases.

“Note on tags: So, during the first year, as licenses come up for renewal, we will be replacing the State tags with our own.

What Will Stay the Same

- Dogs must be licensed, have tags, have rabies vaccination.
- \$5 differential between altered and unaltered dogs.
- Optional senior fee exemption.
- Dangerous dog statute remains in effect.
- Deer and night quarantines authorization.
- Allows local laws for dog control.

Note on licensing: The local municipality will decide whether or not to allow shelters to license dogs.

Local monies must still be used for:

- Control of dogs.
- Enforcement of Article 7, Ag & Markets Law
- Enforcement of local dog laws.

Local monies may still be used for:

- Subsidizing spay/neuter programs.
- Financing humane education programs in responsible dog ownership.

What Will Stay the Same

- Dog control and shelter services must be provided by licensing municipality.
- Agriculture and Markets oversees DCO's, municipal shelters, and violations in relation to these entities.
- Municipality is not required to spend more than it receives from dog licensing.
- Clerks will continue to have majority of responsibility.

“The major responsibility for dog licensing has always rested with 932 Town Clerks and 61 City Clerks across the State (New York City has its own system). Without the hard work and diligence of the Clerks, the dog licensing system of the State would be a total failure. There is no reason why we cannot continue to do this, if not do it better, at a local level.

Do We Need a Countywide Database?

The worry about dog tags:

- Current dog tags have minimum information.
- New dog tags will have more useful information.
- Stray dogs are usually unlicensed.
- Stray dogs cross county boundaries.
- Communication is how the dog finds its way home.

“The impending loss of the statewide database, has caused some people to jump to the conclusion that a countywide database is a necessity in order to prevent pandemonium. To quoted from the Ithaca Journal, “if each municipality creates its own licensing and tags, animal recovery and cruelty investigations between municipalities will become more difficult.”

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“Currently, dog tags only have a number and NYS Ag & Markets, Albany, NY on them. Under the new Ag & Markets laws, each municipality will be required to have identification tags that have a number on them as well as the town name and contact information, which will be more useful information. It will be immediately known what town the dog belongs to and where to call to get the owner information. Even a member of the public who has a stray show up at their home will have the ability to do this, sometimes eliminating the need to even call the Dog Control Officer (DCO) and have the dog impounded. This would be a savings, not only for the municipalities and DCOs, but also for dog owners. Unfortunately, most stray dogs are usually not licensed.

“Additionally, all but the City and Town of Ithaca border other counties, where many of our strays come from. In those cases, a countywide database would be of no use and communication between the citizen who finds the dog, the Town Clerk, the DCO and the dog owner is how the dog will find its way home, which is usually the way it happens anyways.

Do We Need a Countywide Database?

- Licenses may look different but they are all valid.
- The form of a license will not affect the ability to locate an owner or investigate cruelty.

“As far as creating our own licenses, they will all need to have the same information on them. They may look different, but they will be recognizable as a dog license. We currently have the ability to print licenses from our computers through our software programs. These licenses look very different than the state generated licenses but they are still just as valid. Although the Tompkins County Town Clerks have discussed trying to have all of us have the same fees and types of licenses, uniformity really has no bearing on the ability to locate an owner or investigate cruelty.

Legal Issues

- Current software is copyright protected.
- Legal issues.
- Contact software providers.
- The issue is being looked at.

“When considering a countywide database, we must also remember that each of us now uses copyright protected, proprietary software. The first things to consider would be some very important legal issues and the first people to contact would be our software providers. Since not all of us use the same software providers, things would be further complicated.

“I have actually contacted our software provider and they are looking at the possibility of being able to somehow connect our databases, however, I think I have discouraged them because I have also told them that we *do not* want to spend a lot of money.

The Money

- Mr. Mareane says money currently paid to State could be used for a database
- County will no longer receive money from Towns or City
- Will County want taxpayers to pay for database?

“The Ithaca Journal article quotes Mr. Mareane as saying that the money the County currently pays the State, about \$7,000 to \$8,000, could be used for a countywide database. The money he is talking about comes from dog licenses and is currently paid to the County by the towns and the city. Under the new law, that money will be retained by the towns and City to help off-set our increased costs due to renewal forms, postage, tags, etc.

“Knowing that there will not be this \$7,000 to \$8,000 to spend, will the County, with its own serious budget problems, want to ask the taxpayers to pay for another database that is not really needed, will have extremely limited effectiveness, will certainly not be used by all clerks in the County, and duplicates computer programs that are already in place? Is the County going to pay for someone to maintain the database? Who will order the tags? Who will assign license numbers to different municipalities? Who will produce and mail renewal notices? Who will take our phone calls when the County's system isn't working properly or has made a change to a dog license that it shouldn't? Is the County also going to hire someone to do this?

“The Town Clerks already have databases that work well and allow us to handle the task. And best of all, they are already paid for. As clerks, we are mandated by law to handle dog licensing as well as whatever will be added by the new law. Why would the County want to hire someone to do a job or part of a job that we are already paid to do? Which one of you wants to go back to your constituents and tell them that they will be paying for this twice?

The Roll of the SPCA in Dog Licensing

- Abigail Smith says SPCA should not be responsible for dog licensing and receives no funds to do so.
- Towns are responsible.
- We do want dogs licensed.
- Possible solutions:
 - License at municipality before leaving shelter.
 - Allow 10 days to license with municipality responsible.

“In a recent email, Abigail Smith stated, “The only reason why the SPCA has anything at all to do with licensing is because the state mandates that a dog cannot be redeemed without rabies vaccination and a current license. Furthermore, the state mandates that a dog adopted from a shelter must also file for a license via our agency before it leaves the shelter.” Ms. Smith goes on to say, “As far as I am concerned, enforcing state license laws is NOT the SPCA's responsibility. It is, however, the responsibility of the towns...No funds from licensing come to the SPCA now, nor will they in the future regardless of what happens in Albany. In fact, issuing licenses is a good deal of work we do for which we are in no way compensated.”

“Ms. Smith is absolutely right. On the other hand, we do want the dogs licensed. Licenses are the way that we have the revenue to pay for dog control. It is also the way to have dogs identified so that they can be returned to their owners when they stray. One of the reasons given by Ag & Markets for dropping dog licensing is their belief that dogs are no longer the major carriers of rabies. The only way to maintain this status is to continue to make sure that dogs are vaccinated and the best way to do that is still through licensing.

“So, what can we do to make it as easy as possible for the shelters? Some clerks at our recent convention said that their shelters send people to their town clerks to get their licenses before releasing their dog. This is a good idea, but could extend the animal's time in confinement and add a burden of more expense and work for the shelter. A solution suggested by some Tompkins County Clerks would be to inform the people that they have 10 days to license their dog in the municipality where they reside. They already fill out forms to adopt a dog. All the shelter would need to do is mail a copy to the municipality. It would then become the responsibility, and rightly so, of the clerk to do all of the follow-up and make sure that the dog gets licensed. Mr. Ketzer has assured me that the final wording of the law will give the municipality the authority to decide whether or not to allow shelters to license dogs. If this is so, I am confident that we can find a solution, if we work together.

What's Wrong With This Picture?

- \$1 million from Population Control Fund in 2008
- Money continues to be taken from fund
- Fund is currently defunct
- Money left in fund will probably go into the State's general fund.
- By law, dog money must be spent on dogs.

“The other major concern is the future of the Animal Population Control Fund. Apparently the SPCA and the NY Federation of Animal Welfare Organizations is lobbying the State to keep this fund intact. In 2008 the State swept \$1 million from the fund and they continue to take money out of it. We have been told that the fund is currently defunct and is not paying out to the organizations that depend on this money for their spay/neuter programs. When the plug is pulled on the dog licensing program, any money left will probably go into the general fund. *By current law*, any money taken in for dog licenses can only be spent on dogs. *By current law*, the money from dog licenses that goes into the Population Control Fund and any interest generated, must be spent on spay/neuter programs. What's wrong with this picture? Why in the world would anyone want to keep sending this money to the State when, for the last three years, they have not abided by the very laws that they have written?

What Could Be Better Than to Spend Our Dog Money Locally?

- Local municipality will decide whether to charge spay/neuter fee and how to spend it.
- Spay/neuter program critical
- A better place for Tompkins County to spend its money

“Under the new law, the local municipality will decide what to do with the spay/neuter fee, if it decides to continue to charge it. What could be better than to use our locally collected money on local programs that benefit our own people and animals? We Clerks have a lot of ideas on how this could be accomplished. We understand that this is an important element to the whole dog control issue and the need for a spay/neuter program is great, if not critical. We will no longer be sending dog money to the County but if somewhere they come up with money that they want to spend, it would be far more beneficial for the welfare of the animals to put it into a spay/neuter program.

A Mission and a Passion

- The mission of the SPCA.
- The passion of the Clerks.
- A sustainable and practical population control program is a crisis situation.
- Low cost spay/neuter programs essential for all of Tompkins County.

“Abigail Smith has made it clear to the Clerks that the real mission of the SPCA is not dog control or dog licensing and, in fact, their mission statement says, in part, that they are “dedicated to preventing animal cruelty and overpopulation.” The mission of the clerks is dog control and licensing because it is mandated by law, but I think I can safely say that dogs hold a special place in all of our hearts and because so much of our time is spent on dogs, the prevention of cruelty and overpopulation as you might expect becomes one of our passions. The Clerks will take care of licensing as we have always done, but we all need to realize that a sustainable and practical population control program is a crisis situation. Low cost spaying and neutering is essential to the dog control programs of each municipality, provides the ability of the shelters to adopt out healthy animals, and is the way to help people afford some of the costs related to being responsible, caring pet owners. Since the SPCA already has a spay/neuter program in place, it is hoped that they will be able to come together with the clerks and their municipal board members to develop this into a low cost program that will be available to all of Tompkins County. If that doesn't work out for all concerned, there are alternatives that each municipality could explore.

In Closing

- Database is insignificant.
- We were effective before the database and we will be effective after.
- Population control is a crisis issue.
- Has anyone ever come before you and asked you to simply not spend money?

“In closing, although we can understand the concern of some over the loss of the database, it is really insignificant when dealing with the big picture. There are only five states in the country where state government is involved in dog licensing and New York is the only one with a statewide accessible database. Every other state is able to effectively license dogs on the local level. We have only had this database since January 2006 and were able to efficiently license dogs before that. Before that we used communication such as the telephone, email, faxes and even “snail mail” to do whatever needed doing. We all still have that ability. In contrast, the population control is a crisis issue that needs to be addressed by all of us. It’s a mission that needs to be adopted by the municipalities either in partnership with the SPCA or by creating our own programs. Has someone ever come before you and asked you to simply not spend money? Well, that’s exactly what we are doing here today. If there is money to spend, in these troubled times, please spend it on the crisis, not the insignificant. Who knows, we might just start a trend!”

Mr. Barber clarified that the SPCA did not ask the County to do anything; the effort to explore a database was initiated by municipalities. He also said the seven municipalities that are working together are contracting with a subgroup of the SPCA, Tompkins County Animal Control. He said it was recognized a couple of years ago that a mixed mission exists with the SPCA and dog control and because of this Ms. Smith broke these apart and some municipalities now contract with Tompkins County Animal Control.

Mr. Engman noted the County was not taking any initiative to create a database; it was responding to a request. He said the concept behind TCCOG was for municipalities to coordinate and cooperate and this was another area to investigate.

Ms. Smith said she is pleased to see commitment by the clerks to the spay/neuter piece as that is a critical area for the SPCA. The current program at the SPCA, separate from animal control, is a low and no-cost income qualified Countywide program. She said if municipalities and the SPCA work together she thinks they could significantly increase the number of surgeries they do. She also noted that every dog that goes through that program receives a rabies shot.

Ms. Robertson asked that the expected fees would be to dog owners. Ms. Scheffler said the original idea behind dog licensing was to have enough income from dog licenses to cover dog control and that is not happening. Groton was one of the few municipalities in the State until the last few years that brought in enough to cover dog control.

There was discussion of the fees; Ms. Scheffler said it is her understanding municipalities would have the ability to increase fees to cover expenses. It was noted that increasing fees poses the potential of less compliance which would reduce revenue.

Ms. Hollenbeck said the clerks believe a Countywide database would have very limited value and that most of the problems that exist now relate to identifying a dog that was not licensed. She spoke of a directory that has been used in the past and offered to provide Ms. Smith with a master list of licenses each year. Ms. Hollenbeck strongly encouraged all municipalities to do an enumeration. She the Town of Dryden conducted an enumeration; the enumerator was paid \$2 per dog in addition to mileage. She said the process pays for itself because for every dog found to be unlicensed the Town collects \$5 in addition to the license fee.

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Mr. Barber said there are seven towns that have been meeting that have a commitment to enumeration by the end of the year. The following municipalities have hired Tompkins County Animal Control: Town of Danby, Town of Ithaca, City of Ithaca, Town of Enfield, Town of Ulysses, Town of Newfield, and the Town of Caroline.

Mr. Barber questioned what database program would be used to maintain the licenses. Ms. Scheffler said clerks would use a Williams and Law town clerk program that contains a database component for dog licensing.

Ms. Marino said she would like more information about dog enumeration as well as individuals who would be interested in conducting enumeration.

PACE (Property Assessed Clean Energy) Program Report

Ms. Borgella of the County Planning Department updated members on a new financing mechanism that allows property owners to finance energy-efficiency and renewable energy improvements using low-interest bonds that generally have no recourse to the municipality. It tries to address the major barriers people face when they try to make energy-efficient improvements to their home—the upfront cost and fear that if they sold the house that it would create enough value to cover its cost. Ms. Borgella said there are plenty of incentives but there are gaps in terms of people making over 60% of the median income and long wait lists for people making less than 60% of the median income.

Ms. Borgella said Berkeley, California, tried to address this in January, 2009 by coming up with an approach to allow people to get money up front to make these improvements and pay the money back as part of their property tax bill and were allowed to do so for 10-20 years. It has now been authorized in 17 states nationwide and they are working on launching this program in New York State. She said in November, 2009, the New York State Legislature passed authorizing legislation to allow municipalities to apply for Stimulus funds through the Energy Efficiency Community Development Block Grant Fund. She said the legislation authorized in New York only allows PACE programs to be using federal grant money. She spoke of the importance of there being a long-term bonding opportunity to keep the level of funding up so that many households can participate. There is currently an effort underway to try to change the New York State legislation that would allow municipalities to access many different funding mechanisms.

Ms. Borgella distributed copies of a model resolution municipalities are being encouraged to adopt to support the legislation now being presented in the Senate to modify the PACE authorization. A copy of the model resolution and information is available on the TCCOG website <http://www.tompkins-co.org/legislature/TCCOG/Resolutions/PACE.pdf>

Adjournment

The meeting adjourned at 4:20 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office