

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

Approved

Members Present: (10 municipalities)

T/Caroline – D. Barber
T/Danby – R. Dietrich
T/Enfield – R. Barriere
T/Ulysses – E. Thomas
T/Newfield – R. Driscoll

V/Groton – C. Rankin
C/Ithaca – C. Peterson
Co./Tompkins – M. Robertson
T/Dryden – M. Sumner (arrived at 3:15 p.m.)
T/Ithaca – H. Engman

Municipalities Not in Attendance: (7 municipalities) V/Dryden, V/Lansing, V/Freeville, V/Trumansburg, T/Lansing, T/Groton, V/Cayuga Heights

Guests: J. Mareane, M. Lynch, County Administration; D. Frongillo, Town of Caroline; S. Shackford, J. Carey, WHCU; P. Stein, M. Lane, TC Legislator
Staff: M. Pottorff, Legislature Office;

Call to Order

Mr. Barber called the meeting to order at 3:07 p.m.

Changes to the Agenda

There were no changes to the agenda.

Gas Drilling Update

Ms. Thomas said the Gas Drilling Task Force is very active; there are a lot of meetings taking place of both the Task Force and the several focus groups. There are still some areas where they are looking for volunteers and if anyone has volunteers to let her know. She reported work is being done on the website where information is going to be available; if anyone has resolutions passed by municipalities they should be forwarded to her or Ms. Pottorff. She reported on the following focus areas:

- Beth Harrington of the Department of Emergency Response attended a meeting to talk about what is happening in Lycoming County. Ms. Harrington suggested the Task Force look at things that are happening there with regard to emergency preparedness and is helping to prepare a document that will summarize what is taking place at the county-level and what municipalities need to do on their own.
- Ms. Robertson is working on influencing (lobbying) state and federal legislators on the one-year moratorium on gas drilling.
- The EPA (Environmental Protection Agency) hearing on the impacts of hydrofracking will take place on August 12 in Binghamton. (This meeting was later moved to Syracuse and is yet to be rescheduled). An organizational meeting is planned for Monday, July 26, and Helen Slottje will be speaking at the Tompkins County Public Library;
- Rallies are planned on the day of the hearing at noon and 5 p.m. by organizations such as FracAction and Shaleshock.
- County Legislator, Carol Chock is working with Jay Franklin, Director of Assessment, on looking at what is happening with land values in Pennsylvania. He will be reporting to the Task Force on how gas drilling might affect land and assessment values. Ms. Thomas said it has also been suggested that contact be made with realtors to see if they are seeing any impact.

- Sharon Anderson of Cooperative Extension is heading up a group that is looking at water issues. She will be making a presentation in August on how to add language to leases to protect water, that will include areas such as parameters for testing wells and water supplies, working with the USGS on aquifers, exemptions on environmental laws, and working with the water division of the DEC. Ms. Anderson will be placing this information on a Cooperative Extension website and there will be a link placed on the TCCOG website to that information.

Ms. Sumner arrived at 3:15 p.m.

Mr. Barber provided an update on the Road Protection group and said they will meet tomorrow at 10:30 a.m. Guests at that meeting will include Lori Mithen, an attorney with the Association of Towns; Todd Mathes of Osterman, White and Hanna, LLP who have been helping municipalities with the “Delta Proposal”, and Lynne Irwin of the Cornell Local Roads Program. The discussion topics will include model legislation for municipalities to consider and risks and assumptions being taken by municipalities.

The next Gas Drilling Task Force meeting will be August 19th. Ms. Thomas reported she set up a list-serve and anyone interested in joining should contact her. Mr. Barber thanked Ms. Thomas for her leadership on this.

Report on the Health Insurance Consortium

Mr. Barber reported the State Insurance Department contacted him and said they would consider the request for a 12% incurred but not reported reserve, instead of the 17% that they had been previously requiring. He also reported CSEA, which represents 2/3 of the employees has signed a consent to join. Other unions have been waiting for that and are now likely to sign as well. Ms. Sumner announced the Town of Dryden bargaining unit is now in. Mr. Barber reported there are 912 CSEA employees and 1,300 total unionized employees. There are three unions that will not be participating and the Insurance Department is aware of this. Mr. Barber said the Insurance Department has indicated they are now making this a priority.

Mr. Engman questioned what the next steps are for municipalities. He asked if those steps are for municipalities to allocate the upfront funds (capitalization) and adopt an updated agreement. Mr. Barber said that correct and a copy of the updated agreement has been sent to municipalities.

The total number of covered lives is 2,203 (2.5 lives per contract).

Mr. Mareane spoke of the incredible effort Mr. Barber has given to resolving the reserve fund issue and the Consortium. He said Mr. Barber was persistent and articulate and pressed this until the State Insurance Department finally realized it makes economic sense in these difficult times. Mr. Barber gave credit to the members of the Consortium and said he attributes this progress to the unity and determination of its members.

Update on Cell Towers

Mr. Engman reported on the Request for Proposals for Legal Consultation on Cellular Communication Facilities and said the Cell Tower Subcommittee is recommending Silverberg Zalantis, LLP out of Tarrytown with a recommended budget of \$10,250. He said they now need to confirm which municipalities will be contributing to this. The participating municipalities he knows of now include the Towns of Enfield, Danby, Ulysses, Ithaca, Newfield, Dryden, the City of Ithaca, and Tompkins County. Ms. Sumner suggested following-up with the Villages of Lansing and Cayuga Heights and the Town of

Lansing. Mr. Engman stressed the importance of knowing which municipalities would be participating in order for everyone to know the exact shared cost. Mr. Engman noted this does not cover a review of individual municipal cell tower laws. The estimate given for that work is between \$300 to \$500.

Mr. Engman asked if Dan Hoffman of the City would continue to be engaged in this. *Mayor Peterson said she will contact him to ask.*

The next step in the process will be contacting the selected firm (Ms. Peterson will ask Mr. Hoffman to do this) and then each municipality would need to get authorization from of their boards. There was a brief discussion of sharing this cost; Mr. Driscoll said he would find it difficult to bring a funding request forward to his board in the middle of the year but could include a request in the Town's 2011 budget. Mr. Mareane said the County could act as the fiscal agent for this.

Ms. Robertson said she will draft a resolution for municipalities to consider.

Approval of Minutes of June 24, 2010

It was MOVED by Ms. Peterson, seconded by Mr. Driscoll, and unanimously adopted by voice vote by members present, to approve the minutes of June 24, 2010, as submitted. MINUTES APPROVED.

Report on Emergency Services

Mr. Dietrich reported he will be meeting with Beth Harrington of the Department of Emergency Response tomorrow to clarify and outline some of the issues, of which many will likely be referred back to the Gas Drilling Task Force. He spoke of some of the issues and said at this point there seems to be a real need to have more deputy sheriffs to manage this; there also needs to be more discussion of what local fire departments need. There also needs to be discussion of who will be going to Pennsylvania to get training and who will be bringing it back and sharing with others. Mr. Dietrich said there are many ideas and action items that need to be put forward but the large issue of how these things will be paid for needs to be addressed.

Mr. Driscoll said he thinks having an outline would be very helpful in order for there to be a sense of the scope of what is involved. There was discussion about training and who would provide training. Mr. Barber said he would raise this at the meeting tomorrow and noted there is a focus group that will be working on community impacts. He said there has to be a broader understanding of the community impacts that residents are facing, as well as the unintended consequences and unanticipated costs that go along with drilling activities. Ms. Robertson will check with NYSAC (New York State Association of Counties) to see if they are aware of any training that is available.

Mr. Dietrich spoke of the things he has heard from counties to the south about what they wish they had done in advance of drilling activities. The most common response was many wish they had a discussion with the gas companies about who would be bearing the burden of these costs. He said regardless of any efforts that take place to stop drilling, he thinks drilling activities here are inevitable. Mr. Barber encouraged everyone to become educated about this and to invite gas and oil companies into town board meetings. He also noted the road construction laws that some municipalities have already passed require a permit for an RUA (Road Use Agreement) and companies must request this from a municipality. Mr. Driscoll said it would be helpful if municipalities were prepared and had a list of items to discuss when companies come in to speak with municipal boards. Mr. Dietrich said they will be working on the creation of a specific list that will include an estimate of costs that are involved.

Funding for TCCOG Projects

Ms. Thomas reported the Park Foundation awarded TCCOG a grant in the amount of \$50,000 to fund a Planner position to work on the gas drilling issue. She said the grant was not for the full amount that was applied for and there is still \$22,000 needed to fund the position for one full year. In addition to the question of who will pay for this she said this brings up again the need to have a discussion of funding for TCCOG.

Ms. Robertson explained the County Legislature approved the grant funding in the amount of \$50,000 and a request to use \$2,840 in the Planning Department's Rollover funds for 2010. The Legislature did not vote on the remaining portion of \$20,000 for 2011, but anticipates considering a request for this funding out of the Department's 2011 rollover. She noted there was a strong sentiment by Legislators that efforts should be made to see if municipalities would also contribute to the funding of this position.

Mr. Mareane said in his observations of this group there have been times when expenses have come up without advance notice. It has previously been suggested that this group develop a modest budget in order to have the resources it needs to get work done. He said there are arguments on both sides of the issue of whether or not to develop a budget and suggested a subgroup be created to look at this. Questions the subgroup should consider are: should there be a budget; if a budget is developed what would be the most equitable way to share those costs, and how resources would be allocated. Mr. Mareane suggested that if this is the direction TCCOG members want to proceed it should happen quickly as the County is now developing a 2011 budget.

Mr. Engman said he thinks it would be a good idea to have a smaller group give this some thought but hopes they give consideration to why this group has been so successful. He said TCCOG has succeeded way beyond others and he thinks one of the reasons it has is because it has been a "coalition of the willing" as members have participated in what they have wanted to. He said if money is put into a pot it can result in there being a lot more factionalism and debates.

Mr. Dietrich said if all of the costs were added up that municipalities would have spent without the efforts of this group he believes it would be many thousands of dollars. He said he thinks most boards have been extremely supportive of committing funds to projects and supports exploring the issue further. He said he thinks it would be earlier to have a set amount that boards could budget for rather than having to allocate funds each time a need arises.

Ms. Robertson said she has mixed feelings about this and noted villages often don't attend meetings; however, she has found that people value things more when there is a cost involved. She supports having a group look at this and also suggested looking at the model of the Recreation Partnership; she said that group has held together under some real strains and pressure. She also noted the County is already contributing a significant amount of in-kind services.

Ms. Thomas pointed out that gas drilling is a very large issue that effects all residents of the County. She said all municipalities are experiencing tight budgets and agreed that a budget shouldn't be very big. She said there are opportunities for municipalities to save costs and gave one example of opportunities to share legislation.

The following individuals volunteered to serve on a workgroup: Joe Mareane, MaryAnn Sumner, Elizabeth Thomas, Dominick Frongillo, Steve Thayer, and Charles Rankin.

Report on Redistricting

Mr. Lane, Chair of the Government Operations Committee, reported efforts on redistricting are beginning early. He said figures from the Census will be available in early 2011 and the Committee will have adequate time to complete its work in time for the election of the County Legislature in 2013. He said they will be discussing undertaking a different process this time, including having an independent redistricting commission for the State offices. He said he is also advocating this at the County level and would welcome suggestions on who would serve on such a committee, what the charge would be, what groups would need to be represented, what the size of the committee would be, and what groups would be involved.

Broadband Update

Mr. Lane said a report was presented to the County's Government Operations Committee with a recommendation that a special committee of the Legislature be created with a report expected within six months. This request has been presented to the Chair of the Legislature.

Next Agenda Items

The following was suggested for inclusion on the next agenda:

Animal control

Adjournment

The meeting adjourned at 4:32 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office