

**Minutes**  
**Tompkins County Council of Governments**  
**Thursday, November 17, 2011**  
**Scott Heyman Conference Room**

Members Present: (10 municipalities)

T/Ithaca – H. Engman	T/Danby – R. Dietrich
T/Ulysses – R. Marino	Co./Tompkins – Will Burbank
T/Dryden – M. Sumner	C/Ithaca – C. Peterson
V/Cayuga Heights – K. Supron	V/Groton – B. Conger
V/Trumansburg – D. Nottke	T/Caroline – D. Barber

Municipalities Not in Attendance: (7 municipalities) V/Dryden, V/Freeville, T/Groton, T/Newfield, V/Lansing, T/Enfield, T/Lansing

County Staff: J. Mareane, M. Lynch, County Administration; D. Kiley, Tompkins County Planning Department

Guests: A. Pearce, Gas Drilling Task Force; I. Wiser, newly elected member of the Caroline Town Board

**Call to Order**

Mr. Barber called the meeting to order at 3:05 p.m.

**Changes to the Agenda**

There were no changes to the agenda.

**Time Warner Cable Update**

Mr. Engman reported a meeting was held yesterday with Carol McTague from the Department of Public Service of the New York State Public Service Commission. Ms. McTague brought the expiration dates of all of the franchises in Tompkins County, along with all of the subscribers. Mr. Engman distributed a folder containing this information. She talked about forming a consortium of preparing for renewal and going through the franchise renewal process. She is willing to come back any time she is needed.

**TCCOG 2012 Work Plan**

Mr. Barber said this body needs to create a Nominating Committee and should also be talking about projects and goals to work on in 2012. The following list of items were suggested to be continued to worked on in 2012:

- Transit issues and whether there is a way to develop a partnership between TCAT and the School District (Supron);
- Gas Drilling (Engman)
- Property Tax Cap and ways to collaborate and reduce costs (Barber)
- Redistricting and input into the process (Engman). *Mr. Barber suggested Hank Dullea be invited to provide TCCOG with an update on the County's redistricting process.*
- Broadband and related issues, such as what is happening with towers and franchise agreements (Dietrich);

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- SPCA and animal control updates (Peterson). Mr. Barber said there is a group of seven municipalities that are part of this and working with the SPCA. He also said the SPCA has a separate group called Tompkins County Animal Control that has kept its budget flat for four years in a row. This has helped get to a new model which is sharing funding based on one-third human population, one-third dog population, and one-third based on calls for service. Municipalities are also doing enumerations for the first time in a very long time.
- Housing (Peterson). Mr. Barber noted as developers are often looking at housing, TCAD is interviewing developers to hear what they like and don't like about the process they go through with local governments. *TCAD will be providing a report in the first quarter of 2012.*
- Joint legal defense fund for towns that are being sued over fracking bans (Wiser). Ms. Marino reported the Town of Ulysses put in an amicus brief that was subsequently turned down; they have also put in a brief for the Middlefield suit. She said there has been a lot of discussion about putting together a joint municipality amicus brief for the appellate level and how to fundraise for that. Ms. Marino said the Town of Ulysses cannot expend any more funds on this. There would need to be fundraising as well as a system for maintaining funds. She said they are working on developing a summary of the brief to bring to towns to sign on but recognizes towns probably won't have money to do this and private fundraising efforts may be needed. Ms. Wiser suggested contacting Helen or David Slottje.

Mr. Engman said he has been looking into this and has found there is a technical legal problem in that not all 501c3's can give tax deductions for contributions. He said not only would an organization have to receive money but would have to disperse it, and this raises questions of how and to whom. He said work is continuing on establishing a structure. Ms. Marino spoke of the urgency in doing this in order to meet the deadline. She also noted the brief is not in opposition to gas drilling, it is in defense of Home Rule.

- Health Insurance (Barber). Mr. Barber said the cost of claims for health insurance keep going up by close to ten percent per year. The Strategic Planning Committee which is part of the Greater Tompkins County Municipal Health Insurance Consortium has members representing the County, Cornell, Cayuga Medical, Ithaca College, and BOCES. He is hoping more people will become part of this Committee as it moves forward.
- Emergency Management (Dietrich)

**Creation of Nominating Committee**

Mr. Barber reviewed the succession process outlined in the bylaws stating the officers of TCCOG will be two Co-Chairs and a Vice Chair. He explained he will be moving off of the Co-Chair positions with Mr. Driscoll to become a Co-Chair in 2012 and a replacement will need to be found for Vice Chair.

The following individuals volunteered to serve on the TCCOG Nominating Committee for 2012 leadership: Ms. Supron, Ms. Sumner, and Ms. Nottke.

**TCCOG Reserve Fund**

Mr. Barber reported on the TCCOG Reserve fund, stating \$2,000 has been allocated for the Land Use Analysis and \$1,000 for the December 1 public hearing, leaving an available balance of \$100. He reminded members that the voluntary contribution from municipalities is \$250 and the County contributes in-kind administrative services.

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**Motion No. 006-2011 - Approve \$250 as the Voluntary Contribution to the funding reserve for the Tompkins County Council of Governments (TCCOG) for 2012**

Resolution No. 3 adopted on November 18, 2010 created a funding reserve to provide a modest source of one-time funding for projects that are of mutual benefit to the majority of municipalities within TCCOG and that serve the broadest interests of all members. Based on a review, it was MOVED by Mr. Barber, seconded by Mr. Engman, and unanimously adopted by voice vote by members present, to approve the \$250 as the voluntary contribution to the funding reserve for the Tompkins County Council of Governments (TCCOG) for 2012.

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**Update on Public Hearing**

Ms. Kiley reported a contract has been signed with the State Theatre. At this time \$2,700 has been raised towards the goal of \$5,000. A sign-up sheet for members to volunteer at the hearing was circulated. The four-hour hearing will allow approximately 80 people to speak with a three minute-time limit; information will be distributed on how comments can be submitted online as well.

Mr. Dietrich questioned what arrangements have been made with regard to security. Ms. Kiley said volunteers from the Gas Drilling Task Force have been working on making arrangements for security. Mr. Dietrich questioned if there had been communication with the City. It was unknown what contacts had been made; however, Ms. Peterson stressed the importance of obtaining necessary permits and making communication with the City well in advance of this type of event. There was a lengthy discussion of the possibility of members of the public being disruptive and the need for security. In response to a question, Mr. Barber said he signed the contract with the State Theatre. TCCOG is holding this public hearing to facilitate the public providing comments to the DEC and is being done as a service to the citizens. He does not think actions such as closing off the street, is necessary. Mr. Dietrich said the City should be given notice of the event and allowed the opportunity to provide input. Mr. Barber will follow-up on details with Lawrence McCann, one of the organizers.

Ms. Lynch said there was a news press release developed that did not go through the Public Information Officer; an official release will be issued soon. She asked anyone who has a statement they will be making at the hearing to send a copy to her in advance.

Mr. Barber said following the 2009 hearing there were many comments received from the public about how happy they were that they had an opportunity to comment and believes those sentiments will be received again.

**Update on Gas Drilling Task Force Reorganization**

Ms. Kiley reported Ms. Thomas will not be chairing the Task Force in 2012. The goal for the December meeting is to do a prioritization and ranking of issues (examples are air and water quality monitoring, working with legislation at the State and federal levels, how is the Health Department going to deal with the potential burden, public safety and emergency services, taxation). They will also be discussing reorganization of the workgroups.

Ms. Kiley and Ms. Thomas are working on written comments from municipalities on the dSGEIS; she hopes to put a final version together in the next two weeks. She asked members to get in touch with her if they are looking for the latest version of what a town board can consider approving.

### **Report on Meeting with IOGA**

Mr. Barber reported several members attended the IOGA (Independent Oil and Gas Association) meeting today with Brad Gill and Greg Savas. He said there was an honest dialogue, and although many subjects were discussed there are still more that can be discussed. Mr. Barber said they expressed a willingness to come back with representatives of gas companies for future discussions. He said he will be asking them to reflect on the conversation and provide input on what they would like to discuss at the next meeting which will be held in January. Mr. Barber said as a result of DEC regulations they do not expect to have as large of a development as there is in Bradford and Dimmick, PA. He is also hoping to engage TCAD in these discussions. There was not a written summary of the meeting; however, Ms. Karns took notes; he will ask if she will put them together and share with others.

### **Update on Land Use Impact Analysis**

Mr. Pearce reported the assessment has been underway for a month; he is hoping a draft document will be circulated in early December to the Task Force and TCCOG. Ms. Sumner said one thing that is important to her is that it be objective and does not want preventing gas drilling is the foregone conclusion. Mr. Pearce asked that anyone else with feedback to let him know. Mr. Barber thanked Mr. Pearce for his leadership on this.

Members thanked Ms. Kiley for her all of her hard work over the last year.

### **Approval of Minutes**

It was MOVED by Ms. Sumner, seconded by Ms. Conger, and unanimously adopted by voice vote, to approve the minutes of October 27, 2011, as submitted with Ms. Nottke abstaining. MINUTES APPROVED.

### **Update on Cell Towers**

Mr. Barber distributed a list of tall structures dated October 21, 2009. He asked for members to provide Lee Shurtleff, Director of Emergency Response, with any updates to the list. Ms. Sumner reported there are three new tall structures in the Town of Dryden.

Ms. Peterson distributed a memo from Daniel Hoffman, City Attorney, on the status of the legal services contract with Silverberg Zalantis. In summary, she said on February 14, 2011, a presentation was given and a copy of a 9-page report provided entitled "Summary of the Current State of the Law Pertaining to Wireless Telecommunications Facilities". It is Mr. Hoffman's opinion that further work on template laws was not done because the invoice for \$750 had not been paid despite repeated billings. Ms. Pottorff informed the City that municipalities have not made their agreed-upon payments (\$1,500) each. She said it appears TCCOG is owed additional work by Silverberg Zalantis but they need to first be paid for the work that has been completed. Mr. Barber said the participating municipalities includes: Tompkins County, City of Ithaca, Towns of Dryden, Ithaca, Danby, Enfield, and Ulysses. It was stated the contingency of \$5,000 is not expected to be needed; this would reduce the share of each municipality. Ms. Sumner suggested that participating municipalities contribute their share of the Presentation and Collaboration feasibility work (\$325 each). Ms. Supron suggested municipalities contribute the share of the work agreed upon (\$750).

Mr. Mareane will work with Mr. Squires on developing a process to collect funds from municipalities.

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**Next Agenda Items**

The next meeting will be December 15<sup>th</sup>.

**Adjournment**

The meeting adjourned at 4:31 pm.

Respectfully submitted by Michelle Pottorff, TC Legislature Office