

Tompkins County Council of Governments
Regular Meeting Minutes
Thursday, December 15, 2011 3:00 PM
Scott Heyman Conference Room

Approved

Members Present: (12 municipalities)

T/Caroline – D. Barber
V/Groton – C. Rankin
T/Ithaca – H. Engman
T/Enfield – R. Barriere
V/Lansing – D. Hartill
T/Newfield – R. Driscoll

C/Ithaca – C. Peterson, S. Myrick
Co./Tompkins – M. Robertson, C. Chock
T/Ulysses – E. Thomas, R. Marino
T/Danby – R. Dietrich, L. Shawley
T/Dryden – M. Sumner (arrived at 3:20 p.m.)
V/Trumansburg– D. Nottke (arrived at 3:20 p.m.)

Municipalities Not in Attendance: (5 municipalities) V/Dryden, V/Freeville, T/Lansing, V/ Cayuga Heights, T/Groton

County Staff: M. Lynch, County Administration; E. Marx, Planning Department

Guests: Art Pearce, Gas Drilling Task Force Mapping Group; I. Wisner, Town of Caroline Board; J. Wilson, Gas Drilling Task Force; M. McCrae, Dryden; D. Kiley, Town of Ulysses Planner and Gas Drilling Task Force

Call to Order

Mr. Engman called the meeting to order at 3:01 p.m.

Changes to the Agenda

Mr. Engman asked that under the Gas Drilling Task Force report a discussion of fundraising for towns and the 501(c)(3) issue be held. Due to time constraints this item was postponed to the next meeting.

Mr. Engman announced if anyone would like to take a tour of the SPCA, a walk-thru of the facility will take place on December 16th at 10 a.m.

Update from the Independent Redistricting Commission

Mr. Dullea, Chair, announced a meeting of the Redistricting Commission will take place this evening at 5:30 p.m. He provided an update on the work of the Commission and also noted he is a member of the City's Redistricting Committee. This evening will be the Commission's tenth meeting; all have been open to the public and a website containing information relating to the Committee's meetings and maps can be accessed at www.tompkins-co.org/redistricting.

Mr. Dullea reviewed the history of the creation of the committee and noted the standard they must follow is to keep a relatively equal population spread among the districts in the County Legislature. The standard is to take the average for the County, which in 2010 with a 15-member district, was 6,771 people per district. The range of the size of a district can be no more than 10% above or below that number.

Mr. Dullea said in looking at existing boundaries with the existing 15-member district the spread is approximately 21%. The district that has the highest overage is District No. 14 in Dryden with a 7.95% overage and the City of Ithaca District No. 5 having 13.31% under the average. The Commission began its work by inviting a number of people to its first sessions, including the County Attorney and the Elections Commissioners. A number of meetings have also been held around the County and the Commission has heard from several municipal officials and residents who have provided input into the process. He believes it has been a very open and transparent process and that the Commission is working efficiently and effectively.

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The first focus of the Commission was on the size of the current 15-member Legislature and looking at the effect on other issues that have been raised during the public hearing process while they try to get districts that fall into the equal population standard. Those issues include having the districts compact and contiguous. Representatives of the Town of Ithaca continue to raise concerns over “sliver districts” which are portions of the City of Ithaca districts going over into the Town of Ithaca. There have also been issues about villages and the desire on the part of the Board of Elections to keep villages intact.

In looking at the 15-member Legislature, the Commission narrowed its focus to a map that looks very similar to the current configuration. Mr. Dullea displayed the first scenarios considered by the Commission and the shortcomings of each. He said the latest scenarios being considered reduce the total number of County Legislators from 15 to 14, stating this has several advantages from the perspective of the Commission. It has all of the County legislative districts from the City of Ithaca contained within the City of Ithaca. It also keeps the villages of Lansing and Cayuga Heights intact. Mr. Dullea said the Commission also examined scenarios with 13 County legislative districts and there are currently two of those options currently under consideration. He noted the Commission also considered, but did not pursue an option to increase the Legislature to 17. That option would have kept all City districts intact.

From the County Commission’s standard, they have not yet focused on the County Legislative boundaries within the City of Ithaca to any great extent. The Commission would like to have an agreement with the City Redistricting Commission that the boundaries of City districts and City wards would be coterminous. Another area the County and City Commissions are concerned with is the protection of neighborhoods and communities of interest.

Ms. Robertson said Mr. Dullea had commented earlier that there were scenarios that failed because they did not keep villages intact; however, the 13-member scenarios fail to preserve the municipal boundaries in Dryden. She also said a 13-member Legislature would significantly impact the workload of Legislators and committee structure.

Ms. Thomas said all members of TCCOG represent their villages or towns. She said she would find it helpful to understand what being a County Legislator means and how important it is to preserve municipal boundaries for the County Legislature.

Ms. Chock spoke of the need to preserve municipal boundaries for the County Legislature and said as a Legislator representing the City of Ithaca, she has been given a different perspective by also representing a portion of the Town of Ithaca.

Mr. Hartill said there is only an opportunity to “think outside the box” every ten years during the redistricting process. These are very different economic and political times and he does not think any option should be discounted solely for the purpose of preserving a boundary or district.

Mr. Driscoll suggested looking at the job description of a County Legislator and noted the difficulty in one Legislator representing two different towns.

Ms. Peterson said she has always found the majority of County Legislators for the City to identify more with the County. She said at many times the votes taken by these Legislators are contrary to City positions. There have been some that have maintained a close connection with the City, but not all Legislators have.

Mr. Dullea said the Commission will be using the month of December to fine-tune some of the preferred maps. He noted there are currently nine maps under consideration. At this evening’s meeting he hopes to substantially narrow the number of options significantly. In January, the Commission will hold public hearings in different locations throughout the County. Based on feedback from the public and

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governmental representatives the Commission will fine-tune proposals in February and will present a recommendation to the Legislature in March. He said he is willing to work with individual Legislators on holding informational meetings in their districts.

Mr. Dietrich said he would support meeting again when the number of proposals has been narrowed down. He said he has heard a number of issues raised at this meeting, including the question of what a Legislator's role is and what they are doing in communities. He agrees with the comments that many Legislators support the County more than they do the districts they are elected from.

Approval of Minutes – November 17, 2011

It was MOVED by Ms. Peterson, seconded by Ms. Sumner, and unanimously adopted by voice vote by members present, to approve the minutes of November 27, 2011. MINUTES APPROVED.

Update on Cell Towers

Ms. Robertson reviewed the history of the contract with Silverberg Zalantis that included a coalition of municipalities trying to direct where towers should be located. Silverberg Zalantis began the process and provided a presentation on the current state of the wireless communications law back in February. The company had expected to be paid and planned to proceed to the next step; however, due to confusion and a proper set-up for invoicing from the TCCOG Reserve Fund not existing, the invoice was not paid. A process for paying expenses has now been established and a letter will be sent tomorrow to participating municipalities that will serve as an invoice for their initial contribution to the project. A copy of the draft letter was circulated.

Mr. Dietrich said some of the issues being discussed with the cell tower communication project and the Broadband Committee are the same and asked if there is interaction at the County by the Broadband proposal and this project. Ms. Robertson said members of the Broadband Committee attended the presentation.

Update from Gas Drilling Task Force

Mr. Pearce provided an update on the Impact Analysis and said it is on schedule and should be finished tomorrow. Mr. Engman suggested a media release on this because it draws together the Task Force's work over the last two years. Mr. Pearce said an electronic copy will be posted on the TCCOG website. Mr. Barber thanked Mr. Pearce for leading this effort. Mr. Engman suggested placing a paper copy in locations such as the Public Library.

Ms. Thomas reported the public hearing at the State Theatre was very successful with close to 1,000 people in attendance. Over \$1,000 was donated at the door and a donation in the amount of \$2,000 from Physicians Scientists and Engineers has also been received. Approximately 70 individuals spoke at the hearing and several individuals have submitted comments. All comments have been placed on the TCCOG website. Additional comments are still being accepted and will be submitted in the TCCOG packet to the Department of Environmental Conservation.

Ms. Thomas said at the last Task Force meeting there was significant time spent on discussing reorganization of the Task Force. Although there are elected officials on the Task Force there are also a number of other volunteers who have donated a great deal of time. She said in response to the number of volunteers diminishing, suggestions were made on ways to reduce the workload and focus on specific areas. She reported many of the subcommittees will be retired and the Task Force will address one issue at a time and will begin with the municipal tools created by Ms. Kiley and Mr. Marx. She noted, however, the Assessment and Land Values subcommittee will continue its work.

There is a need for additional volunteers to serve on the Task Force and municipalities are being asked to commit two people. Ms. Thomas spoke of leadership of the Task Force and said they discussed dividing responsibilities among members. Another suggestion made was to engage planning boards and paid planning staff from around the County. The Task Force will continue monthly meetings and will be looking for a pool of funds to allow members to travel to presentations and workshops.

Mr. Driscoll thanked Ms. Thomas for all of her work with the Task Force. He suggested engaging the Chamber of Commerce and spoke of the model in Tioga County that includes a lot of staff who come from existing civic organizations from that County. Ms. Robertson noted that municipal officials on the Task Force do not need to be supervisors or mayors but could also include members of municipal boards.

Mr. Engman said he supports allowing the Task Force to set priorities to focus on. He spoke of the pipeline issue and said he thinks that is likely an area where municipalities may have some control and if municipalities had something specific on gathering lines it would be very helpful.

Ms. Chock said there are two things that need to continue to happen: developing and understanding new information and communicating to the State about the ways in which municipal budgets will be affected both directly and indirectly by gas drilling.

Ms. Sumner suggested creating a legal detail subcommittee and conducting a quick survey outlining what the issues are, asking how important the issues are, and asking how far along each town is on the issues. At this time Ms. Kiley distributed a survey requesting much of this information.

Municipal Tools

Mr. Marx presented the “Municipal Tools for Addressing Potential Gas Drilling Impacts” which Ms. Kiley worked on during her employment at the Planning Department under the Park Foundation Grant. He said in the latest version of the dSGEIS (draft Supplemental Generic Environmental Impact Statement) it says that if a permit application is not in compliance with comprehensive plan laws or regulations that this is supposed to be identified and they are to notify and consult with the municipality. Municipalities will be notified of every application. Ms. Kiley reviewed the contents of the Municipal Tools document and said this will help define what the subcommittees of the Gas Drilling Task Force will be. The areas covered in the document include: review your comprehensive plan, review zoning ordinances, review site plan regulations, apply special use permits to certain uses, road protection, designate critical environmental areas (CEA), aquifer protection regulation, wellhead protection regulation, noise, lighting, and air standards, viewshed (or scenic resources) overlay district, tree preservation, adopt pipeline regulations, manufactured home park (MHP) regulations, subdivision regulations, floodplain regulations, extractive mining regulations, construction and post-construction stormwater runoff control, illicit discharge detection, and elimination regulations.

Mr. Barber said legislation has been brought forward by Assemblywoman Lifton about the local governments responsibility and authority to override Article 23, Section 2303 that addresses special use permits. He said this is an area that needs further discussion and understanding.

Ms. Kiley said if anyone has priorities they would like included in the Task Force’s 2012 agenda to contact her at ulysses.planner@gmail.com.

Mr. Pearce suggested taking four of these topics or areas that are of the most concern and having half-day workshops for municipal officials, staff, and the public and to bring in local experts as well as others from outside the County who are knowledgeable in the identified areas.

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2012 Leadership

The nominating committee was not prepared to make a report. They will meet prior to the next meeting and present a recommendation at that time.

Mr. Barber announced he will not be the Town of Caroline's voting representative to TCCOG in 2012. Mr. Engman acknowledged Mr. Barber for his work over the past several years, noting he has been key in holding this group together. Mr. Engman also extended appreciation to Ms. Peterson and thanked her for being an active participant of this body during her time as City of Ithaca Mayor.

Next Agenda Items

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

Fundraising with regard to gas drilling initiatives and a legal defense fund

Ms. Marino spoke of an e-mail that was distributed to all members concerning the amicus brief. She urged members to read the information and consider coming on board. Ms. Sumner noted this brief is about home rule, not gas drilling.

Adjournment

The meeting adjourned at 4:40 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office