

Tompkins County Council of Governments
Regular Meeting Minutes
Thursday, July 28, 2011 3:00 PM
Scott Heyman Conference Room

Approved 8-1-11

Members Present: (12 municipalities)

T/Ithaca – H. Engman	V/Groton – B. Conger
T/Newfield – R. Driscoll	V/Trumansburg – D. Nottke
T/Ulysses – E. Thomas, R. Marino	T/Danby – R. Driscoll, L. Shawley
C/Ithaca – C. Peterson	Co./Tompkins – M. Robertson
V/Cayuga Heights – K. Supron	T/Caroline – D. Barber, D. Frongillo
T/Lansing – K. Miller	T/Dryden – M. Sumner

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

County Staff: J. Mareane, M. Lynch, P. Younger, County Administration; D. Kiley, Tompkins County Planning Department; W. Sczesny, Highway Division; J. Wood, County Attorney; M. Pottorff, Legislature Office

Guests: A. Pearce, TANG Mapping Workgroup; H. Dullea, Independent Redistricting Commission; K. Halton, Town of Danby; L. Lawyer, Ithaca Journal; D. Heck, Lansing resident; M. Koplinka-Loehr, Cornell Cooperative Extension

Call to Order

Mr. Engman called the meeting to order at 3:03 p.m.

Changes to the Agenda

A presentation by the Susquehanna River Basin Commission was deferred to the next meeting. A presentation on the Countywide Energy Education Initiative was added to the agenda.

Approval of Minutes of June 23, 2011

It was MOVED by Mr. Dietrich, seconded by Ms. Nottke, and unanimously adopted by voice vote by members present, to approve the minutes of June 23, 2011 as submitted. MINUTES APPROVED.

Report on Independent Redistricting Commission

Mr. Dullea, Chair of the Commission, reported the Commission has met three times. A fundamental issue for the Commission deals with population and its obligation to having County Legislative districts that are equal in population. The 2010 Census numbers show the County increased from 96,502 in 2000 to 101,564 in 2010 (5.2% increase). He spoke of the changes that occurred at different rates in population throughout the County. For example, the Town of Caroline's population increased by 12.7%, the Town of Danby increased by 10.7%, and the Village of Cayuga Heights had the lowest percentage of change (down by nine people). Mr. Dullea said the nine-person Commission is diverse and bipartisan, and noted Tompkins County is one of only a few counties in the State that has appointed an Independent Redistricting Commission.

The population varied at different rates in different parts of the County with the eastern portion of Dryden increasing the most (7.95%); District No. 5 in the City of Ithaca had the largest decline (-13.3%). Mr. Dullea said the City's numbers will continue to be looked at, however, Greg Potter, Director of ITS, has expressed confidence in the numbers. Mr. Wood, County Attorney, has informed the Commission of

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the statutory and constitutional terms it should be looking to and has said the generally accepted standard is that there be no more than a 10% deviation between the smallest and largest districts.

At a meeting this week members of the County Legislature were invited to speak about boundaries and the size of the Legislature as the County Charter allows the size to range from 11 to 19 members.

Mr. Dullea announced the Commission will hold two public meetings on each side of the Lake. A notice has been sent of these meetings to all municipalities and clerks with an invitation to share information on any suggestions or concerns. A meeting will be held in the City of Ithaca after Primary elections are held. A report will be submitted to the Legislature in March 2012. Information pertaining to the Commission will be included on the County's website.

Tax Opportunity for Seniors

Mr. Heck distributed a copy of the NYS Real Property Tax Law Section 925-b that states a governing body of a municipal corporation other than a county may, by resolution adopted prior to the levy of any taxes on real property located within such corporation, authorize an extension of no more than five business days for the payment of taxes without interest or penalty to the resident of such municipal corporation who has received either a STAR or Senior Exemption. Mr. Heck also distributed a copy of the resolution adopted by the Town of Groton along with an advertisement that was placed in the Cortland-Ithaca Shopper to inform the public. He spoke of difficulties some seniors have in budgeting funds at the end of each month and believes this would be very helpful to them. Mr. Heck encouraged all municipalities to approve this extension.

Ms. Sumner said the Legislature has increased the allowed income limit and encouraged towns to review income limits for the senior tax assessment exemption to see if they have been increased accordingly.

Gas Drilling Update

Ms. Thomas distributed a letter to DEC (Department of Environmental Conservation) Commissioner, Joe Martens, concerning the advisory committee that is being formed to "develop recommendations to: ensure DEC monitoring and enforcement activities, to develop recommendations to mitigate impacts to local governments and communities, and to evaluate current fee structures and other revenue streams to fund government oversight in infrastructure-related hydrofracking". She said although it is a positive step to create this advisory committee there are no representatives of local government or the Department of Health representatives on the committee. The letter is intended to urge the Commissioner to include such representation on the Committee. Ms. Pottorff will circulate the letter by e-mail to all members.

Ms. Thomas reported a list-serve is being set up on the preliminary revised draft Supplementary Generic Environmental Impact Statement; the comment period will begin August 1. The Task Force will be trying to help municipalities and individuals compile comments into a Google document.

Ms. Thomas also reported several mapping presentations have been given to town boards; they have been very well attended and well-received and Carol Chock will be making a presentation on her work relating to assessment, taxation, property values, and mortgage lending at an upcoming meeting.

Ms. Robertson said there is a second part of the DEC's document that will be coming out about community and economic impacts soon. She urged everyone to hold off submitting comments until that

information is released as she has been informed any comments sent in before then will not be kept. Ms. Marino encouraged members to visit tcgasmap.org website for information on the July 25 public forum.

Ms. Thomas reported on a proposal to perform a Community Impact Assessment and Land Use Analysis; a study of the County's economy and community character. She said the same kind of study was done in the Town of Middlefield and looked at regional planning trends, town planning and zoning, land resources, water resources, agriculture, visual resources, natural resources, tourism, and transportation. In order to perform a similar type of study for Tompkins County they would take the template that was used for Middlefield, add the County's information using information that is already available and based on the new dSGEIS.

Mr. Pearce said in many ways the study will be a compilation of the work that has already been done over the last six months with the addition of what the outside consultants have added with regard to evaluating broader issues. Although it would be a Countywide assessment it will have enough detail for towns to use in whatever steps they are taking. At the last Gas Drilling Task Force meeting it was unanimously recommended that TCCOG commission this study with an estimated cost of \$10,000. It is also recommended that a Steering Committee be created. Ms. Thomas said there are various sources that could be approached for funding contributions and it was recommended TCCOG contribute money from its funding reserve.

RESOLUTION (DOC ID: 2744): RESOLUTION TO COMMISSION A LAND USE ANALYSIS AND IMPACT ASSESSMENT PROJECT

Moved by Ms. Thomas, seconded by Mr. Driscoll.

Mr. Dietrich called attention to the language stating the study would be contingent upon securing funding from various outside sources and that TCCOG would not be providing the majority of funding. Ms. Robertson said she thinks TCCOG should commit its current reserve balance of \$2,000 to this study. It was MOVED by Ms. Robertson to add the proposed language: Resolved, further, That TCCOG commit \$2,000 from its 2011 Funding Reserve to help pay for the study.

Mr. Barber said although he supports the proposal, the rules that pertain to use of the Reserve Funds require a formal resolution be presented to members at least one week prior to the meeting with 2/3 of TCCOG members in attendance approving the action. Based on this Ms. Robertson withdrew the motion and included adding this to the next agenda.

Ms. Sumner asked if there is a bidding requirement for this project. Mr. Wood said this would be a professional services contract. Mr. Pearce said the price is not to exceed \$10,000; he believes it would be advantageous to use this consultant because they will be able to use some of the work that has already been done for Middlefield. She supports contributing funds from the TCCOG Reserve Fund but does not support using the entire account balance. Mr. Barber noted the current amount of available resources in the Reserve Fund is \$2,000 (8 municipal contributions); there eight municipalities that have not yet contributed. It was noted the County's contribution is through in-kind services.

Ms. Marino said she supports this but believes it is important to have enough data for each municipality. She said it is unclear whether sufficient information could be provided through this study and suggested the Steering Committee explore options for municipalities to pursue obtaining additional information.

Mr. Engman said he supports Ms. Robertson's proposal and suggested the motion be approved in concept with formal action to be taken at the next meeting. Ms. Robertson spoke in support of TCCOG having a Steering Committee and having direct input into this.

A voice vote on the resolution resulted as follows: Ayes – 12, Noes – 0. RESOLUTION ADOPTED.

Whereas the Tompkins County Council of Governments has previously determined that it is in the best interest of its member municipalities to undertake an examination of the potential impact of hydrofracking on this area and to that end formed a Gas Drilling Task Force, and

Whereas the various working groups of the Gas Drilling Task Force have been gathering and analyzing information related to hydrofracking for the last year and such information is available to be included as part of a summary report, and

Whereas the Gas Drilling Task Force has endorsed a proposed analysis entitled “Community Impact Assessment: The Potential Impact of Hydrofracking on Land Use, Community Character, and the Economy in Tompkins County” (attached) to be completed by an outside consultant, now therefore be it

Resolved, That the Tompkins County Council of Governments agrees to commission the proposed analysis to be completed by GREENPLAN, INC. for a fee not to exceed \$10,000, contingent on securing funding for the study from various sources, including private foundations, individuals, and other local entities,

Resolved, further, That the Tompkins County Council of Governments forms a steering committee, to be appointed by the co-chairs, to negotiate the contract with the consultant, secure the necessary funding, oversee the study, and act as the principal local contact for the consultant.

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Appropriation from Reserve Fund

Ms. Robertson requested to submit the following resolution to the August 25, 2011 agenda as an amendment to the above resolution:

Resolution to Appropriate Funds for the 2011 Tompkins County Council of Governments Reserve Fund

Whereas, the Tompkins County Council of Governments has commissioned a study on the potential impact of hydrofracking and has established a Steering Committee to oversee the Consultant’s work, now therefore be it

Resolved, That TCCOG commits \$1,000 from its 2011 Funding Reserve to help pay for that Study.

Mr. Barber said he would support appropriating \$2,000 because he thinks TCCOG needs to show its support and will receive the greatest benefit. He also said this is the type of thing these funds were intended to be used for. During discussion of raising the amount to \$2,000, there was concern expressed for expending the entire balance of the Reserve Fund. There were questions raised by members about the status or conditions associated with contributions. Ms. Pottorff will follow-up with municipalities that have not submitted a contribution to check on the status. Based on comments made, Ms. Robertson changed the amount of her proposal to \$2,000.

Steering Committee

The following individuals or municipalities were suggested to serve on the Steering Committee: Darby Kiley, Ed Marx, Art Pearce, Town of Ulysses, Town of Dryden, and Kathy Halton.

Ms. Robertson was excused at this time.

Road Preservation Law

Mr. Mareane brought members up-to-date on the draft road preservation law that has been worked on since the beginning of the year. It has been through a public process, including public comment, that has evolved over the last six months. The law began with an approach that said so many trips per week by vehicles of a certain weight and as public input was gathered that structure was changed from a per week basis to a per project basis. It now applies to a project that would generate traffic of more than 1,000 trips and trips that involve trucks with gross loaded weights of 30 tons or more. This is not restricted to drillers and is for high-intensity use; however, according to the DEC (Department of Environmental Conservation) the number of trips generated per well by drillers is 1,200 per well. The language in the current proposal with regard to exclusions has also been broadened.

Mr. Barber asked if a project could be broken into partial projects. Mr. Wood said there would be one permit per project; therefore, a project cannot be divided. Mr. Mareane said among the things a Highway Manager can do is to require the permittee to make drilling improvements before the work begins and the permittee can be required to assist in providing documentation on the condition of the road prior to its use. Also, if the Highway Manager determines that the proposed use of the road may cause damage there can be a requirement that a bond is posted. The amount of the bond can be determined by the estimated damage that could be caused by the kind of activity that is being proposed. Once the project is complete and the permittee asks that the bond be released an assessment is made on actual damage to the road that was done during the course of the project. At that point either the demand is made on the permittee to repair or pay for the damage and the collateral the County has to see that is done is through the bond. The County Legislature will hold a public hearing on this law on August 16th.

Mr. Dietrich asked if bridges and culverts are included. Mr. Wood said bridges and culverts on County roads are included. Mr. Sczesny said bridges are inspected every two years. With regard to culverts, they would do an updated inventory on culverts before traffic begins in order to be able to determine how much post traffic damage has been done.

Ms. Sumner suggested there be future discussion of culverts that are not on County roads. She also asked if there is something that can be done if at any point the requirements to maintain a road is not met. Mr. Sczesny said if an unsafe condition is found the permittee would be approached and will be given a specific period of time to perform repairs; if the repairs are not done the County will do them and bill the permittee.

Mr. Barber said the point that is important for local governments is that when this law goes into effect the County can ask the developer to post a bond and they would have to post the bond for the use of County roads. If other municipalities don't have a similar requirement it would be less expensive for a developer to use a town or State road instead. He said he would like to have a discussion in the future about how to determine when a project is going to take place and not having developers find out at the last minute they need to post a bond to use County roads.

Mr. Mareane spoke to the issue of estimating and calculating actual damage and said many towns have already decided to hire engineering firms to help with that. He suggested developing a collaborative approach that is practical, defensible, and consistent and that will help later on if challenged. He spoke of a joint RFP between the County and participating municipalities that would look at both ends of the assessment process. Mr. Sczesny has also discussed this with other highway superintendents to see what they would like to see in this kind of RFP. Mr. Mareane said he would like to see that there is some consensus with this before moving forward but believes at this time there is. He outlined the following in terms of process:

- assemble a collaborative group that would look at the RFP and provide input to it;
- the County would be the sponsor of the RFP but there would be other participants;
- as responses come in there would be a group of highway superintendents, municipal officials, County representatives, to review responses and make a recommendation

Mr. Barber said it is important that members, particularly those that have not signed on with Delta, take this back and speak with town Boards with the implication that if a town is willing to go forward with this RFP that that town will be doing something with regard to road preservation.

Mr. Mareane noted this does not include an inventory of current conditions. In the next month, municipalities should let Mr. Mareane know if they are going to participate.

Countywide Energy Saving Education Initiative

Mr. Koplanka-Loehr provided an update on a group that has been meeting for over a year to try to look at a Countywide energy saving campaign. In Tompkins County, rising energy, food, and commodity prices are creating financial hardships for many community members. The cost of energy is becoming an increasingly important factor in deciding whether to drive or take the bus to work; what food to put on the table; how to heat a building; where to live or locate a business; and what types of services a local government can offer its citizens. The planning began last fall and they were successful in reaching 5,000 households. This fall they will be expanding that to 10,000 and are aiming towards reaching every household in Tompkins County.

Mr. Koplanka-Loehr presented a proposal to begin to circulate wider networks to have everyone aware this is going on and to begin broad discussion and participation. He outlined the following goals and timeline:

- Build relationships so that community members and community organizations support one another in taking actions to save money on energy use in buildings, food, transportation and waste
- By the end of 2012, reach 100% of households in Tompkins County with educational material and motivational messages about energy reduction that result in their participation in the campaign

Two goals are aimed at achieving three additional broad community goals:

- Reduce energy consumption and its associated greenhouse gas emissions to help the community reach its goal of an 80% reduction in emissions by 2050 ([Tompkins County Energy and GHG Element](#))
- Build a more resilient community that can face future challenges of climate instability and energy uncertainty

The full document is available on the TCCOG website.

Time Warner Cable Negotiations

Mr. Engman reported a meeting took place with six municipalities. They discussed some of the difficulties and challenges of working together but think it is worthwhile to compile a final count of the number of municipalities there are that would like to discuss how joint negotiations might take place and the interrelationships with other carriers of internet and cable. An e-mail will be sent to TCCOG

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members seeking information on who would like to serve. Once that information is received a meeting notice will be distributed.

Water Resources Council Vacancy

Mr. Barber reported there is a municipal government vacancy on the Water Resources Council; this will be added for discussion at the next meeting.

Community Foundation Grant Information

Mr. Dietrich circulated information about available funding through the Community Foundation. He said the County's Broadband Committee is working very hard trying to extend broadband coverage. He said the Town of Danby has made its Town Hall a "hot spot" through its Library system. He suggested other towns and community centers may be interested in doing a collaborative effort to enhance facilities.

Adjournment

The meeting adjourned at 4:42 p.m. to a presentation by Susan Christopherson. An audio recording of that presentation is available on the TCCOG website.

Respectfully submitted by Michelle Pottorff, TC Legislature Office