

**Tompkins County Council of Governments**  
Regular Meeting Minutes – Approved 10-25-2012  
**Thursday, September 27, 2012 3:00 PM**  
Scott Heyman Conference Room

**Attendance**

Members Present: ( 9 municipalities)

T/Danby - R. Dietrich	Co./Tompkins – M. Robertson
T/Groton – G. Morey	T/Ithaca - H. Engman, B. Goodman
T/Newfield – R. Driscoll	V/Groton – E. Conger
T/Enfield – R. Barriere, A. Rider	T/Dryden – M. Sumner
C/Ithaca – S. Myrick	

Municipalities Not in Attendance: (7 municipalities: Town of Caroline, Town of Ulysses, Village of Cayuga Heights, Village of Freeville, Village of Lansing, Village of Trumansburg, Village of Dryden)  
County Staff: J. Mareane, M. Lynch, County Administration; J. Wood, County Attorney; M. Pottorff, Legislature Office

Guest: D. Barber, Town of Caroline Supervisor

**Call to Order**

Mr. Driscoll called the meeting to order at 3:04 p.m.

**Greeting/Sign In/Review Agenda**

A report on Broadband was added to the agenda.

**Minutes Approval - August 23, 2012**

It was MOVED by Ms. Robertson, seconded by Mr. Engman, and unanimously adopted by voice vote by members present, to approve the minutes of August 23, 2012 as submitted. MINUTES APPROVED.

**Reports**

**Uniform Notice Claim Act (ID # 3614)**

Mr. Wood distributed a copy of a letter he wrote to the Governor at the direction of the County's Government Operations Committee. The letter encourages the Governor to veto the Uniform Notice of Claims Act. He explained on June 18 there was a bill printed in the Senate and Assembly called the Uniform Notice of Claim Act; a couple of days later the bill was passed by both the Senate and Assembly without debate. Mr. Wood said to his knowledge there was no notification to any municipality, although the bill has a significant impact on municipalities. At the Government Operations Committee he was seeking permission to write a letter and get to the Senate and Assembly quickly because the legislative session was closing soon and although he did so he received notification the next day that the bill had already passed.

Mr. Wood said this Bill states that a Notice of Claim can be served against a municipality and other entities by serving the Secretary of State. In the past a Notice of Claim served against a municipality had to be served upon the municipality. The second provision which did not pass, provided that good faith errors and failing to serve the Notice of Claim would be excused. The Legislation has not yet been signed by the Governor. Under Senate rules, it must go to the Governor for signature within 45 days unless the sponsor requests that it not. Mr. Wood said he believes this must have happened because

the Legislation passed on June 21<sup>st</sup> and the 45 days have passed.

NYSAC (New York State Association of Counties) and NYCOM (New York Conference of Mayors) have both written to the Governor asking that this legislation be vetoed. Mr. Wood said the only outcome he can see from this is that it will make it easier for a municipality to be sued.

It was the consensus that TCCOG will also send a letter to the Governor opposing this Legislation and the letter will be provided to town clerks for municipalities to draft a letter if they would like to as well.

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Update from Health Insurance Consortium (ID # 3615)

Mr. Barber said the Consortium's first year was tough financially as was expected because of the building of reserves required by the State which is the Consortium's regulating agency. He reported the State will be conducting an audit of the Consortium and he expects this will begin soon. Mr. Barber said the Consortium has been building reserves and has improved from starting 2012 by being in the negative by \$500,000 to now having almost \$700,000 in the positive. This is the result of claims leveling off and the 9.5% premium increase for 2012. At a special meeting today the Board of Directors approved a premium rate increase for 2013 of 9% which is less than was originally projected (9.5%). It is expected that by 2015 the Consortium will have enough reserves to begin paying back the Capitalization Reserve to municipalities.

At today's meeting there was also discussion of adding new members to the Consortium. The Board approved a resolution welcoming the City of Cortland into the Consortium. The City of Cortland will bring an additional 200 employees (12% increase in covered lives). Their population and claims data is similar to the Consortium's and there is no additional risk expected by their entrance into the Consortium. Mr. Barber said other municipalities in Tompkins County (Towns of Newfield and Lansing, and the Village of Lansing) have also inquired about joining.

Mr. Dietrich thanked Mr. Barber for his work with the Consortium. Mr. Barber gave credit to the Board of Directors and said the membership is becoming more vested and interested in the process.

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Training Update (ID # 3617)

Mr. Mareane said at the last meeting Ms. Sumner asked that a look be taken at shared training with a focus on safety training and highway-related items. He met with Anita Fitzpatrick, Tompkins County Personnel Commissioner, and Frank Croteau, Health and Safety Coordinator, to get a sense of what is currently being done. He learned there is not a lot of training being offered at this time. In the past there was training but financial trouble negatively impacted this because there was discussion of charging for the training. Mr. Mareane said he believes everyone is doing training on their own but believes the capacity exists to engage in some shared work. He spoke of hearing tests that are given to Blue Collar employees and extended an offer to municipalities for the County to administer these tests without charge. He said there will be a further look taken at how to combine PESH-related safety training that all municipalities are likely doing and suggested the best forum for this would be with Highway Superintendents. He said the County's department heads have a safety committee that meets regularly and extended an invitation to any interested municipal employee who has the responsibility of risk management to attend. Mr. Mareane will be the contact person for this if there is interest in attending.

Mr. Dietrich said he applauds the County's efforts to address the physical component related to safety training and asked if there is any possibility of doing any crisis, anger or stress management. Mr.

Mareane said he supports this suggestion and stated this is an area where there will be emphasis in 2013.

Mr. Driscoll questioned what training is mandatory versus what is voluntary. Mr. Mareane will provide this information to all members.

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**Other - Action Item: Create Nominating Committee for Vice Chair (ID # 3616)**

Mr. Driscoll and Mr. Barriere volunteered to serve on the 2013 Nominating Committee.

<b>RESULT:            COMPLETED</b>
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**Report from Cable Committee**

Mr. Engman reported the next meeting will be October 1st. The Committee is looking at dates for the first community to hear about issues people may have with Time Warner contracts. Following that meeting Time Warner will be contacted and a meeting scheduled. He said the Committee will be collecting what they believe are good elements of franchise agreements from other places and will be prepared to meet with them. Each municipality will still need to negotiate with Time Warner for any specific service that is wanted for that municipality. Although this is unlikely to be completed by the end of the year Mr. Engman said very good progress is being made.

Mr. Driscoll asked if it would be helpful to be more specific about what an extension strategy needs to be. Mr. Engman said under State law the contract will automatically renew until there is a new agreement. The disadvantage of this is that it provides little incentive for Time Warner to negotiate.

**Report on Broadband**

Mr. Dietrich reported on a different pot of money that has been released from the State and said the funds have been targeted towards rural areas. He said it appears the State capitulated on their maps and are becoming more accurate. He reported on the grant proposal and said the Town of Danby passed a resolution in support and the County is scheduled to do the same. He said he is very optimistic about the Committee's chances of securing the grant funding. It was stated that some municipalities are approving resolutions that support two proposals. Mr. Barber said it is his understanding that if there are two competing proposals for an area that a decision has to be made as to which proposal receives priority. Mr. Dietrich said the Broadband Committee will hold a special meeting next week to make a recommendation. Ms. Robertson said the recommendation is to the Regional Economic Development Council which will make a recommendation to the State. There are two other proposals that will come out of the Southern Tier Region, one for Delaware County and one for counties further West. She inquired as to how the Council will make a recommendation to the State and was advised that solid proposals will be forwarded by the Council. She said she thinks recommending two competing proposals will damage the County's chances of having its grant application approved.

**Next Meeting Agenda Items**

The following items were suggested for the next agenda:

Presentation from the Planning Department on plans relating to economic development and housing (as requested at a previous meeting)

Minutes  
Tompkins County Council of Governments  
Thursday, September 27, 2012

Update on Gas Drilling - Hydrofracking  
Recommendation of the Nominating Committee

**Announcements**

Ms. Robertson reminded members that municipal leaders are invited and encouraged to speak at the County Legislature meetings.

**Adjournment**

The meeting adjourned at 4:00 p.m.