

**Tompkins County Council of Governments**

Regular Meeting Minutes – APPROVED

Thursday, May 23, 2013 3:00 PM

Scott Heyman Conference Room

**Attendance**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Martha Robertson	Member, Tompkins County	Present	
Richard Driscoll	Co-Chair, Town of Newfield representative	Present	
Fredric Dietrich	Member, Town of Danby representative	Present	
Herb Engman	Member - Town of Ithaca	Present	
Elizabeth Thomas	Member - Town of Ulysses representative	Present	
Kate Supron	Co-Chair, Village of Cayuga Heights representative	Present	
Laura Shawley	Member - Alternate, Town of Danby representative	Present	
Mary Ann Sumner	Member, Town of Dryden representative	Present	3:25 PM
Irene Weiser	Member - Alternate, Town of Caroline representative	Present	
Bill Goodman	Member - Alternate, Town of Ithaca representative	Present	
Ann Rider	Vice Chair, Town of Enfield	Present	
Chuck Rankin	Member - Alternate, Village of Groton	Present	
Joe Mareane	Tompkins County Administrator	Present	
Jeff Smith	Highway Director	Present	
Don Barber	Town of Caroline Supervisor	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	

Municipalities Not in Attendance: City of Ithaca, Towns of Groton and Lansing, Villages of Dryden, Freeville, Lansing, and Trumansburg

Guests: S. Penningroth, R. Bowen, Community Science Institute; C. Seamon, Town of Danby Highway, J. Smith, Tompkins County Highway Director

**Call to Order**

Mr. Driscoll, Co-Chair, called the meeting to order at 3:05 p.m.

**Greeting/Sign In/Review Agenda**

Mr. Goodman asked to make an announcement concerning the Association of Towns following approval of minutes.

**Minutes Approval – April 25, 2013**

It was MOVED by Mr. Driscoll, seconded by Ms. Supron, and unanimously adopted by voice vote by members present, to approve the minutes of April 25, 2013 as submitted. MINUTES APPROVED.

**Association of Towns Update**

Mr. Goodman provided a follow-up on the efforts to reform the New York State Association of Towns and its bylaws. He, Mr. Barber, and Mr. Engman met last week and will be developing strategies to move that forward. He asked that anyone from the towns who is interested in joining this effort to let him know; they would like to be prepared for the February 2014 Association of Towns meeting.

**Road Preservation**

Discussion of Road Preservation Communication Protocol (ID # 4182)

Mr. Driscoll said he asked that this subject be placed on the agenda again to further discuss what types of communication protocols municipalities would like to have in place with respect to municipal road preservation laws and developers approaching a municipality about a project. He said there has been conversations about this over the last couple of years and would like to see a decision made on how this will happen.

Mr. Driscoll said he would like to have feedback from separately elected highway superintendents.

Mr. Smith said the front line of defense is coordination with the highway superintendents, planning, and code officials. He said this early conversation is a positive thing and thinks that having something in place that can trigger a notification is really good. He said it is likely code and planning departments are going to be the first to hear about something happening in their town and will be the ones that could make a requirement that a letter of notification goes out. He said a SEQR requirement includes a list of notifications that have to go out and he could compare that trigger to the SEQR list.

Mr. Driscoll said once his Town's zoning officer receives the information it is passed directly to the highway superintendent and it is their job to notify all parties if they are onboard with the process. He said he is not assured this is true for all highway departments. Ms. Rider said she thought the purpose of this was to protect highway budgets and to have excessive users pay for damage done to roads. She further stated that because it involves a town budget this would be a supervisor's responsibility. Mr. Driscoll said as haul routes cross any number of jurisdictions it would be wise to have a mechanism to inform neighboring towns.

Mr. Barber said if a town does not have a road preservation local law but does have a building permit in their town that requires haul routes that go through adjacent towns or on County roads it is important to notify other municipalities of what is going on and believes the suggestion to start with the code officer is the right place. In order for code officers to communicate with other municipalities they need to know haul routes that are being proposed and an estimate of the number of trucks. From that each municipality can determine if they are triggering a permit that is required and they can notify the originating town if they are going to need a permit to ride the roads in the haul route that is proposed as well as put up a bond.

Mr. Driscoll noted that municipalities are all at a different place with respect to road preservation laws and/or road preservation engineering and it may only be useful at this meeting to indicate a sense of whether there needs to be a deeper conversation and possibly convening a small group to outline the issues that should be addressed. Ms. Robertson said the County has a law but cannot enforce the law without knowledge of what projects are taking place.

Mr. Engman said the issue of who within a town is notified is moot. He said the question the Town of Ithaca is dealing with is how are they going to communicate amongst municipalities when projects are happening and he said a central source of contact is needed and thinks the logical source would be the County. Ms. Thomas suggested setting up a list serve.

Ms. Sumner arrived at 3:25 p.m.

Ms. Shawley said the Town of Danby has already been through this situation and worked closely with Mr. Smith. She explained how a project to expand a business began with a building permit. The

company was informed that a building permit would not be issued until contact was made with the highway superintendent. She said the company came to the Town and was given a map of the Town's haul route notification form. They then mapped out their entire haul route which is then reviewed by the Town highway department. Ms. Shawley said they determined that the company would not be using any town roads but would be using County roads. The town's local law states that a building permit and construction permit will not be issued to any entity until such time that as determined by the highway superintendent that every municipality in the County and/or the Town that is going to be involved for pass through traffic has been notified and the Town received confirmation of that in writing. At that point the company was informed they satisfied the conditions of the Town of Danby and the enforcement officer was informed they had satisfied these requirements and had the highway department's approval to move forward. She noted this process is clearly explained in the Town's law and said it worked very well. She noted no permit will be issued without the approval of all involved parties.

Ms. Supron asked if this worked well because these requirements were included in the law. It was suggested it could be part of the permit process as well. Mr. Engman said there may be trucks passing through a municipality and not having a project in that municipality; therefore, a road preservation law is needed in order to require the haul route designation.

Mr. Barber disagreed and said a municipality may ask for any information when a building permit is requested. Mr. Engman said there may not be a building permit being requested in the town for which there is a haul route. Mr. Barber spoke of the importance of municipalities, regardless of whether they are in Tompkins County or not, to be communicating.

Ms. Shawley was asked to send Ms. Pottorff the haul route notification form and a description of the process and she will distribute to members for review. Ms. Shawley said this gives the highway superintendent the opportunity to sit at the table with a developer and begin to establish a report with the developer. This is important because it will be the highway superintendent who is going to be working with the developer and this will enable them to lead the project in the best direction.

Mr. Driscoll said he would like to appoint a three member work group that would consider the comments that have been made and the information that has been presented. He noted that all municipalities have not arrived at the same place and have different processes along the way.

Ms. Weiser asked which towns are not working on road preservation. Ms. Thomas said the Town of Ulysses is not but would like to and Ms. Rider said the Town of Enfield will be working on this over the summer. The Village of Cayuga Heights is not working on this.

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**Presentation by Community Science Institute (CSI)**

**Overview of CSI's Stream Monitoring Partnerships (ID # 4181)**

Mr. Penningroth said it has been six years since he last reported to TCCOG. He reviewed the history and mission of the Community Science Institute, stating:

- Founded in 2000;
- Mission is to empower citizens to become stewards of water in their community;
- Has staff of 9;
- Local governments constitute 40% of the Institute's funding, other income comes from fees for testing (40%), private foundations and donations (20%)
- Has approximately 100 volunteers;
- 2012 budget was \$200,000;

There are three main classes of programs: Cayuga Lake Watershed, Upper Susquehanna River Watershed; private drinking water testing.

Mr. Penningroth said they are in the process of creating a regional groundwater quality database and have permission from 169 private property owners to pool their data. They do 70 certified tests on each well and at this time have 12,000 pieces of certified groundwater quality data throughout the Marcellus and Utica Shale region.

The Institute has tracked water quality since 2002. In the Cayuga Lake Watershed the volunteers sample approximately 100 locations and cover about 500 square miles of drainage area. At this point they have over 35,000 certified water quality data items for the Cayuga Lake Watershed and are adding 4,500 to 5,000 new data items each year. Mr. Penningroth provided an overhead presentation containing photos of volunteers collecting samples. He said they cover virtually all of the southern, eastern, and middle of the Cayuga Lake Watershed.

He spoke of some of the services that provide benefits to local governments and gave these examples: providing reliable water quality data which can help inform government policy and spending; on-site septic systems along the lakeshore; providing calculations and estimates of loads of sediment coming down Six Mile Creek, the Inlet, and Taughannock Creek, which they hope will help the City plan for when they need to do dredging.

He spoke of the public stewardship of water and said water quality partnerships benefit local communities and provide a greater understanding of water resources and often the information that is needed to understand water resources is not available from State or federal governments. By doing local monitoring municipalities can obtain and disseminate factual information. It also makes it possible to hold corporations and governments accountable.

Mr. Dietrich spoke in support of the program and said he would like to know how many of the Town of Danby's south flow streams are being monitored and how many need more monitoring. Ms. Bowen said it would be difficult to provide that information without first looking at the database. However, she noted they will be expanding the Red Flag program. She asked that municipal leaders let them know if there are any sites that they would like to have monitored.

Mr. Barber asked Mr. Penningroth what the Institute's plans are for 2014. He said the towns have been very generous and supportive over the years and without their support the program could not exist. Funding has been the same for the last five years but doesn't want to tax the generosity of municipalities. He said one 10% increase every ten years would be fine. Ms. Sumner said municipalities would likely feel more comfortable with smaller, more frequent requests; other members agreed. Mr. Penningroth will request an increase of two to three percent.

Ms. Weiser said a lot of municipalities were designated as MS4's and put a healthy donation each year to the Stormwater Coalition. She asked Mr. Penningroth if he works with them to try to solicit donations because it appears his work supports their mission as well. Mr. Penningroth said he looked into this briefly and his understanding after speaking with Darby Kiley is that most of the Intermunicipal Organization's funding was going towards a floating classroom and does not want to compete with that. The Stormwater Coalition could be a possibility but doesn't want to double tax or even appear as doing so.

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**Gas Drilling**

**Resolution: Support of a Moratorium Until May 15, 2015 to Complete a Comprehensive Health Impact Assessment (ID #4180)**

Ms. Weiser said there has been a lot of discussion about a moratorium in general versus pushing for a ban. She expressed concern about this bill because the health impact study which, based on everything that has been seen from other studies are bogus. She said there is no confidence in the study and asked what would happen two years down the road when the study is complete and the moratorium is lifted. She believes it would be very difficult to mobilize people again. Due to the lateness of the meeting other members did not want to discuss this and asked to move directly to a vote.

<b>RESULT:</b>	<b>ADOPTED [9 TO 1]</b>
<b>MOVER:</b>	Elizabeth Thomas, Member - Town of Ulysses representative
<b>SECONDER:</b>	Mary Ann Sumner, Member, Town of Dryden representative
<b>AYES:</b>	Robertson, Driscoll, Dietrich, Engman, Thomas, Supron, Sumner, Rider, Rankin
<b>NAYS:</b>	Irene Weiser

WHEREAS, New York State (NYS) Assembly Bill A5424A (same as NYS Senate Bill S04236A) notes in its justification that the potential for high volume hydraulic fracturing for natural gas in reservoirs such as the Marcellus and Utica Shale formations has led to robust debate regarding the safety of the process and the protection of the environment, and

WHEREAS the purpose of New York State Assembly bill A5424A (same as NYS Senate bill S04236A) is to impose a moratorium until May 15, 2015 on the issuance of certain natural gas drilling permits and requires the completion of a comprehensive health impact assessment done by a school of public health, and

WHEREAS delaying the Department of Environmental Conservation's ability to issue permits will provide the New York State Legislature with additional time to assess the true public health and environmental impacts of hydraulic fracturing and will provide the opportunity for the completion of a comprehensive health impact assessment, and

WHEREAS, this bill will also help ensure the State Legislature has adequate time to review DEC's Supplemental Generic Environmental Impact Statement (sGEIS) once it is produced. Such a moratorium will allow for a thorough, deliberate and unrushed analysis of all the factors involved, now therefore be it

RESOLVED, That the Tompkins County Council of Governments supports NYS Assembly Bill A5424A (same as NYS Senate Bill S04236A) and encourages the passage of this Bill by the Senate and Governor also,

RESOLVED, further, That a certified copy of this resolution be sent to Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens; New York State Department of Health Commissioner Nirav Shah; New York State Association of Counties; New York State Association of Towns; New York State Association of State County Health Officials (NYASCHO); New York State Senator Thomas O'Mara; New York State Senator and sponsor of the bill Tony Avella; New York State Assemblywoman Barbara Lifton; NYS Assemblyman and sponsor of the bill Robert Sweeney; EPA Region 2 Administrator Judith Enck; EPA Acting Director Bob Perciasepe;

Senators Kirsten Gillibrand and Charles Schumer; Congressman Thomas Reed; DEC Department of Mineral Resources Director Bradley Field and DEC Department of Mineral Resources Assistant Director Katherine Sanford; U.S. Department of Energy Secretary Earnest Moniz; President Barak Obama.

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**Resolution: Supporting NYS Bills A1046 and S00674 Calling for Uniform Treatment of Hazardous Wastes (ID #4185)**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Elizabeth Thomas, Member - Town of Ulysses representative
<b>SECONDER:</b>	Martha Robertson, Member, Tompkins County
<b>AYES:</b>	Robertson, Driscoll, Dietrich, Engman, Thomas, Supron, Sumner, Weiser, Rider, Rankin

WHEREAS, the purpose of New York State Assembly bill A1046 (same as NYS Senate bill S00674) is to amend the environmental conservation law in relation to the uniform treatment of waste, and

WHEREAS, currently wastes from the oil and natural gas industries are exempt from the regulations promulgated by the Department of Environmental Conservation despite the fact that these wastes may be hazardous in many instances, and

WHEREAS, these bills would require hazardous wastes produced from oil and natural gas activities to be subject to the Environmental Conservation Law (ECL) requirements for treatment of hazardous wastes by amending section 27-0903 to add a new section that would classify all waste resulting from oil or natural gas production activities as hazardous waste if such waste meets the definition of hazardous wastes set forth in the ECL, and

WHEREAS, this legislation would ensure that when waste from oil and natural gas operations meets the definition of hazardous waste, that it be treated in a manner consistent with other hazardous wastes because failure to do so could present a real danger to public health and the environment, and

WHEREAS there is no compelling reason why waste produced from oil and natural gas activities that meet the definition of hazardous waste should not be subject to the same laws regarding generation, transportation, treatment, storage and disposal as other hazardous wastes, now therefore be it

RESOLVED, That the Tompkins County Council of Governments supports NYS Assembly Bill A1046 (same as NYS Senate Bill S00674) and encourages the passage of this bill by the Assembly, Senate and Governor,

RESOLVED, further, That a certified copy of this resolution be sent to Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens; New York State Department of Health Commissioner Nirav Shah; New York State Association of Counties; New York State Association of Towns; New York State Association of State County Health Officials (NYASCHO); New York State Senator Thomas O'Mara; New York State Senator and sponsor of the bill Tony Avella; New York State Assemblywoman Barbara Lifton; NYS Assemblyman and sponsor of the bill Robert Sweeney; EPA Region 2 Administrator Judith Enck; EPA Acting Director Bob Perciasepe; Senators Kirsten Gillibrand and Charles Schumer; Congressman Thomas Reed; DEC Department of Mineral Resources Director Bradley Field and DEC Department of Mineral Resources Assistant Director

Katherine Sanford; U.S. Department of Energy Secretary Earnest Moniz; President Barak Obama.  
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Update on Appeal

Ms. Thomas reported on the status of a potential appeal in the Appellate Court for the Dryden and Middlefield cases. She said it is expected that the court will grant the request for an appeal. Ms. Sumner added that she does not think an appeal has been filed in the Dryden case yet but they will request that if one case is accepted that both be heard. She said there is a sense that although the Third Department is very solid, that because this is a matter of Statewide importance the State Court of Appeals may want to hear it as well. Ms. Sumner said they have no reason to believe that the decision will change but this is the last place to go with these cases. She also noted both sides have agreed not to oppose anyone's amicus briefs.

Report from Cable Committee

Mr. Engman reported the group working on the template for an agreement with Time Warner Cable met again and continues to tweak the document. It will soon be sent to an expert for review. He said this could result in an expense and stated Mr. Rankin compiled information from a previous attempt to do this and the Village Lansing has been holding those remaining funds. Mr. Rankin drafted the letter that is being presented for consideration asking that the monies be transferred from the Village to TCCOG.

**Other - Action Item: Approval to Sign Letter to Village of Lansing to Release Cable Fund to TCCOG (ID # 4183)**

It was MOVED by Mr. Engman, seconded by Ms. Sumner, to approve the signing of a letter to the Village of Cayuga Heights requesting the transfer of left-over cable funds to the TCCOG account.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Herb Engman, Member - Town of Ithaca
<b>SECONDER:</b>	Mary Ann Sumner, Member, Town of Dryden representative
<b>AYES:</b>	Robertson, Driscoll, Dietrich, Engman, Thomas, Supron, Sumner, Weiser, Rider, Rankin

May 23, 2013

Mayor Don Hartill and the Board of Trustees  
Village of Lansing  
2405 North Triphammer Road  
Ithaca, NY 14850

RE: TV Cable Funds

Dear Mayor Hartill,

A subcommittee of the Tompkins County Council of Governments (TCCOG) has been actively working on a model franchise agreement to present to Time Warner. Many of the franchises of the County's municipalities have either expired or soon will expire. It is our belief

that it will be far more effective to negotiate with Time Warner if we meet with them as a united group.

The subcommittee has proceeded as far as it can without obtaining some assistance from consultants, which obviously, will incur a cost. It is our understanding that the Village of Lansing has funds held in trust that were collected some years ago for the County Cable Committee.

With budgets being tight and in an effort to carry on what these funds were originally meant for, we ask that you and the Lansing Village Board consider turning these funds over to TCCOG for what would be the purpose in which they were intended. The money would be controlled by the County Finance Dept. in the same manner in which they manage other TCCOG funds.

If your Board wishes to adopt a resolution to turn over the funds, please send them to the attention of David Squires at the Tompkins County Finance Dept.

If you have questions in regards to this matter, please contact Herb Engman, who chairs the TCCOG cable subcommittee, at the Town of Ithaca (273-1721).

Sincerely,

Richard Driscoll, Co-Chair

Kate Supron, Co-Chair

cc: Herb Engman

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**Report on Climate Protection Initiative**

Mr. Barber said the Tompkins County Climate Protection Initiative receives funding from the Park Foundation and every year TCCOG submits a list of things that have been worked on during the year. The list he has compiled for 2012 includes: shared information and examples relative to road use and road preservation laws across municipalities, coordinated efforts to write gas drilling moratoriums and bans among several municipalities, and encouraged the installment of solar panels on municipal buildings. The following items were suggested as additions: public information session on how to respond to the gas drilling regulations, sponsored gas pipelines forum, and the assessment and taxation forum.

**Next Meeting Agenda Items**

Ms. Thomas reported she and Mr. Goodman met with Tompkins County Animal Control and said there are issues that should be discussed before September by those impacted. Members preferred meeting after a TCCOG meeting.

Mr. Dietrich said a number of towns are working on an aquifer protection plan and could use help. He said although everyone is at different stages there are common questions that are emerging; he asked if there could be discussion of holding a general education seminar. Ms. Supron and Mr. Driscoll will follow-up on this.



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Ms. Supron reported she has reached out to Bob Pass at NYSEG to invite him to talk about energy but has not yet heard back.

**Adjournment**

The meeting adjourned at 4:35 p.m.