

Tompkins County Council of Governments
Regular Meeting Minutes
Thursday, January 26, 2012 3:00 PM
Scott Heyman Conference Room

Approved

Members Present: (13 municipalities)

T/Caroline – D. Barber, D.	V/Groton – B. Conger
Frongillo, I Wisner	C/Ithaca – S. Myrick, J.R.Claiborne
T/Danby – R. Dietrich, L. Shawley	Co./Tompkins – M. Robertson
V/Cayuga Heights – K. Supron	T/Groton – G. Morey
T/Ulysses – R. Marino, E.Thomas	T/Ithaca – H. Engman, B. Goodman
T/Newfield – R. Driscoll	T/Dryden – M. Sumner
T/Lansing – K. Miller	T/Enfield – R. Barriere

Municipalities Not in Attendance: (4 municipalities) V/Dryden, V/Freeville, V/Lansing, V/Trumansburg
County Staff: J. Mareane, M. Lynch, P. Younger, County Administration; J. King, Legislature Intern;
M. Pottorff, Legislature Office;
Guests: G. Stewart, Cornell University Office of Community Relations; A. Pearce, Gas Drilling
Task Force; L. DiPietro, Fingerlakes Community News

Call to Order

Mr. Barber called the meeting to order at 3:02 p.m.

Approval of Minutes – December 15, 2011

It was MOVED by Ms. Sumner, seconded by Mr. Hartill, to approve the minutes of December 15, 2011. A voice vote resulted as follows: Ayes – 13, Noes – 0, Abstentions – 1 (K. Supron).
MINUTES APPROVED.

Changes to the Agenda

There were no changes made to the agenda for this meeting.

Election of 2012 Leadership

On behalf of the Nominating Committee, Ms. Sumner made the following motion, seconded by Mr. Myrick:

Co-Chairs: Mr. Engman and Mr. Driscoll

Vice Chair: Ms. Supron

No further nominations were offered and nominations were closed.

The leadership proposed was unanimously approved.

Mr. Barber thanked members for making attendance at these meetings a priority and said efforts towards intermunicipal cooperation prior to TCCOG were not always successful. He said local governments came together on the issue of health insurance and what made it work so well was having everyone come to the table as equals and the success is now shared by everyone. Mr. Barber said he has appreciated the willingness by everyone to work together; he will always remain an advocate of TCCOG and will continue to be involved.

Mr. Engman thanked Mr. Barber for the tremendous amount of time and skill he has given to TCCOG.. He said he has participated in other local government collaborations and they were not as inclusive as this body is and believes what has been key to TCCOG's success is that every municipality in the County is invited to attend and participate in meetings.

Report on Cornell Outreach Programs

Mr. Stewart reported on a successful effort that took place last October when CARDI and the Office of Community Relations presented together information on 25 outreach programs and took the information to the Ithaca High School on Superintendent's Conference Day. On that day they were able to make a lot of connections and do great collaboration. He thinks another opportunity exists to pull together information on programs at Cornell and hold a similar event to help local governments become informed about programs that are available. The audience would be municipalites and counties throughout the Region. Mr. Stewart said this event is planned for April 20th from 9 a.m. to noon at the Armory and would like to advertise it as being co-sponsored by TCCOG as a way to attract more people to the event. He also noted this endorsement does not require any financial commitment.

It was MOVED by Ms. Robertson, seconded by Mr. Myrick, and unanimously adopted by voice vote by members present, to endorse this Cornell outreach resource event.

Ms. Sumner announced a deployment ceremony will be held at the Armory on January 29th and encouraged members to show local support for the men before they leave for a year-long deployment to Kuwait in support of Operation Enduring Freedom. She will have information distributed to members.

Report from the Gas Drilling Task Force

Mr. Engman encouraged everyone to read the Community Impact Assessment prepared by Mr. Pearce and Greenplan, Inc., and said a lot of the work done over the last couple of years is contained within the document.

Ms. Thomas reported the Task Force continues reorganizing its work and said there have been new people in attendance, including Planners from Ulysses, the City of Ithaca, and Danby. She reported a series of workshops will be held in 2012 with a target audience being TCCOG members or elected officials from other counties. The first workshop will be held in March and will explain the implications on real estate from gas drilling. The second workshop is targeted for April and will address pipelines and to provide an understanding of who regulates them. She asked for feedback from members on dates to hold this workshop. Future workshop ideas include aquifer protection and emergency management.

Ms. Sumner said it would be helpful to have all municipal meetings contained within a calendar that everyone would have access to when planning these types of events.

Ms. Thomas said there are a number of pieces of legislation that is being put forth that could influence drilling in New York. The Task Force will be working on pulling together information to pass along to municipalities that will enable them to voice their support or objection to particular legislation.

The next Task Force meeting will be February 26th.

Ms. Marino reported on the Amicus Brief and said there has been interest by over thirty towns and has the potential to make a strong statement. She offered to send information to anyone who is interested. The concerned citizens who originally brought the petition to Ulysses are having an event on January 29th to raise awareness and funds Town of Ulysses to do the Brief. Ms. Marino said this is something that can be done to support the belief that strong home rule power should be maintained. Ms.

Sumner thanked Ms. Marino and the Town of Ulysses for these efforts and said it will mean a lot to the appeal. Ms. Robertson expressed interested in learning which towns have expressed interest and will follow-up with Ms. Marino.

Update on Road Protection Law

Mr. Barber said there has been a lot of discussion outside of Tompkins County about road preservation local laws and many municipalities are struggling with this. They have asked that a forum be put together; he will be asking the Task Force to look at working on inviting individuals in such as Lynne Irwin from the Cornell Local Roads Program and attorneys who deal with this to help municipalities work through their local laws or road use agreements. He said he has a commitment from Mike Kenneally from the Association of Towns, to put together a draft road use agreement that will look at transferring risks and liabilities that can be used as a template. He will keep members informed as this moves forward and will be asking for TCCOG's support. He also noted that most attorneys he has spoke with believes the approach the County has taken is the best approach.

Mr. Mareane said the County has passed the road protection law and now has to figure out how it will be implemented. The approach was to accomplish two things: 1) to estimate the potential damage caused by projects at the beginning of the process and to have the developer post a bond in the amount equal to what the expected amount of damage will be; and 2) to calculate the actual damage done to roads after the project is done. He said in order to do this the services of an engineering firm will be needed and spoke of the benefits of finding a common methodology that would cross boundaries. Over the last several months an RFP (Request for Proposals) was developed and released and three responses were received. They believe they have an excellent proposal that can help implement this. Up to this point municipalities that have participated include the Towns of Caroline, Ulysses, Enfield, and Ithaca.

Ms. Marino spoke of the Association of Towns forum in October and said she received a document that was a presentation on a different approach that seems worthwhile to consider and will send this information to Mr. Barber.

Discussion of Legal Defense Fund

Mr. Engman said several people have looked into the potential for raising funds and asked for updates from members.

Ms. Sumner said the Dryden Resources Awareness Coalition has been fundraising; however, she is not associated with the Coalition and did not have information.

Ms. Wisner said prior to the last meeting she had a document from the IRS website distributed that described the different structures of legal defense funds. She reported on contacts she made concerning a fiscal sponsor and said she eventually ended up speaking with an attorney who is a fiscal sponsor in New York State for an organization called Sustainable Markets Foundation. She said this name may be recognized because they are a fiscal sponsor for many anti-fracking programs that are happening in this area.

Ms. Wisner explained a fiscal sponsor does not provide funds; they are set up to house organizations that could be non-profits but would rather not deal with all of the organizational and administrative tasks of managing money and reporting to the IRS. The sponsor charges a fee off donations that are collected through their administrative costs. Ms. Wisner said Sustainable Markets Foundation is the fiscal sponsor for 350.org, Physicians, Scientists, and Engineers for Healthy Energy, and a number of other local organizations. She contacted the attorney also sits on the Board of Directors for the Park Foundation and explained local towns are looking for a place that would hold legal defense

funds. He expressed interest in doing this and said they would charge five percent to cover administrative costs. He did express concern that if one of the other organizations covered were in need of legal services that he would not be able to provide himself because of taking this on that he would want some of the funds raised to help defray his legal costs. She listed questions that would need to be discussed if this were pursued, such as the scope and the administration of the fund.

Mr. Engman said he also looked into this and did find references to national organizations but did not follow-up on those because the thought is it would be better to find a local organization that would be willing to take it on. After going to a number of foundations, including a fiscal sponsor-type of organization. However, after the organization went to their Board and legal staff they decided they did not want to take this on, likely because they had concerns about a need for a mutual defense. The other thing that misled him was that he was told towns could not accept monies if they wanted to give tax deductible letters; however, he has found out that if towns are willing to receive monies it can be deducted similar to the manner other tax deductions are made. He said since that time the Towns of Ulysses and Dryden have been doing a superb job at raising funds and he suggested one possibility is to let that process take place. If there is a need for additional funds other municipalities could raise funds and figure out a way to help with the process.

Ms. Marino agreed with Mr. Engman's comments but noted she has been advised by some tax attorneys that it might be ruled that person donating money to a town for a specific purpose. She agrees there are ways other towns can contribute to a targeted effort.

Mr. Driscoll said he believes a simple approach would be more practical and said it would be difficult for many towns without having more experience. Mr. Engman suggested calling the fund a Legal Defense and Education Fund in order to broaden the potential use of the money; he noted it may never be needed for legal defense and would be difficult to return it to donors. Ms. Sumner suggested all towns should establish a reserve fund that would require opportunities for a permissive referendum.

Ms. Robertson said she appreciates all of the work that has gone into this. She suggested something be put into writing for members to review and discuss. The following agreed to work on this: Ms. Wiser, Ms. Thomas, possibly Mr. Dietrich, and Ms. Sumner will assist through Joe Wilson.

Ms. Sumner asked if a video is available of the Ithaca High School student debate on gas drilling. Mr. Pearce said he will follow-up and see if one is available.

Report on Government Efficiency Grant

Mr. Barber said the Governor and the Department of State are offering an opportunity for local governments to become more efficient through a Local Government Efficiency Grant. He said there may be opportunities to create efficiencies within highway departments through this grant. There is \$4 million available and the filing date is March 21st at 4 p.m. Mr. Barber said there have been efforts to do this in the past, however, they have not been successful. He stressed the sensitivities around this and the importance of entering discussions with no preconceived ideas. He said if there is interest in pursuing this, a meeting needs to be scheduled soon that would include municipal officials and highway superintendents. Mr. Dietrich said anything that is done should include efforts for public outreach and would like to also include fire departments. There was interest in pursuing this as soon as possible due to the approaching deadline. Mr. Mareane noted this is a sensitive issue and agreed with Mr. Barber that there are no preconceived ideas going into this. He said the goal would be to take a look at what might make sense and the most cost-effective way of delivering services. Mr. Barber and Mr. Mareane volunteered to coordinate this. Ms. Pottorff will send out possible meeting dates. Once a date has been set members will extend an invitation to highway superintendents.

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Report from Cable Subcommittee

Mr. Engman reported the Committee met and appointed a subcommittee to begin work on putting together a negotiating team. Rich DiPaolo, Ric Dietrich, and Jason Leifer will be working on this. He also reported 13 municipalities have expressed interest. There are 19,000 Time Warner customers in Tompkins County.

Update on Cell Towers

Ms. Robertson reported a process has been established for TCCOG invoices to be mailed and payment has been issued to Silverberg Zalanis. Mr. Myrick said the new contact at the City for this will be Aaron Lavine, City Attorney.

Next Agenda Items

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

- Outlining possibilities for fundraising for hydrofracking
- Recreation Partnership memberships
- Update on government efficiency grant opportunity for highways
- Coordinated calendar of all municipalities regularly scheduled meetings
- Discussion of changes to Public Meetings Law and how municipalities are handling changes (Mr. Barber agreed to share an attorney's analysis of the changes to all members)

Adjournment

The meeting adjourned at 4:35 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office