

Tompkins County Council of Governments

Regular Meeting Minutes

Thursday, February 24, 2011 3:00 PM

Scott Heyman Conference Room

Approved 4-28-11

Members Present: (12 municipalities)

T/Caroline – D. Barber, D. Frongillo	V/Groton – C. Rankin
T/Danby – R. Dietrich, L. Shawley	C/Ithaca – M. Coles
V/Cayuga Heights – K. Supron	Co./Tompkins – M. Robertson
T/Ulysses – E. Thomas	V/Trumansburg – D. Nottke
T/Newfield – R. Driscoll	T/Ithaca – B. Goodman (arrived at 3:28 p.m.)
V/Lansing – D. Hartill	T/Dryden – M. Sumner

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

Guests: C. Nelson, Emergency Planning Committee; L. Lawyer, Ithaca Journal

County Staff: J. Mareane, M. Lynch, County Administration; K. Lansing, Sheriff, L. Shurtleff, Director of Emergency Response; M. Pottorff, Legislature Office

Call to Order

Mr. Barber called the meeting to order at 3:05 p.m.

Introduction of Ken Lansing, Sheriff

Mr. Lansing displayed maps showing road patrol zones (325, 326, 327, and 328) and reviewed how cars cover areas. He said ideally they like to have a shift include four cars and two Sargeant cars. This doesn't always happen but noted they do not allow a shift to include less than three cars and one Sargeant car. While there are not as many cars on the road as he would like, the new technology that has been installed in the cars makes an officer's job run more efficiently. The call volume is high and it does not take a lot to cause delays. Mr. Lansing said deputies who are assigned to road patrol are performing many duties and are not just answering calls; they are also doing execution of warrants, patrol work, and tending to vehicle and traffic violations. He asked members what they would like to see from the Sheriff's Department and what they perceive needs to be done.

Mr. Barber said the road patrol presence in Caroline has been more sparse due to the call volume in other areas and asked how the assignment of coverage is made. Mr. Lansing said he prefers to have a fair coverage in all zones regardless of call volume and tries to have as many deputies on the road during the 3-11 p.m. shift, which is the highest in call volume. He said the State Police typically has two cars in the County and their primary focus relates to vehicle and traffic laws.

Ms. Robertson asked if State Budget cuts will impact State Police cars on the road. Mr. Lansing said he spoke with Dan Hodack of the State Police and was told they are cutting back already, have not graduated a class in the last two years, and it is likely there will be layoffs if the proposed budget cuts pass.

Ms. Thomas spoke of gas drilling and the impact those activities will have on public safety resources. Mr. Lansing said he and Gwen Wilkinson, District Attorney, will be going to Bradford County to meet with local police there to discuss this.

Ms. Nottke asked about patrols on the Lake. Mr. Lansing said they will try to cover big events as well as holidays and will do so by pulling resources from other areas. He also said he would like to compile a "call list" from both sides of the Lake that contains volunteers in the event someone is stranded on the Lake. He will also be meeting with the Coast Guard to see what resources may be available.

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Ms. Sumner asked if a significant amount of time was spent by deputies attending court appearances. Mr. Lansing said they try to work with the local magistrates but said he has not seen a lot of claims on timecards for court appearances since he took office in January. Mr. Hartill asked how much time is spent on vehicle and traffic enforcement. Mr. Lansing said last month 180 tickets were issued. A significant amount of time is not spent on vehicle and traffic enforcement at this time but he hopes to work more in this area in the coming year.

Changes to the Agenda

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

Approval of Minutes – January 27, 2011

It was MOVED by Ms. Sumner, seconded by Mr. Hartill, to approve the minutes of January 27, 2011 as corrected. A voice vote resulted as follows: Ayes – 11, Noes – 0, Abstentions – 1 (K. Supron).
MINUTES APPROVED.

Mr. Goodman arrived at this time.

Report on State Budget and Property Tax Cap

Ms. Robertson reported the County's lobbying activities to fight the proposed Property Tax Cap. She spoke of the argument to have "carve-outs" that could be set aside from the cap with an example being pension costs. The County Legislature is also looking at supporting an extension surcharge on wealthiest New Yorker's. Mr. Mareane distributed a copy of a graph showing the impact of two of the mandates if the County is held to the Cap. Ms. Robertson said the Governor's Budget contains another \$1 to \$1.3 million in cost shifts to county governments and the State has not yet approved Tompkins County's home rule request to increase the Mortgage Recording Tax (\$900,000). She encouraged members to attend a meeting that will be held on February 25th at the Human Services Building to hear from Amie Hendrix, Director of Youth Services, on proposed cuts to youth services. Ms. Robertson said the State will allow counties to override the tax cap by a 2/3 vote of the legislative body.

Ms. Sumner noted counties are not the only municipality impacted by cuts proposed in the Governor's budget.

Mr. Driscoll suggested each member gather and present information from their municipalities on what cuts are expected beyond cuts from the County and City.

Ms. Coles said the City has seen a 40% increase in pension costs in 2011 and expects the same next year. The City Controller has estimated a potential deficit of \$2.5 to \$3.5 million for the City. The City has also adopted a resolution opposing the tax cap. She said while most in the City understand the importance of taxing the wealthy, there is a need for more public education about the severity of the budget situation. Ms. Robertson said one of the topics at an upcoming Legislature retreat is how to get information out to the public. Mr. Barber encouraged having a public forum and inviting all State representatives.

At this time there was discussion of how to override a property tax cap. Mr. Barber said he was told a public referendum is required by local fire districts, school districts, and municipalities. *Mr. Mareane said he has not been informed a mandatory referendum would be required and would like to look into the requirements further and will report back.*

Mr. Driscoll said there was mention of a two-year time sequence that begins with a tax cap that doesn't address mandate relief. He said it would be interesting to understand where this is coming from and why mandate relief isn't happening first.

County Comprehensive Plan

Mr. Barber said the County has an implementation plan for the five-year Comprehensive Plan and one of the things TCCOG has taken responsibility for in the past was maintaining an inventory and location of capacity of existing water and sewer facilities. Ed Marx, Commissioner of Planning, is asking that TCCOG continue to be the lead agency on this. *Members asked for additional information and discussion. Mr. Marx will be invited to attend the next meeting.*

Presentation on Emergency Preparedness

Mr. Shurtleff updated members on the County's Comprehensive Plan and outreach efforts to municipalities. There has been a lot of discussion on the issue of hydrofracking and the County's preparedness. Those conversations have evolved into a broader discussion of what the preparedness is of all local municipalities. Mr. Shurtleff said working with municipalities is within the County's operations of approaching things from an all-hazards standpoint. In doing spotchecks and having discussions with various municipalities they have found a patchwork of levels of preparedness that exists within the County. There has also been leadership changes within municipalities that has resulted in different levels of familiarity with emergency preparedness planning.

Mr. Shurtleff said the Department of Emergency Response would like to establish what would be a continuing program over the years where they would go out and provide assistance to local governments to help assess each community's emergency plan. They would make suggestions for revisions and see if there are ways to coordinate and merge plans. In the end he hopes they would be able to renew them and keep them up-to-date. To assist with this, the Department has developed an Emergency Planning Toolkit for municipalities and has recently given it a test run in the Village of Cayuga Heights and the Town of Danby. The Toolkit provides several different things to use as a guide for local governments.

Ms. Harrington, Deputy Director of Emergency Response, would visit municipalities to assess what level of emergency planning a municipality is at and could offer use of templates that have been created to use in areas where plans do not exist. Mr. Shurtleff said municipalities are expected to comply with certain levels of preparedness that are set by national standards to be eligible for many grant funds. Mr. Shurtleff said the County is preparing to embark on a review and update to the All Hazards Mitigation Plan of which many municipalities are partners. This will also be an opportunity for those who have not previously been a part of the plan to join. He said it is his hope that all municipalities have a group of key people that can get together, go through the essential elements of an emergency plan, and give a thoughtful process of how to operate in the event of an emergency. The more standardized municipal plans are and the more they integrate with County and State plans the better functioning everyone will be.

Mr. Shurtleff announced Cheryl Nelson will continue to Chair of the County's Emergency Planning Committee and will be working with staff in the coming year. Staff will be contacting all municipalities to alert them the Toolkit is available and will extend an invitation to assist with the planning process. Prior to the visit, the Department will send a self-assessment form to municipalities. *Ms. Sumner asked that the information be made available online.*

Mr. Dietrich encouraged all municipalities to contact the Department of Emergency Response and begin this process. He asked if any progress has been made on training for first responders with regard to gas drilling activities. Mr. Shurtleff said they are looking into holding an event in the Spring

that would identify local concerns. Also, the State Office of Fire Prevention and Control has committed to building a curriculum around this and he hopes to roll it out in the next year.

Mr. Driscoll said one thing he heard about emergency planning on his visit to Bradford County was that the gas companies keep to themselves about hazard repair and mitigation. Mr. Dietrich said he envisions in the future that during the permitting process for the roads there will need to be a face-to-face with the on-site project manager of gas drilling companies.

Mr. Driscoll asked if the Toolkit could be provided to municipalities. Mr. Mareane said although it can be sent directly to municipalities he stressed that part of the County's goal in this process is to be "hands-on" and work with municipalities. Mr. Shurtleff said they would send the self-assessment piece out ahead of time to get municipalities thinking about where they are in the planning process.

Energy Conservation for Local Governments

Mr. Frongillo said a couple of years ago Cooperative Extension conducted a survey of municipalities asking from a local government perspective what are the issues, what are they doing in operations that relates to energy efficiency, what are the biggest expenses, what are the barriers to doing work, and what help is needed.

He summarized the results of that survey:

- Biggest energy use: fuel trucks, street lights, pumping stations, wastewater treatment, town hall, public works barns, heating and electric.
- Things municipalities had already done at that time: reducing basic energy, conservation, renewable energy, upgrading wastewater treatment plants.
- Barriers that were identified: lack of time and staff, lack of knowledge of what projects could be done, lack of understanding what funding mechanism exist, lack of someone to do the work and move it forward, specific doable actions, calculating paybacks, grant opportunities, and applying for funding.

Mr. Frongillo said through NYSERDA RFP 10 there was an opportunity to apply on behalf of multiple towns for energy upgrades and a coalition of six towns (Dryden, Lansing, Ulysses, Enfield, Newfield, and Danby) went together and applied for energy manager positions and are in the process of hiring. Also, that position will push forward and arrange items across municipalities about how energy conservation can be achieved. On the community side, he reported on the "Lighthen up Tompkins" event that recently took place in which energy efficient light bulbs were distributed to 5,000 homes across the County. Over the course of the life of the bulbs 3 million pounds of CO₂ was saved which equates to a savings of \$278,000. On the community side they are looking at a more comprehensive systematic approach to energy conservation in the County and there are three components that are needed: demand, including people who understand and support upgrades, financing, and a workforce that is qualified and trained.

Mr. Frongillo updated members on what is going on in the County in these three areas.

Market and Demand: A campaign is being pulled together through the Climate Protection Initiative. This multi-sector coalition group (TC3, Cornell, Ithaca College, Cayuga Medical Center, local school districts and local governments) is looking at how to have the broadest campaign to engage organizations, businesses, and residents to conserve energy.

The County had done some work at looking at what it would take to energize local upgrades within the County and concluded that a local loan fund of \$5 million would be enough to start this. A

small working group made up of financial institutions in the County is in the early stages of talking about putting \$1 million in a locally controlled loan fund that people would be able to apply to for upgrades within the County.

Sharon Anderson said as they continue to look at ways they can assist people in moving forward to overcome barriers they found an opportunity to work with the New York State Power Authority (NYPA). This organization has two relevant programs – one that relates to getting municipalities and schools solar voltaic systems and an energy efficiency program. Under the latter program municipalities that pay towards the service benefits charge (all municipalities except Groton) would be eligible. The Power Authority does all the paperwork (legal, permitting, bidding process and RFP) of getting funds through NYSERDA to do energy efficiency projects as well as overseeing the project. They look at projects that have a payback of three to five years and the way it gets paid for is through the cost savings. They are also willing, because some municipalities have already done energy audits, to start looking at what has already been done with a list of what would be doable potential projects.

Ms. Anderson said they are looking at bringing someone from NYPA to Tompkins County to explain how these projects work and suggested before or after a TCCOG meeting. They are also looking at holding a regional summit.

Mr. Driscoll asked how this would differ from the six-town energy assessment piece Ms. Anderson referred to earlier. Ms. Anderson said the energy assessments are a first step in having an analysis of where the energy is being used but doesn't get any of the projects done. Towns could apply on their own to NYSERDA and move forward. This is another mechanism that would do all that work with costs get bundled together with the savings used to pay that off. Mr. Driscoll said he switched to MEGA and four months later NYSEG, through Green Solutions, came in and saved the Newfield Fire Hall a significant amount of money. *Ms. Sumner said MEGA (Municipal Electric and Gas Alliance) has a similar company that will do this and she will provide information to Mr. Driscoll.*

Members agreed it would be a good idea to pursue Ms. Anderson's suggestion to invite a NYPA representative to meet with TCCOG members prior to or after a meeting. Ms. Anderson will let members know when a date is set.

Report on Cell Towers

Ms. Robertson said a meeting was held with the attorney for Silverberg and Zalentis. The attorney was asked if there is a legal basis to collaborate on cell tower siting, and said although no one has done that before he thought it was a worthwhile idea. *A list of tall structures that was compiled by Mr. Shurtleff, will be sent to Ms. Pottorff for distribution and review by all members.* Ms. Robertson asked that members provide any updates to Mr. Shurtleff. The attorney will come back with more documentation, including legal research, and a template for an ordinance.

Ms. Sumner said she spoke with a representative of the wireless association at the Conference in New York and he was very interested in the idea of a regional collaboration.

Update from Gas Drilling Task Force

Ms. Thomas said Darby Kiley attended one of the regional task force meetings and reported back that the Chief Counsel for the Association of Towns has agreed to hold a training session for municipalities on gas drilling in May. The Community Science Institute, headed by Steve Penningroth, held its annual meeting for volunteers. A number of people spoke on chemical signatures of both well and surface water and he has come up with a template for what people should be testing for. A brochure was distributed with detailed information about the various tests that would show if water has been

contaminated after drilling. Bill Kappel spoke about methods to collect drinking water samples that will stand up in court, and also the effectiveness of water treatment facilities for treating produced fracking water. Ms. Thomas said treatment facilities are not effective for treating frack water. Karen Edelstein has been working on entering data into the fracktracker program but has been having some problems obtaining certain data from the DEC (Department of Environmental Conservation) because the data has not been entered electronically. She has, however, been invited to go to Albany and search through their files. Ms. Thomas said this is another reason to send a message to State representatives that the DEC is not ready for this.

Ms. Thomas reported Helen Slottje was at the last Task Force meeting and reported she and David Slottje have come up with language that would allow municipalities to enforce zoning if they do not already have a heavy industrial zone. The ordinance says there wouldn't be high impact industrial industry allowed if there isn't that kind of zoning allowed within a municipality. They worked with the City of Buffalo attorneys on similar ordinances and Ms. Thomas said the City of Buffalo has not permitted any drilling to happen within the City's boundaries. If anyone would like further information they should contact Mr. or Mrs. Slottje.

Ms. Thomas said the Task Force discussed inviting speakers in and asked whether members would like to have any speakers attend a TCCOG meeting. Suggested speakers were Susan Christopherson, Steve Penningroth from the Community Science Institute and/or Bill Kappel from USGS, and Meghan Jacquet, a Planner for Southern Tier Central Planning and Development Board. Members asked that a speaker be invited prior to a TCCOG meeting; Ms. Robertson said she would like to hear from Susan Christopherson.

Mr. Barber announced a meeting will take place to discuss road preservation laws on February 28th at 2 p.m. and encouraged each municipality to send a representative to participate in the discussion.

Discussion of Leadership Plan for 2011

At the last meeting members elected Mr. Barber and Mr. Engman as Co-Chairs for 2011. Mr. Barber said he and Mr. Engman will alternate facilitating meetings and Mr. Driscoll will coordinate with subcommittees and organizing their presentations. Mr. Barber said the plan is for Mr. Driscoll to become a Co-Chair next year and the next Vice Chair will follow in Mr. Driscoll's role.

Mr. Barber said another discussion topic at the Association of Towns meeting was additional ways municipalities can save money. He distributed a document about a program entitled "One Size Does Not Fit All", a program being run in Chemung County that is saving over \$15 million collectively by coordinating highway activities. He asked if municipalities would be willing to engage in a research process to determine what the savings could be in Tompkins County. With regard to saving money he received a phone call from TC3Biz about a Lean Office for Tompkins County program. They are looking to apply for a government efficiency grant that would provide a consultant to work with Tompkins County. TC3Biz has asked TCCOG to support this; if successful with the grant they would come back and discuss the programs they would like to work on. He also said this grant would be for both Tompkins and Cortland counties.

Mr. Mareane said the County is in the process of its fourth project through this program that is referred to as "Smart Work" projects. The goal is to look at processes and see if they can be streamlined to become more efficient. In doing the first three the County has found that not only has the consultant helped with streamlining process but the County has seen improved customer service and is also seeing benefits at the staff level.

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Motion to Support TC3Biz Grant Application

It was MOVED by Mr. Driscoll, seconded by Ms. Sumner, and unanimously adopted by voice vote, to support TC3Biz's government efficiency grant application.

Report from the Health Insurance Consortium

Mr. Barber reported the Consortium Board of Directors will meet this evening at 5:30 p.m.

Next Agenda Items

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

County's five-year Comprehensive Plan

Mr. Driscoll said he would like to have a discussion on the aspects of EMS that pertain to gas drilling that are being considered as topics; what has been to date and what this body would like to accomplish in 2011.

Adjournment

The meeting adjourned at 4:45 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office