

**Tompkins County Council of Governments**

Regular Meeting Minutes – APPROVED

**Thursday, March 22, 2012 3:00 PM**

Scott Heyman Conference Room

**Attendance**

Members Present: (10 municipalities)

T/Caroline – I Weiser

T/Danby – L. Shawley

T/Newfield – R. Driscoll

T/Ulysses – R. Marino, E.Thomas

V/Trumansburg – D. Nottke

C/Ithaca – S. Myrick, J.R. Clairborne

Co./Tompkins – M. Robertson

T/Ithaca – H. Engman

T/Dryden – M. Sumner

V/Cayuga Heights – K. Supron

Municipalities Not in Attendance: (7municipalities) V/Dryden, V/Freeville, V/Lansing, T/Groton, T/Lansing, V/Groton, T/Enfield

County Staff: J. Mareane, M. Lynch, P. Younger, County Administration

Guests: D. Barber, Town of Caroline Supervisor; J. Leifer, Town of Dryden and member of the Cable Committee; J. Leifer, Town of Dryden; D. Walker, LaBella Associates; L. DiPietro, Fingerlakes Community News; M. Pottorff, Legislature Office

**Call to Order**

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

**Review of Agenda**

There were no changes made to the agenda.

**Minutes Approval**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Martha Robertson, Member
<b>SECONDER:</b>	Laura Shawley, Member - Alternate
<b>AYES:</b>	Driscoll, Engman, Marino, Weiser, Myrick, Nottke, Sumner, Shawley, Robertson, Supron

**Update on Shared Services Feasibility Study Grant Request**

Mr. Mareane said at the last meeting a report was given on an opportunity to apply for this year's State Shared Services Grant. As a follow-up to that discussion, a meeting was held with municipal officials and highway department representatives and the County proceeded to move forward with writing a grant application. He said a very well-written grant was produced, however, due to the tight timeline there was not enough time to allow drafts to be circulated, input to be gathered, clarifications, and assurances to be given. He believes these are the reasons that led to a letter being received from highway superintendents stating the group's opposition to moving forward. He and Mr. Barber spoke following the receipt of the letter and decided to pull back and spend time working with highway superintendents in preparation to submit a request in the next grant cycle. He also noted there was a very good buy-in by municipalities and expressed appreciation to the many municipalities that were able to get a resolution supporting this on an agenda in such a short time frame. Municipalities may want to include this on their agendas in November. Mr. Mareane will continue to report back on this item.

**Update on Road Preservation Law**

Mr. Mareane said implementation and enforcement of the Road Preservation Law requires skills that go beyond what the County can do in-house. An engineering firm is needed to do two complex calculations: 1) at the beginning of the project there needs to be an understanding of what the potential damage might be from what is being proposed in the project; and 2) when the project is complete, to calculate actual damage done to the roads. In addition, the County does not have a permit process that fits into what is proposed for road preservation. Last summer there was also discussion of having consistent methodology to assess impact and damage. For the reasons stated above Mr. Mareane said last summer several towns (including highway employees) participated in meetings to draft a Request for Proposals (RFP). The selection committee for the consultant included representation from the Towns of Ithaca, Enfield, Caroline, and Ulysses. Three engineering firms responded to the RFP and were interviewed and the Search Committee unanimously selected LaBella Associates. The County has authorized a contract with LaBella Associates and the contract is currently being written. The County has also accepted a value-added element of their proposal to help design the permit process.

Mr. Mareane said if municipalities adopt a road preservation law and would like assistance estimating damage from projects, the template now exists. The cost of the assessment is project based; therefore, the cost of estimating and calculating damage happens in conjunction with a specific project. The cost of that is supported by the fees that will be imposed on the people that draw that permit and do that damage so there is no local cost. He introduced Dan Walker, Project Engineer on the project. Mr. Mareane distributed a one-page memorandum explaining the process behind the engineering contract.

At the request of Ms. Marino, Mr. Mareane will provide specific information on implementation for the towns, as well as what it would mean for a municipality to participate and whether there is a contract relationship between municipalities and the County or LaBella Associates. Mr. Mareane said that although the methodology is the same, towns would not have to adopt the same thresholds and noted that what the outcome will be is when trucks cross boundaries the way all municipalities estimate damage would be the same.

Mr. Driscoll said the Delta model is going to be similar to the LaBella Associates model and thinks this will be important because there are some municipalities (Towns of Danby, Dryden, and Newfield) that are already launched and this would enable those towns to interface with the County. He also spoke of road use agreements versus road use laws and what do these mean in terms of enforceability issues across boundaries. Lastly, he asked whether the permitting process could be centralized. He said the permitting process and enforceability could turn into an overwhelming situation for towns.

Mr. Mareane said there may be a possibility to outsource some of the permitting and will be speaking about this further with LaBella Associates. He also said the County will need to know when projects arise in all of the municipalities so that they know when to initiate the permitting process. Mr. Stein said after listening to the discussion he believes there are good reasons to have the permitting process centralized.

Mr. Walker stressed the County's Road Preservation Law is not limited to drilling, it applies to any heavy industrial use traffic. He also noted the County does not have land use authority, therefore, cannot approve any projects that impacts the roads.

Mr. Clairborne asked how the permitting system would work with neighboring municipalities or the City if trucks are crossing through. Mr. Mareane said if there were thresholds on use that required a permit, that permit would have to respect boundaries. One of the goals behind this is that towns develop road use approaches or laws, they do whatever they need to do locally that reflects their circumstances. They need to understand what haul routes exist, what roads are crossed, what the thresholds are in each of

those places, and that damage is estimated in the same way. Mr. Engman noted that each municipality needs a road use law in order to authorize permitting. The permitting is what establishes the haul routes. Ms. Marino agreed with Mr. Stein's earlier statement and suggested there also be a centralized location (possibly through a Geographic Information System) to maintain all of the haul routes. Ms. Robertson said if a municipality does not have a road use law there is no mechanism to bring people together voluntarily to develop a road use agreement.

Ms. Shawley reported the Town of Danby has already adopted a road use law and it points to the road use agreement. As soon as a haul route is established the Town will be in contact with every neighboring municipality to let them know what is happening. She said the Town uses Delta but asked if they could be involved in what other towns are doing to ensure everyone is working well together.

### **Update from Gas Drilling Task Force**

Ms. Thomas distributed copies of a press release concerning a presentation taking place this evening on "Taxes and Drilling: Revenue Potential for Municipal Government" at 5 p.m. at the Public Library. She asked that anyone with ideas for presentations to municipal leaders to let her know. She said the Task Force is a small but hard working group of people that has been discussing pipelines and has received an offer from Deb Goldberg to speak on this; other suggested speakers include Susan Christopherson, Steve Penningroth, and Bill Kappel. She said they will be reaching out to municipalities outside of Tompkins County because these issues are not limited to Tompkins County.

The following comments were made with respect to ideas for future presentations:

- Mr. Engman said he would like to see the pipeline issue discussed;
- Ms. Sumner would like to hear further information about air quality;
- Mr. Driscoll raised the issue of enforcement and the capability and capacity to enforce. He said there was a notion that because every County has a Health Department that it might be useful to start within a County Health Department and build around that existing asset rather than invent one for each municipality;
- Mr. Clairborne said he would be interested in hearing more about the economics of gas drilling;
- Ms. Robertson raised the issue of State legislation; Ms. Thomas said she will follow up with the individuals on the Task Force who were looking into this. Ms. Sumner suggested contacting Jordan Lessor in Assemblywoman Lifton's Office;
- Ms. Robertson said the five-year mark has come up and it appears a lot of leases are beginning to lapse. It was suggested that someone from Fleas talk about this at a presentation targeted towards the public to provide information on what legal steps need to be taken to make sure this is recorded;
- Ms. Nottke said she would be interested in hearing from Bradford County about what it is like living in a community where drilling has been taking place for a while now. Mr. Driscoll said the previous trip certainly provided insight and agreed it may be a good idea to plan a second trip to that area.

Ms. Weiser said the topics suggested fall into two categories:

- 1) Educating municipalities that need more detailed information within specific areas; and
- 2) Community education

Ms. Thomas said leadership of TCCOG and the Task Force will be working on developing a systematic way to develop press releases.

Update on Brine

Ms. Thomas said Krys Cail has been in touch with a Cortland County Legislator about the brine issue. She will try to have information ready for the meeting.

Update on Fundraising

Ms. Weiser reported conversations are continuing on the subject of developing an independent stand-alone depository legal defense fund. She said the group working on this has decided that regardless of whether there are appeals in the Dryden or Middlefield cases it still makes sense to have a legal defense fund. She will provide updates when there is information to report.

**Update from Cable Committee**

Mr. Engman reported an informal group has been meeting to discuss whether there might be a potential for a Consortium to jointly negotiate with Time Warner on new contracts. A speaker came to the last meeting who has had experience; he does audits of current contracts to see whether municipalities are collecting the franchise fees they had been promised. Each municipality would have to contract separately if they would like this service; however, Mr. Engman noted that this person does not collect any money unless he collects something from past bills.

The group also decided it is time to find out how many municipalities really want to engage in this in the future. Jason Leifer authorized a proposed resolution for each municipality that would like to continue with this effort. There were about 13 municipalities that originally signed up, however, there have been only about six municipalities represented at meetings. The resolution is only an expression of interest in this effort; municipalities would have to take action to move forward with jointly negotiating any proposal. Municipalities may receive more attention from Time Warner if this effort was approached jointly. A draft resolution will be circulated to all TCCOG members. Ms. Sumner will ask Mr. Leifer to share a letter she received from Time Warner about their internal reorganization.

Mr. Driscoll suggested that the resolution articulate the reasons for this joint effort. Mr. Engman said the main items are: not everyone is getting the maximum franchise fee; standardizing language for Time Warner Cable in calculating the franchise fees to be paid; and trying to convince Time Warner to extend service to rural areas. Mr. Myrick said the City is continuing to talk to Time Warner Cable about public access (Pegasys) and maintaining good public access, a quality studio, and a Studio Coordinator.

Mr. Engman distributed copies of the resolution and asked members to provide feedback prior to distribution. Ms. Thomas also asked that the list of reasons provided earlier also be distributed along with the resolution.

### **Update on Cell Towers**

Ms. Robertson said work is beginning to proceed on this again. She said there are funds to proceed to the next stage but would like to make sure there is agreement on what the next stage is and asked members from participating municipalities to stay after this meeting for a brief meeting. There are 7 municipalities currently involved: Towns of Danby, Dryden, Enfield, Ithaca, Ulysses, City of Ithaca and Tompkins County. Any municipality that is interested in joining is invited to stay after the meeting as well.

### **Next Meeting Agenda Items**

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

Retirement system primer  
Southern Tier East Regional Council Funding opportunities  
TCAD Financing Presentation

### **Announcements**

The following events were announced:

- Bob Freeman, New York State Committee on Open Government - April 11 at 5 p.m. at the Public Library
- Emergency Response Training for Elected and Other Officials - April 21 and May 12 at the Department of Emergency Response - 9 a.m. - Noon
- Developing Road Preservation Local Law and Road Use Agreements - May 8th at 7:45 a.m.; New York State Grange in Cortland

### **Adjournment**

The meeting adjourned at 4:16 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office