

Minutes
Tompkins County Council of Governments
Thursday, October 27, 2011
Scott Heyman Conference Room

Approved 11-17-2011

Members Present: (10 municipalities)

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| T/Ithaca – H. Engman | T/Danby – R. Dietrich, L. Shawley |
| T/Ulysses – E. Thomas | Co./Tompkins – M. Robertson, Carol Chock |
| T/Enfield – R. Barriere | C/Ithaca – C. Peterson (arrived at 3:50 p.m.) |
| V/Cayuga Heights – K. Supron | V/Groton – B. Conger |
| T/Lansing – K. Miller | T/Caroline – D. Barber |

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

County Staff: J. Mareane, M. Lynch, County Administration; K. Borgella, Tompkins County Planning Department; P. Pryor, Tompkins County Legislator
Guests: A. Pearce, Gas Drilling Task Force; L. Lawyer, Ithaca Journal

Call to Order

Mr. Engman called the meeting to order at 3:07 p.m.

Changes to the Agenda

The discussion item with Kevin McCabe from the Governor’s Office was withdrawn as he was unable to attend. Mr. Engman said the 2012 work plan will be discussed at the next meeting and asked members to come with ideas of what they would like to concentrate on in 2012.

Approval of Minutes

It was MOVED by Mr. Barber, seconded by Mr. Dietrich, and unanimously adopted by voice vote, to approve the minutes of September 22, 2011 as submitted. MINUTES APPROVED.

Announcement of Available Consulting Services

Ms. Borgella said County Planning Directors have been notified that NYSERDA (New York State Energy Research Development Authority) has contracted with a consultant to provide free consulting services for the new 2012 energy codes, green building codes, and advanced energy codes. They will be meeting individually with municipalities to provide municipal-specific opportunities. She said the Towns of Lansing, Caroline, Ithaca and Dryden, and the City of Ithaca have already made contact with the consultant and are ready to move forward. Ms. Borgella distributed information and asked that any interested municipality contact her; she will also follow-up with municipal representatives who were not in attendance.

Presentation by Broadband Committee

Ms. Pryor said the last time she reported to TCCOG she spoke of a grant application that had been submitted in the amount of \$8,000 to the Community Foundation. The purpose of the grant is a ascertain the needs of end-users. These grant funds would help to provide some quantifiable data to what they already have for the purposes of being able to submit that data for future grant applications.

If the grant is received a phone survey will be done by professional survey administrators from Cornell to find out from users how they envision themselves using high-speed access. Ms. Pryor said the Broadband Committee has been able to identify the places within the County that currently are not served.

Ms. Pryor reported they have established a committee that is working on public education, awareness, and outreach. Once recommendations are developed they will be calling together, through public libraries and schools, groups of people to talk about broadband access and educate the community on what their options are once they have access to it.

Members have been asked if they are able to continue serving on the Broadband Committee since the time commitment has extended far beyond what was originally expected. Only one member has stated they cannot continue due to the time commitment.

Ms. Pryor said they have set a goal of mid-December to bring recommendations to the Legislature on broadband access. She distributed a draft Executive Summary of those recommendations.

Ms. Robertson reported she spoke on the Capital Pressroom this morning and said broadband access is on the infrastructure projects of the Economic Development Council.

Ms. Pryor said another item the Broadband Committee has been discussing is possible governance structures moving forward and what configuration they may want to use to apply for funding and to carry out the actual deployment in a collaborative way among municipalities. Suggestions included, the formation of a non-profit organization, a public-private partnership, and the creation of a public authority. She has also talked with Hank Dullea to learn about the establishment of TCAT.

Ms. Pryor spoke of funding and said property owners are not going to be able to fund this themselves; there will have to be some municipal commitment to bring broadband access to rural areas. The Committee would like to work closely with TCCOG and welcomes comments and suggestions.

Ms. Pryor said the Committee is recommending fixed wireless and believes it would be the most cost-effective option for meeting current requirements. She said if the Governor's Regional Economic Development Council is able to obtain funding for fiber that could change this recommendation. Ms. Chock asked what fixed wireless would look like. Mr. Pearce explained fixed wireless is much better than dialup but much slower than services such as Time Warner's broadband. He explained that fixed wireless transmits signals through various transceiver equipment. The service could be placed on existing tall structures, but would need a clear point of sight.

Report from the Gas Drilling Task Force

Ms. Thomas reported the following:

- The contract with Greenplan for the Land Use Analysis has been signed and work has begun. Mr. Pearce is hopeful to have some information in early November.

Ms. Peterson arrived at 3:50 p.m.

- The Task Force has spent time working on the sGEIS and regulations. The comment period ends on December 12th. There is a google document that has been created to house documents for municipalities to use. The October 20 Task Force minutes contains a list of resources. She stressed the importance for municipalities to send comments to

Governor Cuomo, Department of Environmental Conservation Commissioner Martens, and other New York State Legislative leaders. *Ms. Thomas was asked to send comments from the Town of Ulysses to Ms. Pottorff so it can be shared with others.*

Ms. Robertson said there is good information and resources available on the tcgasm.com and shaleshockmedia.org websites. She will have links distributed to all members. Ms. Robertson also acknowledged this document is better than the last one. Ms. Robertson said she has heard New York State's regulations are much tougher in other states. She said she would like information on regulations that exist in other states. She also said the consultant that did the environmental socio-economic analysis testified that they were never asked to quantify the cost. *Ms. Thomas asked Ms. Robertson to provide her with this information.*

Ms. Chock noted that although depth is important, they are counting the number of comments they received.

The next meeting of the Gas Drilling Task Force will be November 10th. Ms. Thomas and Ms. Kiley will be going through the comments to glean comments for municipalities to use but are limited in time. She extended an invitation to others to help with this. Ms. Thomas will try to submit comments from the Task Force on the sGEIS for the next TCCOG agenda.

Ms. Thomas reported the public hearing has been confirmed for December 1st at the State Theater. They are expecting approximately 80 speakers who will be given three minutes each.

Resolution No. 004-2011 - Resolution to Appropriate Funds from TCCOG Reserve Fund for a Public Hearing on the Revised Draft Supplemental Generic Environmental Impact Statement

Moved by Ms. Thomas, seconded by Mr. Dietrich. Ms. Thomas said negotiations are continuing with the State Theater on a price for use of the facility. There are outside donations being collected to assist in covering expenses. This resolution will be circulated to all municipalities. Ms. Thomas will circulate the resolution the Town of Ulysses has adopted to donate \$300 to this hearing. She encouraged others to do the same.

A voice vote resulted as follows: Ayes – 10, Noes – 0. RESOLUTION ADOPTED.

WHEREAS the New York State Department of Environmental Conservation revised the draft supplemental Generic Environmental Impact Statement (sGEIS) for well permit issuance for horizontal drilling and high-volume hydraulic fracturing in the Marcellus Shale and other low-permeability gas reservoirs and released the new version in total in September 2011,

WHEREAS municipalities and organizers within Tompkins County hosted an additional public hearing beyond those hosted by the DEC in 2009 contributing to nearly 13,000 comments submitted in response to the 2009 draft, and

WHEREAS the new public comment period will end on December 12, 2011 giving residents, municipalities and organizations within Tompkins County a compressed period of time to submit comments, and

WHEREAS no public hearings are scheduled by the DEC to be in or near Tompkins County making it more difficult for residents to air their thoughts or concerns about the 2011 sGEIS (supplemental Generic Environmental Impact Statement), and

WHEREAS hosting a public hearing locally requires funding to cover rental of space, equipment and a stenographer, none of which will be covered by the DEC, and

WHEREAS the public hearings organize by the DEC will likely be held in November, now therefore be it

RESOLVED, That the Tompkins County Council of Governments will contribute \$1,000 of funding to cover expenses of hosting a public hearing addressing the revised supplemental sGEIS.

Motion No. 005-2011 – Establish Date for Public Hearing on the Revised Draft Supplemental Generic Environmental Impact Statement

Moved by Ms. Thomas, seconded by Mr. Barber, and unanimously adopted by voice vote by members present, to set December 1, 2011 as the date for the public hearing on the revised draft Supplemental Generic Environmental Impact Statement.

There was a brief discussion of the format for this hearing and whether TCCOG members would be speaking first. It was decided speakers would be on a first come, first served basis.

Ms. Thomas distributed the following mission and vision statement for the public hearing:

Mission: to provide a local venue for a public hearing to allow citizens to voice their opinions about the Department of Environmental Conservation's 2011 revised supplemental Generic Environmental Impact Statement (sGEIS) as it pertains to high volume hydraulic fracturing for natural gas in the Marcellus and Utica shales.

Vision: The Tompkins County Council of Governments supports open and transparent government processes and as such is sponsoring a local public hearing for citizens to respond to the 2011 revised sGEIS. While the DEC has scheduled public hearings in other parts of the State there are none within the Finger Lakes Region. To facilitate participation in the commenting process, TCCOG is sponsoring an additional public hearing for citizens within Tompkins County, the Finger Lakes Region, and beyond to make comments on the sGEIS.

Ms. Thomas continued her report:

- Ms. Kiley and Mr. Pearce have given the mapping presentation to all municipalities with good attendance. Between 500-600 people have heard the presentation; it will be presented to the Tompkins County Legislature on November 1st.
- The *Tools* document is being wrapped up and will be housed in the County Planning Department's website with a link from TCCOG.
- The Task Force has worked extremely hard for the last two years with progress made in the areas of mapping, road protection, emergency management, land use regulation, air quality, land values, taxation issues, toolkits, and more. There was discussion of reorganization of the Task Force with consideration being given to collapsing some of the work groups into a couple of focus areas.
- Ms. Thomas will be stepping down as Chair in January although she will remain a member. She asked that there be discussion at the next meeting of the need for support.

Members extended their appreciation to Ms. Thomas for all of her hard work. Ms. Chock said she sees a very big need for this work to continue.

Mr. Barber announced IOGA (Independent Oil and Gas Association) will be sending someone to

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Ithaca on November 17th. The purpose of the meeting is to develop an honest and open dialogue. The meeting will take place from 10 a.m. to 11:30 a.m. in Common Council Chambers. He distributed a list of questions that will be asked at that meeting and asked members to let him know if they are interested in attending. The public may attend a listen but the dialogue will be between IOGA and TCCOG. Ms. Robertson said a DEC official is expected to be in attendance to observe.

Ms. Chock spoke of the length of the URL for the Assessment and Land Values work group webpage and asked if she could come up with a shorter name from a different domain that would link to the site. There was no objection.

Mr. Barber reported the DEC Commissioner is slowing down the permitting process because the DEC hasn't figured out the cost and fee structure. He has written a letter to NYSAC (New York State Association of Counties), NYCOM (New York State Commissioner of Mayors), and the Association of Towns asking them to take the lead on this to provide local costs. He will provide Ms. Robertson with a copy of the letter he sent to NYSAC.

Next Agenda Items

The following items were suggested as topics for the November meeting:

- Gas Drilling Task Force organization
- 2012 TCCOG Work Plan
- Replenishing Reserve Fund
- Cell Tower Project
- Responses to questions sent to Kevin McCabe

Update on Road Preservation

Mr. Mareane provided an update on possible benefits of a having a consistent approach to estimating potential damage to roads and then calculating actual damage to those roads. He reported the RFP (Request for Proposals) to secure engineering services has been released; if anyone would like to be kept posted on the status or be involved in reviewing proposals they should let him know.

Adjournment

The meeting adjourned at 4:27 pm.

Respectfully submitted by Michelle Pottorff, TC Legislature Office