

APPROVED

**Tompkins County Council of Governments
February 26, 2009
Courthouse Conference Room**

Members Present: T/Ithaca – H. Engman
V/Cayuga Heights – J. Gilmore
V/Lansing – D. Hartill
T/Ulysses – D. Austic
T/Dryden - M. Sumner
T/Caroline – D. Barber
V/Trumansburg – D. Nottke
Tompkins County - M. Robertson
T/Danby – R. Dietrich
C/Ithaca – C. Peterson
T/Lansing – B. Shattuck

Guests: S. Locey, Locey and Cahill, LLC; D. Sanders, SMSI Project Manager; M. Lynch, P. Younger, J. Kippola, County Administration; L. Shawley, Town of Danby; M. Koplinka-Loehr, County Legislature; P. Dougherty, Town of Enfield Deputy Clerk; E. Swayze, Human Services Coalition; E. Marx, Planning Department; V/Cayuga Heights – J. Silber; D. Lamb, Congressman Hinchey’s Office

Municipalities Not in Attendance: T/Newfield, T/Enfield, V/Dryden, V/Freeville, V/Groton, T/Groton

Call to Order

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

Approval of Minutes of January 22, 2009

It was MOVED by Ms. Sumner (T/Dryden), seconded by Mr. Austic (T/Ulysses), and unanimously adopted by voice vote by members present, to approve the minutes of January 22, 2009 as corrected. MINUTES APPROVED.

Approval of Minutes of February 2, 2009

It was MOVED by Mr. Dietrich (T/Danby), seconded by Ms. Sumner (T/Dryden), and unanimously adopted by voice vote by members present, to approve the minutes of February 2, 2009 as corrected. MINUTES APPROVED.

Comment by V/Cayuga Heights Representative

Mr. Gilmore apologized for having not been in attendance at recent TCCOG meetings. Mr. Barber recommended that the Village of Cayuga Heights appoint an alternate to attend meetings if Mr. Gilmore is unable; the option of voting by proxy is also available. Mr. Dietrich spoke of the importance of continuity in attendance because a lot of information and discussion is continued from one meeting to the next.

Appointment to Emergency Planning Committee

Mr. Austic said at the November, 2008 meeting Dan Walker was in attendance and provided an update on an advisory board dealing with hazard mitigation that he attends on behalf of TCCOG. There were not enough members at the November meeting to appoint Mr. Walker as the official representative of TCCOG to that group. A question was raised as to what the correct name of the committee Mr. Walker’s appointment should be made. *Mr. Barber said he will look into this and place an item on the next agenda to appoint Mr. Walker to the appropriate committee along with a request to report regularly back to TCCOG.*

SMSI Health Insurance Project

Mr. Locey updated TCCOG on activities for the Health Benefits Steering Committee and distributed several different documents:

1. E-mail from Susan Brock, Town of Ithaca Attorney, and a response from John Powers, SMSI Attorney;
2. Municipal Cooperation Agreement dated February 24, 2009;
3. General Municipal Law Section 119-o – relating to Performance of municipal cooperative activities
4. Opinion from the NYS Insurance Department

Mr. Locey said they have been meeting with municipal bodies for the towns, villages, City and County. He said for the most part everything has been well-received with a lot of interested expressed. He said municipal boards are obviously very concerned over the important issue of health insurance but are asking very important questions and they are eager to receive additional information.

Mr. Locey said the main issue for today's meeting concerns the Municipal Cooperative Agreement and stated there are still a couple of outstanding issues that this body will eventually have to decide upon.

Mr. Locey referred to item (1) and summarized it as follows: General Municipal Law talks about a Municipal Consortium being able to be together for five years but it is vague about the continuation (renewal) of the programs and whether or not it has to go back to the legislative bodies for approval. He said the Town of Ithaca attorney raised a question and position that every five years it has to go back for reapproval by each legislative body for approval. Mr. Locey said in the agreement right now there is an automatic continuation provision built in. Mr. Powers, Attorney for the Consortium, has said that he understands the Town's position but maintains it is not required. A second question was raised of whether each amendment to the agreement would also have to go back to each legislative body for approval or whether the Board of Directors would maintain the ability to make amendments to the agreement on behalf of the municipal entities.

Mr. Dietrich questioned whether a municipal official can enter into an agreement longer than they are in office. Mr. Locey said there is a history of agreements that carry on from year to year regardless of an office term; he gave collective bargaining unit agreements as an example.

Mr. Locey asked TCCOG to think about logistically how it would work if all entities would have to approve each amendment or renewal of the agreement. He said with school consortiums, the Board amends the agreement.

Ms. Robertson said if there is some sort of major change the Board could at any time say that all municipalities should vote on it. She said it would be onerous if it were necessary to get 17 municipalities to approve minor changes. She suggested amendments to the agreement on an ongoing basis could be the responsibility of the Board of Directors; however, on the fifth year, the renewal would go back to the legislative bodies.

Mr. Engman referred to GML Section 119-o "the duration of an agreement hereinafter entered into, unless otherwise provided by law, may extend up to a maximum term of five years". He said he has seen no evidence that there is any other law that exempts this. This is why the Town of Ithaca is saying its should come back to each municipality every 4+ years for renewal. Mr. Engman also said that there is so much turnover on legislative boards that bringing it back provides an educational benefit to new members.

Mr. Locey said their biggest concern with that is logistics and continuity. He said with the school consortiums, the board of directors has the authority to approve amendments to the agreement. However, if the amendment involves a major decision the board of directors' usually asks to take it back to the respective boards of education and seeking their input. He said in terms of the five-year renewal there are two attorneys who are disagreeing and it will ultimately be up to TCCOG to make a final policy decision. He noted that on an annual basis all municipalities would have the opportunity to withdraw. Another issue raised was the high turnover rate on municipal boards, with some members thinking that bringing the agreement back would educate everyone.

Mr. Barber spoke from his own experience from serving on an insurance board and said it can be extremely time-consuming to have amendments approved by all governing boards.

The last issue raised was related to timing. Mr. Locey spoke to the following paragraph on page 11. P2(c):

- c. As soon as practicable after March 1st, the Board shall circulate to all Participants copies of all resolutions submitted by the Participants. Any resolutions relating to the modification, amendment, or objection to the Agreement submitted prior to each Review Date shall be considered and voted on by the Board at a special meeting called for such purpose. Such special meeting shall be held on or before September 1st preceding the Review Date.

Mr. Engman said the Town of Ithaca was recommending that there be a date earlier than September 1st to allow for it to get into the fiscal cycle of the towns. If there was going to be a major change that would affect the participation there would need to be time to consider that in addition to the budget for the next year. He said if the date is in September, most of the municipalities have their budget put together by then.

Mr. Locey said he will provide information as to what changes in the agreement are from in the last version.

There was a brief discussion about the importance of municipalities joining to receive the savings and also the need to attend meetings of the Board of Directors. Mr. Locey stressed the importance of municipal representatives being actively involved participants. He said if the non-participation of a member is hurting the ability of the board to conduct its business, there is a provision in the agreement to expel members if necessary.

TCCOG members were encouraged to keep municipal boards up-to-date; union representatives can be invited to attend municipal presentations. Mr. Locey will submit clear information on items needing to be voted upon with the agenda for the next TCCOG meeting.

Economic Recovery and Reinvestment Act (Stimulus Proposal)

Mr. Barber spoke to intermunicipal collaboration involved in putting together the package that was submitted to the State and thanked everyone for their participation in putting together the document. He welcomed Dan Lamb from Congressman Hinchey's Office.

Mr. Lamb said many things are happening faster than he has seen in his 15 years of service. He clarified that the plan is a "recovery" plan that was passed on February 13, signed by the President on the 17th, and less than ten days later funding announcements are already being made.

New York State received over \$12 million for the Community Development Block Grant program and noted Ithaca was successful in becoming an entitlement community. This means the City

will receive \$218,000 on top of what they are already receiving. Mr. Lamb said there is additional millions of dollars going to homeless prevention programs.

Funding is going to come out in five different ways:

1. Formula funding that is immediately going to states through existing programs, such as HUD, road and bridge programs, energy-efficiency block grant programs;
2. Competitive grant funds that communities will apply for (e.g. rural broadband funding, research, energy efficiency resources, arts);
3. One-time allotments (Social Security and VA benefit checks, PELL grant programs)
4. Agency programs (programs that will create jobs)
5. Tax cuts make up approximately 36%

Mr. Lamb said they are projecting the creation of 4,600 jobs in Congressman Hinchey's district. He said efficiency and openness is a top priority and noted an inspector has already been appointed to make sure money is spent properly.

He urged municipal officials to watch federal and state websites:

Recovery.gov
Economicrecovery.ny.gov

Ms. Peterson said she just returned from the New York State Conference of Mayors and said she learned New York State received the biggest percent of water and sewer funds.

Ms. Younger said Tompkins County did a good job on the infrastructure piece and shared information she has learned since the Tompkins County's package was submitted; she will continue to follow information closely. Mr. Marx said it is his understanding with the energy-efficiency block grants that Tompkins is not an eligible county or municipality because of its size as it only applies to counties with a population of over 200,000 and cities over 35,000. According to NYSERDA, 2/3 of funding will be allocated through the block grant process and the remaining 1/3 will be made available through a competitive process. Mr. Lamb was not aware of this and said he will look into it further.

Mr. Marx said the best way to stay informed is to register for updates on the website provided earlier. He said there is a real emphasis on spending money responsibly and quickly.

Mr. Engman reiterated a concern he has expressed previously, that for those entities already having funding streams, a lot of the money is coming down through those streams (typically counties and cities), but for towns and villages the other funding stream they have is for CHIPS funds. There aren't the funding streams that others have, and gave the CDBG program as an example. He also questioned when the 120-day period would begin. Mr. Marx said the period would begin as soon as the federal government authorizes the project.

Planning Board Training

Ms. Sumner said the Town of Dryden is working on making it easier for their Planning Board and Zoning Board of Appeals to get the required continued education. Last year they participated in a Planning Federation conference but there are fewer Department of State Trainings than there used to be. She asked that the County Planning Department consider helping them coordinate because local towns have common needs and she thinks it would make sense to work on them together. She distributed a description of the planning requirements, Planning Federation training that is available, a sample resolution from the Town of Dryden that authorizes the training, and the curriculum that the Dryden Planning Department and Town Board has been working on. She said anyone who is interested should let

her know. Mr. Marx said the County Planning Department has an e-mail list of all the planning departments and zoning board members in the County and would provide this to Ms. Sumner. He also volunteered the Planning Department staff to provide some of the training on topics they are currently working on in the Department.

Next Agenda

Appointment of Dan Walker

SMSI Health Insurance Project

Update on Natural Gas Drilling – Mr. Barber will circulate information he received from the NYS Association of Towns

Affordable Housing and the City/County/Cornell memorandum of understanding. Ms. Robertson requested an update be included on the April agenda

Mr. Gilmore asked for information on energy innovation; Mr. Dietrich suggested he contact Cheryl Nelson, Public Works Administrator, who works with the Sustainability Committee. A question was also raised a question relating to whether there is a County Board of Ethics; Mr. Barber said he would provide contact information for Dooley Kiefer, Chair of the County's Ethics Advisory Board.

Mr. Dietrich distributed information on the Continental Divide.

Adjournment

The meeting adjourned ay 4:30 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office