

**APPROVED 7-23-09**

**Tompkins County Council of Governments  
June 25, 2009  
Old Jail Conference Room**

**Members Present:**

|                           |                              |
|---------------------------|------------------------------|
| T/Caroline – D. Barber    | V/Cayuga Heights – J Gilmore |
| T/Danby – R. Dietrich     | V/Dryden – C. Becker         |
| T/Dryden – M. A. Sumner   | V/Groton – E. Conger         |
| T/Enfield – F. Podufalski | V/Lansing – D. Hartill       |
| T/Groton – G. Morey       | V/Trumansburg – C. Thomas    |
| T/Ithaca – H. Engman      | C/Ithaca – C. Peterson       |
| T/ Newfield – R. Dolge    | C/Tompkins – M. Robertson    |
| T/Ulysses – D. Austic     |                              |

**Municipalities Not in Attendance:** T/Lansing, V/Freeville

Guests: K. Crawford-NYMIR, J. Bailey-Bailey Insurance, D. Sanders-Locey & Cahill Project Manager, M. McCray-Citizen from Dryden, J. Jurkowich-Planning, L. Shurtleff-Emergency Response, J. Mareane, M. Lynch, J. Kippola, P. Younger-4 from County Administration, M. Koplinka-Loehr, C. Chock-2 from County Legislature, D. Frongillo-Town of Caroline, L. Shawley-Town of Danby, S. Whicher  
Staff: D. Lauper, County Administration

**Called to Order**

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

**Changes to Agenda**

NYMIR Presentation moved to the first item on the agenda  
Approving the minutes was moved down on the agenda waiting for Mr. Engman's comments on the proposed changes.

**NYMIR Presentation**

Mr. Barber (T/Caroline) introduced A. Kevin Crawford, Executive Director of New York Municipal Insurance Reciprocal (NYMIR). Mr. Crawford offered information regarding NYMIR's mission: to provide the most comprehensive insurance and risk management programs for the local governments of New York State. One of its goals was for secure investments, not a lot of up and down movement. They look to provide coverage; if there is a gray area they work with the municipalities. They work through local brokers, and, at a lower rate. Through its elected Board of Governors, members control the company's rates, coverage, claims handling and risk management services. NYMIR has been in business for 16 years and serves 608 municipalities in New York State. Mr. Crawford also handed out reimbursement checks to the local municipalities who have been members of NYMIR for at least five years (Caroline and Cayuga Heights) who are starting to receive portions of the initial investment back. Seven and a half million dollars is being reimbursed to members from around New York State. NYMIR is easily accessible via its website: [www.nymir.org](http://www.nymir.org).

Ms. Sumner (T/Dryden) said that NYMIR service is excellent; it is a pleasure to work with them, and Town of Dryden is looking forward to a check in two years. Mr. Barber commented that NYMIR management support is unbelievable. Its focus is on the municipalities, and is owned by its board members. The work done on risk management is paying off, that is what these checks are about.

Mr. Barber thanked Mr. Crawford for taking the time to come to the meeting and hand out the checks in person.

**Review of Meeting Minutes: May 28, 2009**

It was MOVED by Mr. Dietrich (T/Danby), seconded by Mr. Morey (T/Groton), and unanimously adopted by voice vote of members present, to approve the minutes of the May 28, 2009, as amended by Ms. Robertson in regards to cell towers. MINUTES APPROVED. (Mr. Koplinka-Loehr expressed disagreement with the minutes' amendment.)

**SMSI Health Insurance Project**

David Sanders reported on behalf of Steve Locey from Locey and Cahill; the Health Insurance Consortium Consultant firm for the Greater Tompkins County Municipal Health Insurance Consortium. Mr. Sanders distributed a *Municipality Resolution Status Report*. The following updates on the status report were provided at the meeting: Town of Caroline passed its resolution on June 11, 2009, and the Village of Groton on June 15, 2009. The report will be updated as resolutions come in.

Mr. Sanders addressed concerns voiced by municipal representatives regarding joining the consortium: a need to have 2,000 contracts to join, what happens if we fall short of that number once we are established, and the State 25 percent reserve requirement. He assured council members that there would be sufficient contracts to join a consortium and informed them that once the consortium has been instated they cannot be suspended or revoked until there are less than 350 contracts. Mr. Locey, relying on his knowledge of consortiums, believes that most consortiums start out with a 17 percent reserve; however, he is still researching this. A lot will depend upon feedback from the NYS Insurance Department. Medical RFP's are being reviewed and a report should be ready by the end of July.

Ms. Robertson (C/Legislature) had a question about Teamsters conflict/involvement. Mr. Sanders reported that Mr. Locey is still researching this. At this time the plan is to provide an equivalent program, however, this is complicated because the plans are not equal in size or coverage. Not all entities cover retirees and/or ancillary items such as vision and dental.

Mr. Hartill (V/Lansing) asked if there would be just one medical plan available. Mr. Sanders replied that there would be multiple plans. Mr. Locey will try to mirror the most appropriate and comprehensive programs currently used. Mr. Hartill stated that the spreadsheets did not reflect costs for all municipalities, particularly the Village of Lansing. Mr. Sanders will research that and get back to Mr. Hartill.

Mr. Becker (V/Dryden) asked if he was going to be able to review a plan specifically for his municipality. Ms. Kippola and Mr. Sanders replied, yes, that web links should be available, hopefully, by the end of the week.

Mr. Thomas (V/Trumansburg) According to a law passed by New York State in January of this year; Volunteer EMS Providers can receive insurance provided by their municipalities, however, if you have consulted insurance companies you will find that that is not happening. It was his understanding that Volunteer Fire Companies, as municipalities, were suppose to be included in the consortium. Mr. Barber stated that this has been talked about at the subcommittee level but not at the consortium level. He feels that a Volunteer Fire Company should be able to purchase insurance through its municipality, but not necessarily join as a municipality. Mr. Barber stated that this topic has been broached at the subcommittee level; not at the Council level because some issues need to be handled by the Governing Board. Mr. Sanders stated that Locey & Cahill are researching a plan for volunteer fire departments. Mr. Barber (T/Caroline) The Council is hoping to have all municipalities approve the resolution to join the consortium by the end of July 2009. They would like to start working on the consortium in the

beginning of August; once completed, we can start working on the Governing Board. Some of these issues need to be address at the Board level.

Mr. Gilmore (V. Cayuga Heights) asked if Mr. Sanders knew where the village of Cayuga Heights stands; they did not provide certain information and have had some teamster's issues. Mr. Sanders thought there was information for them and will consult Mr. Locey for further information.

Mr. Austic (T/Ulysses) understood that the fire departments, as well as, municipal libraries would be in the plan. He also commented that each municipality would pick the plan that best suits its needs, not individuals within the municipality.

Mr. Thomas asked if the Fire Companies would purchase insurance from municipalities or if they could join, as an independent municipal unit? Mr. Barber stated that TCCOG's initial agreement does not include Fire Companies, however, that could be adjusted by the Board. Ms. Sumner added that if there were changes in the Board, the entity included would probably be Fire Districts.

Mr. Sanders commented that Locey & Cahill has a plan in place regarding Fire Districts and Libraries, however, it is a sequential has to go through the chain of command.

Mr. Barber mentioned that they would be bringing forward a recommendation for, and information on, an administrator for the Board next month. TCCOG needs to endorse an administrator so that we can to move forward, even without a board of directors. Once the Board is established they will take action on this as well. Right now an administrator is needed in order to firm up rates and many other things. There are concerns as to who the administrator will be. Several members are currently using BCBS/Excellus: they have provided a quote, are very competitive, and are in the mix on this. There was a At the last committee meeting a decision was made to provide the same level of coverage with physicians and the hospital. We do not want service providers that we are currently using to be cut with the new program.

With that in mind, Mr. Barber reviewed the Municipal Resolution List with council members and asked each entity to state when the resolution would be on their agenda. T/Dryden, V/Trumansburg and T/Enfield: on the July 8<sup>th</sup> agenda. T/Newfield: not on any agenda. V/Dryden: on the July 16<sup>th</sup> agenda. V/Lansing & V/Cayuga Heights: waiting for additional rate information.

Mr. Barber mentioned that if your municipality is not in the initial group and choose to join at a later date you may not be on until 2011. It would be best to join by the end of July or the first of August. Ms. Sumner thought the deadline was September. Mr. Barber will check into this.

Mr. Sanders reiterated that he and Steve Locey are available to answer questions and attend meetings.

If the city goes along we will have 1940, it is on their agenda for July 1<sup>st</sup>. We are counting down to the 2000 contracts.

### **Natural Gas Drilling**

Mr. Barber distributed information regarding:

1. New York State Environmental Conservation Laws (ECL) Article 23, Section 303-2, which removes **all** land use power of local governments in the siting and permitting of gas wells;
2. Local Government's rights to manage their roads.

Local municipalities are encouraged to consider taking the following steps to protect their communities.

1. Road Preservation:

- a. Require driveway permits. (commercial v. residential)
- b. Each municipality should consider implementing road preservation laws.
  - i. Require permits for overweight trucks-not industry specific.
- c. Have discussions with the gas drilling companies prior to drilling regarding responsibility for road repair. Lebanon, New York picked up road replacement costs of over \$365,000 after a well drilling experience in their area. Their total annual budget is only \$1,000,000.00.

Mr. Barber will get pictures to members of other communities where bulldozers are hauling heavy equipment on public roads; this is not every day use, heavy trucks, heavy equipment, day after day in all weather.

Past practice has been to promulgate a Generic Environmental Impact Statement (GEIS) that speaks to regulatory process and then permit wells under the GEIS. Currently the DEC is reviewing a Supplemental GEIS for hydrofracturing; a report is expected in late summer or early fall. Please contact DEC Commissioner Grannis and ask the for comment extension period to be extended beyond 30 days.

Mr. Barber also distributed a certified resolution, regarding Extension of Comment Period, the Town of Caroline passed in June as an example if other municipalities would like to use it.

The TCCOG sub-committee is working on this as well as Tompkins County Planning staff. If you have questions please contact Planning or Don Barber. This is the time to act. Once the SGEIS is in place local municipalities have no further input.

Ms. Robertson (TC/Legislature) Tompkins County passed a resolution in which the two main resolves were regarding the Comment period, and DEC working with the State Legislature to enact a severance tax from the companies and requiring that there be enough money in that fund to cover staffing, before they begin the permitting process. Subsequently, the County received letters back from Senator Seward and Assemblywoman Lifton in which they agreed with the County on the 90-day Comment Period but nothing further was mentioned about the severance tax and DEC staffing. Ms. Robertson felt that there should be follow up on that critical issue. Mayor Peterson (C/Ithaca) noted that the City also passed a similar resolution earlier this month.

Gas drilling permits fall under Department of Environmental Conservation (DEC) and are subject to State Environmental Quality Review (SEQR) laws. Within the SEQR law there is a section regarding Critical Environmental Areas (CEA). The following describes action that local municipalities can take.

2. Identify and Create CEA's within your boundaries.
  - a. Drilling impacts on local municipal CEA's will be have to bemitigated.
  - b. You must put a line on a map documenting the beginning and the end of a CEA, establish what qualifies this as a CEA (e.g. an aquafer or lake), and list why they are critical or important. This does not qualify the area for anything other than being taken under consideration for impacts when a gas-drilling permit is applied for. It is recommended that municipalities apply for CEA's. If it is not in writing, the DEC does not look into the environmental impact on the area.

Mr. Engman (T. Ithaca) You do not have to have State approval to file for a CEA, however, it is a long process and there is much work to be done. At a minimum, it is a 60-day process. The sooner you start the better.

C. Peterson (C/Ithaca)-was aware of some Unique Environmental Area's (UEA) but did not know of any CEA's in our area Mr. Engman noted that Tompkins County does have one CEA- Coy Glen.

J. Jurkowich (Tompkins County Planning Dept.) displayed maps from planning which demonstrated items you may want to include when filling for a CEA. Items such as: Aquifers, public wells; trails, natural areas, streams, parks, etc. There are maps that indicate UEA's that might be helpful when researching CEA's.

Mr. Engman distributed a list of information from the sub-committee to assist in determining CEA's in your municipality. Mr. Engman asked Ms. Jurkowich how an interested municipality could indicate their needs. Ms. Jurkowich stated that a municipality could send an email or letter indicating what they want included on a map and, if Planning has the information, they will put something together. Planning can do the mapping but does not do any analysis. It would be best if each municipality designated individual CEA's.

It was asked if anyone knew of a down side of a CEA or if there is any additional use, other than the connection to SEQR? Mr. Barber commented that it takes nothing away from the property and that there was no additional use for CEA.

This is an important issue, however, TCCOG is not trying to override taxpayer wishes. This is an individual municipal decision. There are several models available throughout the State. For additional information, review the TCCOG website or contact Mr. Barber.

Other associated issues that you can weight in on, even though you cannot take direct action are:

- Taxation assessment versus severance tax
- Protecting Emergency service personnel by requiring notice of the fracturing solution composition.

Mr. Whicher, on behalf of EMC, distributed a brief summary of information on efforts at the local, state and federal levels. There were also helpful links on the document. This is something that can be handed out as a quick summary when people ask questions. An updated version may be posted on the County site.

Mr. Dietrich (T/Danby) mentioned that Danby had conducted an informal survey of local highway superintendents regarding information or questions they had regarding the gas drilling situation. Mr. Dietrich wanted TCCOG's feedback on Danby organizing an information-sharing meeting of local highway superintendents to discuss issues such as: driveways, culvert sizes, road conditions, and core sampling. They might be able to unite on issues like permits, resolutions, local laws and pending versus escrow. Ms. Sumner (T/Dryden) would like a list to hand out/discuss with her highway superintendent. Ms. Conger (V/Groton) stated that they were also looking to invite highway superintendents from Broome County to discuss Natural Gas Drilling issues. Feedback was in favor of having an information-sharing meeting with local highway superintendents. Mr. Dietrich will set up a meeting.

### **2010 Census Effort**

Mr. Koplinka-Loehr (TC/Legislature) The County started working on the 2010 Census in June of 2009 by forming a committee of 25 countywide constituents. They should have information to the public regarding the census in September or October of 2009. *Mr. Koplinka-Loehr will send information to Ms. Pottoroff to distribute to TCCOG members before the next meeting.* TCCOG needs to appointment a member to the census committee.

### **Animal Control**

Mr. Barber (T/Caroline) There is confirmation that Cornell University (CU) and the (Society for Prevention of Cruelty to Animals) SPCA are collaborating on a new Veterinary Clinic. SPCA will be separating into two separate entities:

1. SPCA-Cruelty to Animals
2. Tompkins County Animal Control (TCAC)-Animal Control-not for profit.

All expenses related to animal control will be separated out and the budget will be more transparent. TCCOG members using TCAC as dog control provided will have a voice in defining services because they are only serving municipalities. Verbally, SPCA has committed to keeping the 2010 fees at the same level as 2009, for municipal budgeting purposes. The fee spread is based on the human population as well as canine and we will need to do two census' next year. This allows for a full count of animals and, hopefully, an increase of revenue from licensing. The SPCA has asked for an (Memorandum of Understanding) MOU from the municipalities who choose to use TCAC for animal control. SPCA will send a draft MOU to the sub-committee for review and feedback. Once reviewed and approved the MOU will be passed on to all members who wish to stay with TCAC. The information on the MOU will pertain to 2010 and beyond. There is a need for volunteers to do the dog census. It does not have to be done by SPCA it can be done by a municipal entity who has the time. State and Federal Emergency Management regulations are requiring emergency animal shelters. The SPCA is looking is looking for ideas regarding a shelter for Tompkins County.

### **Stimulus Funding Next Steps:**

Broadband: R. Dietrich (T/Danby) highspeed/broadband technical services can be available to everyone within the County and there are opportunities available for funding. Mr. Dietrich would like to forward information to M. Pottoroff to send out to all municipalities regarding a meeting with the technical representatives for broadband services. L. Shurtleff, P. Younger and G. Potter are Tompkins County representatives who are also working on the broadband expansion. The general consensus was to set up the meeting at the earliest possible date with all municipalities, including the County, to discuss and share information.

#### Energy Conservation:

J. Jurokowich (T/County Planning) distributed a hand out containing information from the Tompkins County Planning Department regarding distribution of Federal Stimulus funds for energy conservation/improvements, they are using a three pronged approach:

1. Public facilities: municipalities, complexes
2. Private sector: homes, apartments
3. Biomass: conversions and developing biomass facilities in the County

D. Frongillo (T/Danby): stated that there are huge opportunities to do energy conservation work with private homes and municipal buildings, and to get assistance with funding. In Tompkins County there are approximately 36,000 structures, of which only 1/3 are fully energy efficient. An average cost to update energy efficiency in a home is between \$8,000 and \$10,000. Energy efficient updates have a double, positive, impact on the community; it creates jobs in the area and saves money.

There is State and Federal funding available to assist with updating these structures. For example, a family of four who earns less that \$55,000 per year can get up to half of the \$10,000 in update costs paid for.

Basically there are three main factors in that effect energy conservation:

1. Market/Demand
2. Financing
3. Workforce

Market/Demand: There is a large marketing action in Tompkins County. One aspect is Tompkins Community Action going door to door letting people know of programs. An action that Cornell

Cooperative Extension (CE) would like to see happen is for municipal officials to spread the word. To assist with the municipal effort CE has offered to do free energy testing for municipal officials' homes in Tompkins County. CE feels that the best way for municipal officials to talk about energy efficient updates is if they have gone through them. This is not a BPI (Building Performance Index?) certified audit, but an educational tool. Mr. Frongillo passed out a sign up sheet for the test. A certified audit costs \$300 to \$500.

In an informal survey of the local municipalities CE discovered two main fiscal hurdles:

- 1 Upfront costs
- 2 Risk-won't get costs back if you sell your house

CE would like to assist municipality willing to contemplate paying for improvements upfront and put an assessment on the property so the improvements, and the cost, go with the house if it sells. If your municipality would like to see how this would impact your community CE can plug in the numbers.

CE also surveyed a few local communities regarding government issues related to energy efficiency and found two main barriers:

1. Lack of time
2. Lack of staff

CE has an intern who can visit municipalities and assist in advancing energy efficiency programs. Mr. Frongillo may contact some of the smaller municipalities to garner their interest in the intern working with them.

### **Cell Tower**

M. Robertson (TC/Legislature) distributed an email regarding feedback from a consultant type firm, working in the field of cell tower siting and evaluation, regarding things municipalities can do if they collaborate. Some information contained within that email was:

- It is essential that all municipalities cooperate
- Review of wireless tower applications must be reviewed the same from community to community using the same delineated and publicized standards
- Radio frequency expert must review the applications
- A countywide map of existing infrastructure be created and maintained
- Tompkins County only has one half to one third of the towers needed
- The "easy" towers have already been built. The expansion coming will be for residential areas where the opposition to towers will be most significant

TCCOG is very interested in following through on this. Municipalities who have cell tower ordinances are asked to submit them to M. Pottorff at County Legislation so they can be reviewed for revision and possible coordination. At the last meeting inventory maps were disbursed, please contact Lee Shurtleff at Emergency Response with any updated information. Anyone interested in attending a Cell Tower meeting is welcome.

### **Water and Sewer Infrastructure Grant**

D. Barber (T/Caroline) stated that TCCOG is working on getting supporting resolutions for the Water and Sewer Infrastructure study grant. If you have questions regarding the grant, contact Martha Armstrong at Tompkins County Area Development (TCAD). All municipalities signed on for the grant last Fall, and if we don't all agree now we may have loose the grant money. The suggestion was made that an email be sent to each municipality as a reminder.

**Next Meeting Agenda**

- Health Care Administrator and Board of Directors
- Emergency Management, R. Dietrich
- Cell Tower/Ken Schmidt, M. Robertson
- Broadband

Meeting adjourned at 4:35 p.m.