

**Tompkins County Council of Governments  
October 23, 2008  
Scott Heyman Conference Room  
3 p.m.**

Members Present: T/Ithaca – B. Goodman  
T/ Danby – R. Dietrich  
T/Ulysses – D. Austic  
T/Dryden – M. Sumner  
C/Ithaca - C. Peterson  
T/Newfield – R. Dolge  
Tompkins County – M. Robertson

**Municipalities not in Attendance:**

T/Caroline, T/Enfield, T/Groton, T/Lansing, V/Cayuga Heights, V/Dryden, V. Freeville,  
V/Trumansburg; V/Lansing, V/Groton

Others: M. Koplinka-Loehr, Tompkins County (Alt.) E. Thomas, T/Ulysses; S. Whicher, J. Kippola, J. Mareane, County Administration; M. Pottorff, Legislature Office; J. Powers, Hancock & Estabrook; S. Locey, Locey and Cahill, LLC; C. Tramm, SMSI Contract Manager; E. Marx, Tompkins County Departments of Planning and Public Works; J. Gutenberger, S. Dean, T. Livigne, Cornell University; N. Schipanski, Water Resources Council; L. Adams, Caroline Town Board member; C. Chock, County Legislature; B. Houston, K. Kwasnowski, Institute for the Application of Geospatial Technology

**Call to Order**

Mr. Austic called the meeting to order at 3:06 p.m.

**Changes to the Agenda**

Mr. Whicher asked that there be a brief discussion of dog control services. He introduced Joe Mareane, the new County Administrator.

**SMSI (Shared Municipal Services Incentive) Health Insurance Project**

Mr. Locey spoke of the SMSI grant and stated they have just about completed the plan design work and will soon be completing the work on the municipal cooperative agreement. Mr. Powers will be reviewing changes that have been made to that prior to distribution to all parties.

Mr. Powers said the revised agreement was presented last week to the Health Benefits Steering Committee. The Cooperative Agreement will have two functions: (1) create the organization and bind the participants (or respective municipalities); (2) govern the operation of the organization. He said while the agreement needs to be legally sound it also has to be practical.

Mr. Powers spoke of the governance structure of the Consortium and how votes will be distributed amongst the various participating municipal corporations. Both Mr. Powers and Mr. Locey agreed that to the fact that out of 17 municipal corporations, Tompkins County and the City of Ithaca combine to make-up approximately 85% of the covered lives and premium income of the Consortium. Because of this, the Consortium may want to consider voting methods other than a straight one-to-one vote per municipal corporation that would be more reflective of these proportions. Mr. Powers said at the same time they need to guard against a methodology that utilizes a weighted voting model based on either the number of covered lives or premiums paid in a way that marginalizes the representation or participation of the smaller municipal corporations. He noted the NYS Comptroller's Office has approved weighted types of voting for these mechanisms.

The first alternative presented would be to equally divide the votes between “large employers” and “small employers”. The criteria for determining which voting block a municipal corporation would be assigned to is based on whether health coverage is offered to 50 or fewer members; these municipalities would be “small employers”. If this threshold were exceeded, the municipality would be considered a “large employer”. Currently, three municipalities: Tompkins County, City of Ithaca, and the Town of Ithaca would be considered “large employers”. In this scenario the Consortium would have a weighted voting system of 84 points, large members having 14 points each and 3 points for each of the small.

The second alternative utilizes the “one for one” voting method as the default method for conducting Consortium business, but provides an alternate weighted voting method upon the request of any two participants. Once a request is made, weighted votes are given to the County and the City, 10 and 5 respectively. Because a 2/3 majority is required under this alternate method, the County and City cannot pass any action without the approval of at least four of the smaller municipalities. Thus, the method gives an increased voice to the larger members while still allowing protection of the interests of the smaller members.

Mr. Powers said insurance law requires union representation on the Board of Directors for the Consortium; it doesn't give specifics about representation but indicates that each unit that represents a collective bargaining unit that contains enrollees must have representation on the board. Upon review of the law Mr. Powers said it is his opinion to give any non-municipality voting authority in a municipal cooperative that will be binding of taxpayer funds. He thinks the creation of a non-voting membership on the board from each union meeting the eligibility requirement would satisfy the statute. They would have the ability to participate but would not be given voting authority for any decision. Mr. Powers clarified that although unions may represent individuals across municipalities, each union would be entitled to only one representative.

Mr. Powers spoke of the timeline and said he anticipates having a cooperative agreement that incorporates all of the changes ready at the next meeting with the intention of holding a vote to approve the agreement as the final draft in December. Once approved it will be submitted to the State Insurance Department for review and comments before going to each municipality. By Spring, he expects to have an agreement that they can anticipate final approval of that will be then presented to municipal boards for approval.

Ms. Peterson asked when attorneys for municipalities would have an opportunity for review and input. Mr. Powers said municipal attorneys should be reviewing the agreement prior to the approval phase and can contact him with questions.

Ms. Robertson requested sufficient time to review the draft agreement. Ms. Kippola said the Steering Committee will meet on November 15 and she will see that TCCOG receives the agreement in advance of the meeting.

Mr. Locey asked members to provide feedback to the two voting alternatives.

Ms. Robertson requested:

- Information showing how many individuals would be covered in each municipality;
- A copy of the draft agreement one week prior to the meeting;
- A list of municipal participants in the Cooperative and if there are additional groups; and
- Membership of the Steering Committee

*This information was distributed to all members by Ms. Kippola on November 7, 2008.*

### **Approval of Minutes**

The minutes were not approved as there was no quorum.

### **Gas Drilling**

Tom Lavigne of Cornell University Real Estate, spoke concerning his involvement in the very interesting, but complicated subject of gas leasing on Cornell's property. The Powerpoint presentation contained information from various sources. He said the individuals who are going to properties asking owners to sign leases are general contractors and typically not from very large companies that have their own drilling rigs or companies. Cornell is trying to control that as much as possible, including who they are hiring. The company Cornell deals with brings new oil and gas reserves on in an environmentally conscious manner. Their New York program involves Tompkins, Tioga, Cayuga, and Cortland counties. They have already drilled a couple of wells in Southern Cayuga County near the Lansing border.

Mr. Lavigne explained the Trenton Black River is generally 6,000-8,000 ft. below the surface and is easier to get out if it is found. This is because there is a pocket of gas that is located horizontally in a manner that eliminates the fracturing that is involved with the Marcellus. He said a wealth of Marcellus is in Broome, Tioga, Susquehanna, and Bradford Counties. Although it is underneath Tompkins County, it is thin and its shallow. Although they can drill in the Trenton Black River now, the Company Cornell is dealing with will not be able to drill into Marcellus until the DEC is fully onboard and the regulations are ready to go. Mr. Lavigne said it is important to understand that oil and gas exploration is regulated highly by the NYSDEC and regulations and penalties are going to be more in place to protect the groundwater, pollution, environment, energy, minerals, and the rights of the owners. Points of discussion related to the following: the life of the wells (generally last five to fifteen years); a concern for the amount of water involved in the Marcellus drilling; what to do with water after drilling; and protection of groundwater from contamination.

Information, including the Powerpoint Presentation, which will be filed with these minutes, can be viewed at [http://www.tompkins-co.org/legislature/TCCOG/Gas\\_Drilling/](http://www.tompkins-co.org/legislature/TCCOG/Gas_Drilling/).

### **SMSI**

Mr. Whicher said he received a request this morning asking that an agreement be drafted between the SPCA and municipalities (except for three). He said he is hearing now that the Towns of Caroline, Ithaca, Danby, Dryden, Enfield, Newfield, and the City have all reached an agreement for \$3 per capita. The City and Town of Dryden said this was not accurate information. Mr. Whicher said Ms. Kippola will produce a draft agreement and it would be available upon request by any municipality to use.

### **LIDAR Technology**

Mr. Houston and Ms. Kwasnowski of IAGT, an independent not-for-profit corporation located in Auburn, provided TCCOG with a Powerpoint Presentation on LIDAR. Tompkins County has a contract with Pictometry Corporation which has now purchased LIDAR. Mr. Houston's presentation spoke about LIDAR data that now exists for Tompkins County and what can be done with that data that is collected from an airplane using a laser and essentially measures the bounceback from the laser hitting the ground. When the data is collected, information is stored on each point the laser hits, including elevation point and the intensity of the signal back. The Powerpoint Presentation will be attached to the file copy of these minutes and can be viewed at [http://www.tompkins-co.org/legislature/TCCOG/Gas\\_Drilling/](http://www.tompkins-co.org/legislature/TCCOG/Gas_Drilling/).

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**Next Agenda Topics**

Ms. Sumner requested discussion of snow plow policies.

**Adjournment**

The meeting adjourned at 5:08 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office