

## **Caroline Town Board Meeting Minutes of February 7, 2012**

Supervisor Don Barber called the Town Board agenda meeting held on February 7, 2012 at the Historic Town Hall to order at 7:00 p.m.

### **Attendance:**

Donald Barber, Supervisor  
Dominic Frongillo, Councilmember  
Linda Adams, Councilmember  
Aaron Snow, Councilmember  
Irene Weiser, Councilmember

### **Recording**

**Secretary:** Christine Wilbur, Deputy Town Clerk

**Also present:** Approx. 15 members of the public.

Supervisor Barber opened the meeting by leading the Pledge of Allegiance to the Flag.

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**Privilege of the Floor:** The following members of the public thanked the Board for their continued efforts in preparation and support of a local law issuing a moratorium in preparation for a ban on hydrofracking. They also noted appreciation for hosting the question and answer session held at the Caroline Center Church:

- Jan Burton
- Cyrus Umrigur
- Mary Alyce Kobler
- Ann Boehm
- John Reed
- Jonathan Comstock
- Inge Alexander
- Mark Witmer
- Bruce Murray
- Judy Rothenbergt

- Edwin Wurtz – a newcomer, agrees with all and appreciates the opportunity to be acquainted with the Town representatives and be a part of the decision-making process.

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## **Reports**

### **Aaron Snow, Town Board**

- Youth Commission – met in Caroline Elem school – talked about what Penny is doing – grant from TCAT bus system and NYS to learn about system – how to use – goal to become leaders for friends and family to use public transportation; talked about budget and what they can do for next year; what they did last year; talk about group difference between rec. partnership and youth commission – rec. programs and youth development activities; Aaron spoke to a youngster who was involved; lots of time & effort by Penny.
- Rec. partnership – talked of this year’s vote on agreement – every 5 years – funding – 1/3 from town, 1/3 from County and 1/3 from town of Ithaca – pooling money – meet in March to vote on the new agreement – have to wait to see if the County will fund before we know what the needs will be;

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- Highway dept. – will meet with Cindy – report at next meeting.
- Irene remembered urging to do fundraising for rec. partnership – Aaron said there was some discussion about pancake breakfasts, etc. – nothing concrete.
- Bruce - a can drive – maybe set up a location to collect cans – to benefit the program
- Rec. partnership meets once a month
- Can community members make directed donations for rec. partnership or Penny’s program? Need to check with County Youth Bureau for rec. partnership; maybe to the Town for Penny’s program or Coop. Ext.

### **Dominic Frongillo, Town Board**

- Planning Board – a member resigned – need to fill the seat; industrial site plan review – progress; staff support for planning board – John Cantor – retired from Town of Ithaca – indicated interest – discuss needs with planning board. The Town would pay him for his services if there was a need – there are some funds in budget for this; Inge asked about the mandate of the board – Don spoke of the charge of the committee – town board assigns issues – take direction through resolution – it’s a local law that establishes the committee – comprehensive plan sets out 9 goals that the planning board is responsible – on website;
- Energy Independent Caroline – working with Don and Highway dept. for solar panels near the highway barn – steady payment in exchange for installation. Jonathon Comstock described the company that does the installation – need to commit to 6 years to get steady rate – if rates decrease, the lease would adjust. Met with Don and Cindy and chose a suitable place; wrote a letter to inquire if suitable location. Aaron asked how big is the system - 9-10 kws or bigger if possible; Don looking to see if economical, feasible – net metered – Town barns would get first – then credited back to Town. Further discussion. Advertising flyer is misleading, or sales rep. may be wrong – will need to look at specific contract for more detail. Linda asked about net metering – need to investigate further – annual charges? More information as we get it. The offer will expire at some point – might want to put it on agenda for further discussion. Incentives are limited to what is available in warehouse. Tompkins County is buying 12 systems. Liberty is the name of the company.
- Another development – financing – up to \$13,000 for energy improvements for single home; \$26,000 for multiple – guaranteed to pay less for utilities – pilot program by State Legislature – only certain amount of funds are available; must be a NYSEG customer.
- Don – The new blinds in court building are energy efficient-rated – Hunter Douglas – \$275 rebate for use – suggestions so far are for a light for flag – solar – and other ideas;
- TCOG – Irene and Dominic went to a meeting; Don, Irene and Cindy attended a government shared services efficiency grant information session – highway dept. - consolidate efficiency of their operation - stay tuned for more info. – blueprint for a grant proposal – deadline - questions in one week – application by March 21<sup>st</sup>. TCOG sponsoring agency.
- Irene reported on gas drilling committee – research – how to help municipalities develop legal defense funds – ongoing project. Linda asked about the fundraiser in Town of Ulysses for Town of Dryden – how did it go? Irene said they raised \$7-\$8,000.
- Mobil Home energy – letter re: meeting on how to save energy;
- Two vacancies on Planning Board, 2 vacancies on Sub-division board – Don described how notices are made – applications to fill out, and interview by the board; board secret ballot – clerk tallies and announces winner.

### **Irene Weiser, Town Board**

- Committee reports: Public Information Committee, Emerg. Preparedness, rep. to TCOG and rep. to Tomp. Awareness of Natural Gas; more meetings than ever imagined; met with Beth Harrington – T.C.

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Emerg. Preparedness office – she and Greg met for 3 hours. All things to take into account – tour of FD – well thought out – command central, house people – learned a lot of what is in place but also learned of needs for Board members - elected and appointed officials – training in ICS (Incident Command System) that is also required for certain types of funding. A resolution will be offered at the next meeting regarding the need for this training and Don has will look at scheduling a time to do it. Beth Harrington can provide the necessary training.

- Public Information Committee – The next committee meeting will be on February 15, 2012. Dominic and Irene are sharing responsibilities. They and other interested parties met to discuss the web site and training; contact with Katy Nicholson – Web master – worked on some minor, important changes on website – sign up for e-mail; q&a – some residents have not been aware of where to find info. She reported that notebooks have been placed around the community: in the Library, the Dandy Mini-Mart, Speedsville Store and Brookton Market – labeled and contain information regarding Town business - for those who do not have internet access – some, but not all info. – will try to keep current – budget, comp. plan, resolutions, etc. Spoke to some who were not aware of how to find info. – how to better reach people. The following resolution will be presented for consideration at the Business meeting next week:

### ***Resolution on Improving Public Notification of Town Government Activities***

*Whereas democracy is strengthened when residents are informed about and engaged in local government, and*

*Whereas Town residents should be informed of who their public servants are and how to contact them, and should be informed about when public meetings are taking place, and should have the ability, within reasonable limitations, to see the records scheduled to be discussed during open meetings prior to the meetings; and*

*Whereas the Town of Caroline desires to encourage participation of residents and recognizes the importance of making available accurate, timely and widely accessible information on the activities of local government to all interested residents,*

#### ***Therefore be it resolved that:***

*This year as soon as is practicable, and in subsequent years within 2 weeks of passage of the administrative resolutions that designate elected and appointed public servants, the town board meetings schedule, and official locations for posting public notices, the Town shall send to all residents of the town, a letter that includes the following:*

- *A note to residents indicating the Town’s responsibility in informing the public and the public’s opportunities to keep themselves informed.*
- *A list of all elected and appointed public servants, their contact information and if relevant, their office hours and committee appointments*
- *A schedule or statement of when and where Town Board meetings shall occur, and if known, a schedule for when committee meetings shall occur*
- *A list of all official and unofficial venues for posting public information, the information they can expect to find there, and the timeline for when it shall be posted in accordance with Public Officers Law Article 7 (Open Meeting Law).*
- ***The url address A-link to the town’s website***
- *An invitation encouraging residents to sign up for the town’s email announcement list with link*
- *A tear off portion for residents to complete and return to the Town Clerk if they want to be notified by phone of public hearings and special, unscheduled meetings of the Town Board.*

#### ***Further be it resolved that***

*The Public Information Committee will develop a volunteer phone team who will call residents who wish to be notified by phone of public hearings and special, unscheduled meetings of the Town Board. In addition, the phone team will call to notify these residents whenever the location or venue for posting public information is*

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*changed.*

Irene repeated a quote from Thomas Jefferson: “When people are well-informed they can be trusted with their own government.”

- She next spoke about how committees work. She researched information and structured the following resolution that will be presented for consideration at the Business meeting next week:

### ***Resolution On Committee Structure And Function***

*Whereas participation on Citizen Advisory Committees and Town Board Committees (hereinafter Committees) is a voluntary service provided by citizens to the Caroline Town Board (hereinafter the Board) and the community, and*

*Whereas Committees can assist and benefit the Board and the community by providing important and useful information and ideas to the Board when it is reviewing and considering appropriate action or policy with regard to Town issues, functions and projects, and*

*Whereas Committees can also assist and benefit the Board and the community by reviewing, researching and gathering information and presenting such information, findings, recommendations, ideas and opinions to the Community and Board, and*

*Whereas the Board appreciates and values the time of the people who volunteer on Committees, and*

*Whereas Committees and the volunteers who serve on them are performing a public service, an honor that deserves each member to exhibit statesmanship, humility, and respect for their responsibility and the role of government; and*

*Whereas ensuring that Committees are efficient and productive demonstrates respect for volunteer’s time and also helps ensure that the Board receives the information it desires in a timely manner, and*

*Whereas clear role definitions, expectations, and communication pathways will aid Committee efficiency and productivity, and ensure proper public notification, and*

*Whereas the success of Committees is achieved through teamwork, sharing of ideas and effective communication; and*

*Whereas the Board is committed to maintaining a work and volunteer environment that is free of violence, threats of violence, harassment, intimidation and other disruptive behavior; and*

*Whereas the Board recognizes that a high degree of ethical conduct is important to ensuring the public’s confidence in the work of the Town;*

*Therefore be it resolved that the following principles and policies shall govern the operation of Committees and the volunteers who serve on them:*

#### ***I. Membership; officers; voting rights; terms of office; qualifications, compensation.***

*A. Committees shall be comprised of members who are given priority if they are residents of the Town of Caroline and who have such qualifications as may be determined to be appropriate by the Board, except that no person who is a member of the Board shall be a member of a Committee.*

*B. Committees shall consist of that number of members that the Board shall determine by resolution when the committee is established, except where described differently by local law. The Board may, from time to time, by resolution adopted by majority vote, increase or decrease the number of members it deems necessary or appropriate.*

*C. Officers shall be named for the Committees and shall have the duties as follows:*

- (1) The Committee shall select a Chairperson from any one of the members except where described*

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*differently by local or State law.*

- (2) *The Chairperson shall have the duty of setting meeting agendas and calling meetings, as set forth below, and shall also preside over all meetings.*
- (3) *The Committees may elect from among its members a Vice Chairperson and Note Taker.*

*D. All members of the Committees, including officers, will be voting members.*

*E. Terms of office and vacancies shall be filled as follows:*

- (1) *Committee member terms shall expire every 2 years, at the February business meeting following the biannual Town election except where described differently by local or State law. This year, committees shall be established as soon as is practicable.*
- (2) *If a vacancy occurs on the Committee, the Board shall appoint a new member for the unexpired term.*

*F. Compensation.*

*The members of all Committees shall serve without compensation.*

## **2. Role of Board in directing Committee's activities**

*A. The Board shall, at its bi-annual committee appointment resolution, or at the creation of the Committee, state the charge for the committee. This charge to the Committee may be amended as deemed appropriate by a majority vote of the Board at any time.*

*The charge shall include but is not limited to the following:*

- 1) *Statement of Committee's purpose*
- 2) *Statement of responsibilities of the Committee*
- 3) *Statement of minimum meeting frequency*
- 4) *Statement of the composition of the committee including number of persons to serve on the committee, and any preferred skills and background for committee members*
- 5) *Statement of time commitment anticipated of committee members including duration of appointment, maximum number of meetings allowed to be missed, and anticipated hours/month of "homework" outside of committee meetings.*
- 6) *Statement of the deliverable the committee is charged with producing. This statement shall include, but is not limited to the following*
  - a. *a purpose for each task,*
  - b. *the desired work product,*
  - c. *deadline for completion of the task and*
  - d. *a list of resources available to assist the committee in completing their task.*
- 7) *Name of Board Member Liaison*

*B. Board Members shall be entitled to attend any Committee meeting provided, however, that members of the Board shall not be considered members of the Committees and shall not be entitled direct the opinions or decisions of the committee, nor to vote on any matter before the Committee.*

*C. The Board may provide informational resources and/or training sessions to educate Committee members on the methods and skills needed to be effective committee members.*

## **3. Role of Town Board Liaison to Committees**

*A. The purpose of the Board Member Liaison is to be a conduit for information to and from the Board to the Committee, to have a working knowledge of the issues before the Committee, and to facilitate the committee's functioning in an efficient and appropriate manner.*

*B. The Board Liaison is an ex-officio (non-voting) member of the Committee and shall not direct the opinions or*

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*decisions of the Committee.*

*C. The Board Liaison may facilitate the Committee process by asking clarifying questions, summarizing, reviewing, providing factual information, suggesting topics to consider, explaining or clarifying board needs or expectations, suggesting outside authorities or resources for the Committee to consult, consulting with outside resources, inviting outside resources to attend the meeting.*

*D. Minutes: The Board Liaison shall ensure that minutes are taken at each Committee meeting and ensure that said minutes are sent to the Town Clerk and Public Information Committee Liaison within 2 weeks of the meeting's conclusion.*

*E. The Board Liaison shall give an oral or written report to the Board as to the Committee's progress after each committee meeting. The report may include a summary of committee activity as well as the liaison's assessments of the Committee's functioning and progress. The Liaison may make suggestions to the Board as to how to improve the Committee's functioning or progress and the Board, by resolution, may adopt changes to improve Committee functioning or progress.*

#### **4. Committee Meeting Procedures:**

*A. The Committees shall meet at such intervals as stated in the charge, or more frequently as determined by a majority of Committee members, to accomplish its tasks. Committees are urged to develop a regularly scheduled meeting time and location. Additional meetings may be called by at least five days' notice by the Chairperson or by petition by three-members of the Committee.*

*B. All meetings of the Committees shall be open to the public.*

*C. Public notice of every meeting held by the Committees shall be given in accordance with the applicable provisions of the Public Officers Law of the State of New York and posted by the Public Information Committee.*

*D. Meetings shall be held in a public, handicap accessible location and shall begin on time.*

*E. Written minutes shall be kept of the meetings of each Committee. Motions, resolutions and votes shall be recorded in their entirety. Discussions occurring at the meetings or leading to motions or resolutions may be briefly summarized. Draft minutes should be available within two weeks of Committee meetings and sent to the Town Clerk and the Public Information Committee.*

*F. The Committees shall operate in accordance with Town Parliamentary Procedure which is based on Robert's Rules of Order.*

*G. Each Committee shall file a copy of any minutes, reports or other information or records with the Town Clerk.*

*H. When requested, the Chairperson or other designated member of the Committees shall report directly to the Board either in writing or by attendance at a Town Board meeting.*

#### **5. Duties of the Committee Chairperson**

*A. The Committee Chairperson shall preside over Committee meeting using Parliamentary Procedure.*

*B. The Committee Chairperson shall consult with other committee members and establish a meeting agenda which shall include meeting date, location, start time, end time, topics to be discussed, whether topic is for discussion only or resolution and vote, and approximate time to be spent on each topic. The meeting agenda and copies of any materials that are being discussed shall be sent to the Town Clerk, Public Information Committee and Committee members no less than one week prior to the committee meeting.*

*C. Committee Workplan: the Committee Chairperson shall be responsible for completing, in consultation with the committee, a Committee workplan that indicates specific measurable outcomes that the committee will work towards, the strategies or tasks involved in accomplishing that outcome, and resources needed. This workplan shall be presented to the Board and filed with the Town Clerk and sent to the Public Information Committee.*

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*D. The Committee Chairperson shall be expected to attend training sessions on committee effectiveness provided by the Board.*

### **6. Public Participation at Committee Meetings**

*Public participation at Committee meetings is at the discretion of the Committee. Community input is encouraged via informational meetings and other methods.*

### **7. Appropriations for Committees.**

*The Town Board may authorize the payment of the just and reasonable actual expenses of the members of such Committees, such expenses including the cost of photocopying, typing, registration for conferences and mileage. However, no payment of the just and reasonable actual expenses of the members or any other payments shall be made to the members of the Committees without prior approval by the Town Board.*

### **8. Expectations of Committee Members**

*A. Attendance: committee members are expected to attend regularly scheduled committee meetings. If a committee member is unable to attend, they should notify the committee chairperson as soon as practical. Absence from 2 consecutive meetings or 3 meetings within a year may be grounds for removal from the committee. Committee members are encouraged to attend the committee training sessions that are offered by the Board.*

*B. Respect: committee members are expected to demonstrate respect for other committee members, the public, and for the honor and responsibility of performing public service by, but not limited to the following: arriving at meetings on time, communicating courteously, in verbal, body language, written and electronic communication to other committee members and the public, by not interrupting, yelling, making personal attacks or accusations about other's motives, or using profanity.. Failure to behave in a respectful manner may result in removal from that committee meeting and repeated transgressions may result in removal from the committee.*

*C. Committee members shall refrain from behaviors prohibited in the Employee Handbook related to Harassment, Sexual Harassment, Violence in the Workplace, Drug and Alcohol Use, and Code of Ethical Conduct. This includes but is not limited to the following:*

*(1) Sexual Harassment: Committee members shall not either explicitly or implicitly ridicule, mock, deride or belittle any person. They shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation or any other protected status. Committee members shall not produce offensive, threatening or sexually inappropriate written materials (letters, emails or graffiti) Committee members shall not engage in verbal or physical sexual harassment such as, but not limited to the following: verbal remarks related to someone's gender including sexual innuendoes, slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions, threats, comments about another person's body parts that are unwelcome, sending sexually suggestive written, recorded or electronically transmitted materials, physical contact of any kind that is not welcome.*

*(2) Workplace Violence: Committee members shall not engage in workplace violence including but not limited to making threats or expressions of intent to cause physical or mental harm; harassment or intimidation including but not limited to stalking, shouting, or swearing, harassing communication in oral, written or electronic form, physical attacks such as hitting, pushing, kicking, shoving, throwing objects or fighting. Committee members shall not intentionally damage property. Committee members shall not possess a weapon of any sort while in a town owned or leased building or while performing service on behalf of the town.*

*(3) Ethics: Committee members shall abide by Ethical conduct as described in the Town's Code of Conduct which includes but is not limited to the following: not directly or indirectly solicit any gift or accept or*

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*receive any gift having a value of twenty-five dollars or more which could reasonably be inferred that the gift was intended to or could influence the committee or its members, or was intended as a reward for any official action. Committee members shall not disclose confidential information. Committee members shall not receive or enter into an agreement to receive compensation for any matters being considered by the committee on which the member serves. Committee members must publicly disclose on the record the nature and extent of any direct or indirect financial or private interest s/he has in regard to matters before the committee on which the member serves.*

*(4) Drug and Alcohol Use: No committee member shall use, sell, distribute, dispense, possess or manufacture any alcoholic beverage, illegal drug, or any other intoxicating substance on town property, nor be under the influence of such while attending committee meetings or performing other duties on behalf of the Town.*

### **9. Incident Reporting and Resolution Procedure**

*A. If a committee member witnesses any of the above behaviors, or other behaviors that are of concern, the committee member shall report such behaviors to the Town Supervisor by email or in writing within 10 days of the incident. The written report shall include the date the incident occurred, the nature of the incident, details of what happened, and the remedy sought.*

*B. The Town Supervisor shall, within 7 days of receiving such notification, meet with the allegedly aggrieved volunteer(s) and separately with the allegedly offending volunteer and shall attempt to resolve the matter. The Town Supervisor shall notify all involved parties in writing as to how the matter is resolved.*

*C. The Town Board has zero-tolerance for Harassment, Sexual Harassment, Violence or Threats of Violence, Drug and Alcohol Use, or Unethical Behavior, as characterized above and more completely in the Employee Handbook, for all Committee Members. A determination that a committee member has committed any of these behaviors shall result in removal from the Committee and any other Committees on which the member serves. Further, the person shall be precluded from serving on a Town Committee for 2 years after such a finding is made.*

*D. If any of the parties involved in the incident are not satisfied with the resolution arrived at by the Town Supervisor, or if the Town Supervisor desires, the matter may be brought to the full Town Board for a hearing. A request for Town Board hearing shall be made when requested by the Town Supervisor or within 10 days of when the Supervisor's resolution was issued.*

### **10. Removal of Committees members.**

*The Town Board shall have the power, by majority vote, to remove any member of the Committees for cause as defined above.*

### **11. Abolishment of Committees.**

*The Town Board of the Town of Caroline shall have the power, at any time, by majority vote on a resolution, to abolish any Committee.*

- She feels there is a need to spell out the roles of each committee and role of board liaison – roles, structures – Aaron asked about the need for resolution and Irene explained to clarify roles and responsibilities. Don said there might be a few new committees – will help them and their work – important to know what is expected. Dominic – helpful to articulate expectations.
- Along with this, Supervisor Barber prepared a document regarding Parliamentary Procedures

Along with this, Supervisor Barber asked the Board to review a document that he distributed and asked Board members to read and provide feedback at the Business meeting next week:.

*Town of Caroline Parliamentary Procedure*

*Guidelines:*



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1. *The procedures are designed to create a democratic process for Committee discussion and action.*
2. *Except for presentations, Committee actions are centered around resolutions*
3. *Chair serves the Committee to insure that fair dialog and process is followed.*
4. *Chair is an equal during discussion and vote and usually allows others to speak first.*
5. *One member speaks at a time.*
6. *No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!*
7. *All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!*
8. *Member must be recognized by Chair before speaking.*
9. *All committee action described below require a majority vote except "Call the Question" and "Limit Debate" which requires two-thirds (2/3) to pass.*

*Rules:*

1. *Discussion begins when a Committee member is recognized by the Chair who then delivers a motion via a resolution of the Committee and that motion is seconded. If no second, the motion never gets to the Committee for discussion.*
2. *Once seconded, the Chair asks for any discussion. The mover is given the opportunity to speak first.*
3. *The following actions are given hierarchy below and all have a higher hierarchy than the motion, but no other base motion can be made until the current motion has been resolved by Committee action: accept, deny, table, and refer to committee.*
4. *The motion can be amended which needs a second and remains before the Committee until action: accept or deny. The amendment can be amended by similar procedure which must be concluded before the original amendment can be concluded.*
5. *A motion or amendment can be "Move to Table" which requires a second and has no debate and if accepted by majority vote ends discussion until at a subsequent time when the tabled resolution is moved to be "Un-table"- which requires a second no discussion and majority vote- then discussion and vote can continue. Motion to Table must be concluded with accept or deny before committee can go back to resolution or amendment. If an amendment is Tabled this action Tables the original motion as well.*
6. *Similar to "Tabling", a member can move to "Refer to Committee" which requires a second. Member must state the committee to receive the question or resolution. If no committee exists'*

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*include the size of committee desired and method of selecting the members (election or appointment). Motion to Refer must be concluded with accept or deny before committee can go back to resolution or amendment. If an amendment is Referred, this Refers the original motion as well.*

- 7. During discussion, a member can ask the Chair for Clarification or Point of Information- which does not need a second and the Chair asks the member to state the point needing clarification. This becomes the priority at that time.*
  - 8. During discussion, a member can ask for "Point of Order" which questions the procedure, decorum (conduct and dialog). This becomes the priority at that time. This should be raised immediately after the error is made. The chair asks for clarification and makes a declaration. If the member disagrees with Chairs decision, that member can ask for a vote to appeal the Chair's decision: requires a second, no discussion and goes to vote.*
  - 9. During discussion, a member can "Call the Question". This requires a second and is moved to end debate and move to vote. This becomes the priority at that time. There is no discussion. This action requiring 2/3 vote to pass.*
  - 10. During discussion, a member can move to set a time limit on debate. This requires a second, no discussion. This becomes the priority at that time. This action requiring 2/3 vote to pass.*
  - 11. Once the committee has worked through this path, it has taken an action which allow the committee to take up the next item of business.*
- Irene reminded everyone that resolutions for the Business meeting need to be sent to the list serve before this Thursday to enable everyone to have in put.*

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### **Linda Adams, Town Board**

- Ms. Adams reported on the January 11 meeting of the Watershed Committee – at Library – focused on state of 6 mile creek – 60 people there – 1/3 from Town of Caroline – good for town – talked of success of stream restoration project – Barielle I and II – spent time on explaining what it means for community; talked of water testing by CSI – 9 testing sites in Town of Caroline – if more manpower, could test tributaries on testing regimen – need 2 to 4 more people – would be a good thing – training would be in the Spring.
- In Town of Dryden – small fuel oil spill on Jan.25<sup>th</sup> – Brooktondale Fire – first responders – spoke to chief – fuel tank in basement of home – filled – equip. failed and some went in a culvert – FD and DEC on site and cleanup crew – contained – good response – worked the way it should. Homeowners are safe.
- Soil & Water – funding source that affects Caroline is money from FLLOPA – meeting with the committee and asked for support and feedback from Town of Caroline on how the funding and partnership have been beneficial. Date is important – outreach & educational components. Talked about the two stream projects – explained concept of natural channel design – worked so well that DEC and Army Corp have given tours and training – a huge success.
- This Thursday and Friday, project in Slaterville Springs – final survey due to DEC and Army Corp – reviews for stabilization – report due next week.
- Aaron asked for explanation of Barielle I & II – Linda described location – Barielle was the name of a family that asked for something to be done - there is a video documentary that can be viewed – Linda has a copy and will make it available. Those two projects have been benchmark sites for choosing engineering methodologies for other areas.
- Linda described a project that saved about 25 residences. Banks Road stream work (Barry Goodrich) at the site today – weather providing will start on road portion of the fix there – stream work will shift to Beaver Creek – weather permitting. Banks road may be open this week!
- Discussed the importance of gage station and continuation.

### **Town Business**

Draft minutes of the town board meeting – to publish or not to publish? Irene is checking with Robert Freeman – something in Public Information law says that two weeks after the business meeting, minutes be available to the public. Board previously decided not to publish draft minutes. Whenever practical – if available they can come in office and get a copy that are stamped “draft”. Linda reported there had been some confusion in the past – draft vs final, approved version.

Don says we need to comply with the spirit of the law.

The Board next discussed the Question & Answer meeting regarding the proposed local law on a Moratorium that was held last week at the Caroline Center Church. The Board discussed the following:

- Timing of the moratorium – when to start and for how long?
- Aaron – all drilling? Or except high volume extraction; are there gas wells in operation now? No. Only gas going through pipelines. Grandfather clause? Don- if someone applies for permit – before moratorium – would be grandfathered. One year? All drilling is OK.
- Supervisor Barber prepared a Gas Preparation Projects timeline (**see attached**). He believes it will take at least 15 months and suggests that it might be 18 months to complete;
- Linda Adams feels it is important to work on the road preservation piece and the pipeline piece immediately and prior to enacting the moratorium;
- Linda – suggest that #1 and #5 – top 2 that this community should start immediately;

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Don and Irene believe all items should be done at the same time;

Item 1. b. Skills desired – board members asked that an average citizen be added to the list (along with the experts noted);

Change time for moratorium to 18 months then schedule a public hearing; Linda says if we do road preservation and pipeline – move to front burner – then say to start moratorium – stay within the 12-18 month strength window. Irene disagrees;

Aaron – asked about the road preservation piece – any indication from Cindy about timeline – could shorten up if we hire an engineering firm – Don uncomfortable – wants to stay away from firms – many models out there. We will find our roads are not very strong – we need to be clear with other road users – CU, etc.;

Linda – the approach to do road & pipeline first before moratorium – extends the timeline. Allows the biggest and 2 most important items for this community; then use moratorium for the more finite items; gain advantage;

Dominic – lots of work – is it possible to get professional help? To build on work that has already been done to meet some periods. Don – no – all info. is available – committee still needs to get information & understand – not starting from ground 0. Don feels 1 ½ yrs. of work – now only 11 mos.;

Dominic – do we have enough people for these committees? Don does not know. Part of the discussion of this moratorium – time is not infinite – need clear process – we have a plan and build on or turns out we may have further direction on the law from Council of Govts.;

Linda – large stakeholders – if we do it in a framework of moratorium for road preservation – and they know we have a few months left, leaves impression that we are in a crunch for an agreement; if we do the road business first;

Don – moratorium only addresses road use by gas drilling operations;

Linda – point is if law is for activity on our roads, regardless;

Irene made a motion to accept the moratorium as written and move forward. Seconded by Dominic.  
Further discussion:

Linda – moratorium is premature – need to get road & pipeline in place prior to moratorium – loading up with all items won't provide protection we need;

Aaron – worried about extending to 18 months – feels comfortable with 12 months – we can extend with another local law. Landowners concerned with moratorium on their land rights - those who may be in favor of gas drilling.

Dominic – what are advantages of 12 months vs 18 months – liability was not that much greater – procedural just a matter of extending; Don feels 18 months is more reasonable. Don says plan (timeline) is dependable. This moratorium deals with what is needed for the Town – does not just address gas drilling. If 12 months, lots of the work will not get done. We recognize the work that needs to be done – realistic about time line. We are taking control of our future;

Linda – point that infrastructure and such in neighboring counties – pipelines may need to come through our community – could happen sooner in the process. Don work with TCOG committee to deal with that;

Dominic – question for Aaron – explain why concerned with 18 mos. vs 12 mos. Aaron explained that the Board originally said 12 months – now all of a sudden it will be 18 mos. It is not what was discussed at the Q & A session;

Irene – could foster some mistrust of the board – first said 12 now it is 18. Thinks it is a good concern – however, trust that committee members would be diligent and work hard – she would like to keep it at 12. If there is a need to extend it, can be done. Lots of work, but can be done.

Bruce Murray – doesn't understand why delay moratorium? Could extend moratorium – it's defensible;

Jonathan Comstock – plan says 15 months;

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Linda – Underground storage is not addressed in the timeline for work to be done. Don – storage wells – moratorium does not have control over wells – we do have control of pipelines;

Discussion about regulation of storage of natural gas – we are not controlling that – only pipelines. Linda questions why the work is not included in the time line. Need to get the things we can control in place before others are addressed;

Dominic – 15 months instead of 18 months – Aaron still feels is still not what was discussed at the Q & A session. It is legitimate to ask for an extension if needed;

Don – Assoc. of Towns is structuring agreements – could be in April – could step up timeline when it is available.

Dominic – expressing same concern that we are up front and truthful in how long we think this will take.

A vote to keep the Gas Preparation Projects timeline to 12 months was as follows:

**ADOPTED: Ayes: Barber, Frongillo, Weiser and Snow; Nay: Adams**

**RESOLUTION 50 OF 2012:**

Supervisor Barber made a motion to set a public hearing date for March 1, 2012 at 7:00 PM at the Brooktondale Community Center to consider Local Law #1 of 2012 – “Moratorium and Prohibition Within The Town of Caroline – Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes.” Seconded by Irene.

**ADOPTED: Ayes: Barber, Frongillo, Adams, Snow and Weiser**

RESOLUTION #47 of 2012 for February 14, 2012 meeting: Climate Smart Resolution – please provide amendments prior to the meeting if possible:

*Climate Smart Communities Resolution*

*WHEREAS, the Town of Caroline has emerged as a leader in local efforts for energy independence and was recognized by the U.S. Environmental Protection Agency and the Governor for being the 2nd municipality in New York State to procure 100% wind power; and*

*WHEREAS, since 2005, the town advisory committee Energy Independent Caroline has worked to reduce energy use by town government, study potential for renewable energy in the community, and engaged the public in energy efficiency, conservation, and renewables; and*

*WHEREAS, the Town of Caroline believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and*

*WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and*

*WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and*

*WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and*

*WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come; and*

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*WHEREAS, the Climate Smart Communities program is a voluntary program of the Department of Environmental Conservation (DEC), the Energy Research and Development Authority (NYSERDA), the Department of State, the Public Service Commission and the Department of Transportation to support local communities in reducing emissions and adapting to our changing climate,*

*IT IS HEREBY RESOLVED that the Town of Caroline, in order to reduce greenhouse gas emissions and adapt to a changing climate, seeks to:*

- 1. Combat Climate Change by Becoming a Climate Smart Community*
- 2. Set Goals, Inventory GHG Emissions, and Move to Action*
- 3. Decrease Energy Demand for Local Government Operations*
- 4. Encourage Renewable Energy for Local Government Operations*
- 5. Realize Benefits of Recycling and other Climate Smart Solid Waste Management Practices*
- 6. Promote Climate Protection through Community Land Use Planning, as consistent with the Caroline Comprehensive Plan*
- 7. Plan for Adaptation to Unavoidable Climate Change*
- 8. Support a Green Innovation Economy*
- 9. Inform and Inspire the Public*
- 10. Commit to an Evolving Process*

*AND BE IT FURTHER RESOLVED that the Town of Caroline charges Energy Independent Caroline with coordinating implementation of these voluntary goals and incorporating them into current efforts, as appropriate.*

RESOLUTION for February 14, 2012 meeting: To authorize the Supervisor to engage an attorney through a non-profit firm for the purpose of drafting a Gas Drilling Ban. Linda – how to choose? Don – ask for proposals – skill sets, experiences, etc... Dominic – does not limit us to a non-profit. Discussion of process – Town decision? Committee decision? A committee can engage a non-profit.

RESOLUTION for February 14, 2012 meeting: Supporting the continuation of the Metropolitan Planning Organization Facilitated by the Ithaca-Tompkins County Transportation Council.

***SUPPORTING THE CONTINUATION OF THE METROPOLITAN PLANNING ORGANIZATION FACILITATED BY THE ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL***

*WHEREAS, the Ithaca-Tompkins County Transportation Council (ITCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization for the Ithaca-Tompkins County Urbanized and its approved Metropolitan Planning Area since 1992 and*

*WHEREAS the ITCTC has promoted and facilitated tremendous collaboration among all the municipalities of Tompkins County and*

*WHEREAS over the past decade alone ITCTC has funded 44 projects in the amount of \$48,000,000 and*

*WHEREAS the Tompkins County MPO has been for 20 years a forum to bring together New York State, county, town, city and village governments to mutually decide upon beneficial highway, bridge and other transportation projects in a highly cooperative manner and*

*WHEREAS it has been proposed that MPOs smaller than 200,000 in population be required to justify their status as MPOs or their eligibility be eliminated and*

*WHEREAS over half of the MPOs in New York State would be affected*

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*Now therefore be it*

**RESOLVED** that the Caroline Town Board hereby strongly recommends that municipalities of 50,000 or more be permitted to retain their MPO status and

**Further Resolved** that our elected federal representatives and the ITCTC be sent copies of this resolution.

RESOLUTION for February 14, 2012 meeting: Don was approached by Town of Ulysses to approve becoming Amicus Curiae in Actions involving Municipal Home Rule Pending before New York State Appellate Courts. Irene explained what this means. Does not relate to gas drilling – it's how does judge determines home rule. Intent to educate judge on a narrow issue related to a larger issue. Dominic – would like to see the brief before decide to pass resolution. Don – no financial commitment.

**RESOLUTION OF THE TOWN BOARD  
OF THE TOWN OF CAROLINE  
TO APPROVE BECOMING AN AMICUS CURIAE  
IN ACTIONS INVOLVING MUNICIPAL HOME RULE  
PENDING BEFORE NEW YORK STATE APPELLATE COURTS**

*WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and*

*WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and*

*WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens.*

**NOW, THEREFORE, BE IT RESOLVED that:**

1. *The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.*
2. *The Caroline Town Board does hereby authorize and direct the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.*
3. *The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886 and the Association of Towns, 150 State St., Albany, NY 12207*

Other items for the February 14, 2012 meeting agenda include:

Planning Board, etc. vacancies;

Contract with Liberty Solar;

Climate Smart Resolution;

BAN resolution;

Amicus Brief resolution;

Transportation Council resolution;

**Approval of Minutes****Resolution 51 of 2012****Minutes of the Agenda Meeting January 3, 2012:**

A motion was made by Mr. Barber and seconded by Mr. Snow to accept the minutes of the January 3, 2012, Organizational Meeting, as submitted by the Town Clerk

**Adopted:**                   **Ayes: Barber, Frongillo, Adams, Snow and Weiser**

**RESOLUTION 52 OF 2012****Minutes of Business Meeting January 10, 2012:**

A motion was made by Mr. Barber and seconded by Mr., Froingillo to accept the minutes of January 10, 2012 as submitted by the Deputy Town Clerk.

Discussion: Mr. Barber expressed a concern about the process of how board members provide input to the clerk and how the information is dealt with. An opinion by Robert Freeman suggests that reports in writing and written accounts of long discussions can be attached to the minutes; however, Board members should not compel the clerk to include the information in the minutes. He is concerned that construction of the minutes could become a political football and minutes end up being censored. If Board members supply the clerk with written information – the clerk decides what to do with that information. The Board has no role in construction of the minutes. A recent occurrence brought this issue to be discussed, but there was no malicious intent in any way.

After further discussion, Board members agreed with how the minutes are constructed.

**Adopted:**                   **Ayes: Barber, Frongillo, Adams, Snow and Weiser**

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**ADJOURN:** At 10:25 PM, hearing no other business, Supervisor Barber made a motion to adjourn the meeting. Seconded by Mr. Frongillo. Carried unanimously.

Respectfully submitted,

Christine M. Wilbur, Deputy Town Clerk