

## **Caroline Town Board Meeting Minutes of February 14, 2012**

The Town Board Business meeting held on February 14, 2012 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

### **Attendance:**

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

### **Recording**

**Secretary:** Marilou Harrington, Town Clerk

**Also present:** Twenty-seven residents of the Town of Caroline attended the meeting

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### **Privilege of the Floor**

James Cornell: Mr. Cornell said he is for having safe roads and restrictions on putting in gas pipelines. If the gas companies break something then they should be held liable to fix the problem. He would like to see good laws, safe laws, put into place but does not want a ban on gas drilling. He said if there is a problem with hydrofracking then he would like to see the proof of contamination by the gas wells in New York State. No one has shown him any proof of contamination (with the water, land or air) that has to do with hydrofracking.

Elisa Evett: Ms. Evett said, there is science that showed that hydrofracking is a risk to humans and animals which is not acceptable. Numerous insistences (of problems) that show hydrofracking should not be allowed in Caroline. She also commented that we (the Town of Caroline residents) can not depend on the DEC with their miserable display of ineptitude backing regulations that are often founded on faulty science. She is for a ban on hydrofracking and is in support of the moratorium. She also passed out Valentines (to the Town Board) made by local children with various messages saying how much they love the Town of Caroline and thanking the board for taking care of the Town of Caroline.

Pete Hoyt: Mr. Hoyt spoke about the Amici Curiae resolution. He cautioned the board to be careful about how fast they are moving on passing this resolution and be careful of the result that it may cost the Town money. He spoke about the proposed resolution on Improving Public Notification of Town Government Activities. He said the idea sounds like a good one, however it could wind up costing the Town close to \$1000 to do that mailing. That there were various ways of notifying the people without a large cost that isn't in the budget. He added about the resolution on Committees Struction and Function that he feels at the very least it is "over kill" being six pages long of rules and regulations instructing committee members (which our volunteer citizens) about what their role will be on a committee they join. He questioned if the Town Board members would hold themselves to the same standards as they expected volunteer committee members to adhere to.

Cyrus Umriger: Mr. Umriger said, the Town of Caroline (residents) has made it very clear about how they stand on the issues (of hydrofracking.) The have voted two to one on banning hydrofracking. He urged the Town Board to have an attorney be appointed to draw up a ban on hydrofracking. If anyone has any doubt about how damaging hydrofracking can be they should

look at what has happened in Pennsylvania, Wyoming, Colorado and Texas.

Pat Dubin: Ms. Dubin spoke about moving to the Town of Caroline. At first (when her and her husband move to Caroline from Philadelphia, PA) they weren't that worried about gas drilling, but the more they heard and read about the issues they became concerned. They read about bigger (gas) companies buying out the smaller (gas) companies which made her and her husband realize that the issue (of hydrofracking) was serious. They attended Town meetings and area meeting about hydrofracking so they could make an informed decision about the process. She said she has come to believe that hydrofracking is a complete disaster. Pro bono help if offered by an attorney should be accepted.

Mark Witmer: Mr. Witmer said that he appreciates the different views (on hydrofracking). As a community the Town of Caroline has considered the facts and the majority is endorsing a hydrofracking ban. As evidence comes out about hydrofracking it just gets worse. Environmental pollution it would cause is well documented. In Tompkins County Counsel of Governments estimated that the National average over a ten year period would expect in Tompkins County 336 leaking wells and 252 serious environmental violations. Hydraulic fracturing has never been shown to be safe. Strongly support the boards plan to move ahead on this moratorium.

Raylene Ludgate: Ms. Ludgate stated that there is more people than ever supporting the ban and the moratorium. She said she appreciates the work of the Town Board. She read a poem by Joseph Wood Krutch, naturalist: *If we do not permit the world to produce beauty and joy, it will not produce food or clean water either.*

Bill Poldulka: Mr. Podulka said he appreciates how the Town boards work. He urges the Town Board to move forward with the moratorium. What he would like to make clear is that even though he is a land owner and many people in the room are land owners that it is not just land owners against other Town residents when it comes to the differing viewpoints on hydrofracking. Many people rent. We are all trying to protect our health and there is data showing measured impacts to water wells do to hydrofracking. There is also impact on the air quality for example in Texas the ozone level is higher. There are a lot of impacts that have occurred that are in documented publications. No matter how strong the regulations (put in place for hydrofracking) there has been incidences that have an impact on the environment.

Bill Crispell: Mr. Crispell thanked Councilmember Irene Weiser for getting the minutes of the Town Board meetings out to the Speedsville store for people to review.

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## Reports

### **Cindy Whittaker, Highway Superintendent (Given by Councilmember Aaron Snow)**

There was a problem with one of the trucks, which required some maintenance work to be done.

### **Frank Proto, County Representative**

Not present

### **Don Barber, Town Supervisor**

Correspondence of Note:

1. County Redistricting Map- 14 representatives rather than current 15
2. Resignation of Rich Andersson from Subdivision review Board

3. Several letters from Citizen regarding their feelings on gas related issues
4. CCE- Dan Klein notifying of Beautification Grant Opportunity

Report:

1. Banks Road has been stabilized. Working with HS to determine if appropriate to open this winter. Working beginning on Beaver Creek road tomorrow
2. Expect bid packets to be ready for bidding and potential award of contract next month for flood projects at the Town Barns (Boice Creek) and Six Hundred Road
3. County is working with LaBella Engineering on post Road Use Agreement engineering protocol and services. Town has signed on as a potential partner-pending our road preservation policy
4. Passed TCCOG baton- but now working on a local Govt efficiency Grant Application (due 3/20) in the area of highway/public works
5. Will also seek opportunities at AoT event for consolidating unappropriated fund balances from several muni's to earn 2-3% interest while super saver and CD rates are so low

**Aaron Snow, Town Board**

He is waiting to hear back from Penny Boynton about an individual who would like to donate money to the youth program.

**Dominic Frongillo, Town Board**

No report

**Irene Weiser, Town Board**

No report

**Linda Adams, Town Board**

No report

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**Approval of Abstracts**

**Resolution 53 of 2012  
General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the General Fund voucher numbers 37 through 80 for \$ 117,063.14 as amended.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Resolution 54 of 2012  
Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Highway Fund voucher numbers 24 through 53 for \$ 243,613.19.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Resolution 55 of 2012  
Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Streetlight Fund voucher numbers 3 and 4 for \$590.24.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Resolution 56 of 2012  
Caroline Fire District Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Caroline Fire District Fund voucher number 1 for \$7,700.00

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Transfers**

**Resolution 57 of 2012**

Motion made by Ms. Barber; Seconded by Mr. Frongillo

Be it Resolved the Caroline Town Board makes the following 2012 Budget Adjustment:

Increase Highway Revenue Line DA 3062 FEMA Grant by \$709,192.75.( Total project amount \$810,506 x .875 – FEMA and SOME portion) and Highway Appropriation Line DA 5110.42 Bank Road Repair CE by \$709,192.75.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Town Business:**

There is 2 vacancies on both the Planning Board and Sub division review committees. Councilmember Linda Adams suggested a couple of months to get the word out about the open positions. Send ad about the open positions to the Brooktondale News Letter, Tompkins Weekly, and put on the website, and in the Ithaca Journal. There will also be an application online and available at the clerk's office. Look for applications to be in by April agenda meeting and the interview process will take place at the Town board business meeting in April. Both committees have a training required of their members of 4 hours per year. There is not a minimum requirement of time required to serve on either board, what is most important is in the willingness to serve, the interest in the position and past experiences.

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## Agenda

### Discussion and Action Topics

- Transfers (8:00)
- Approve Abstracts: Highway, General, Lighting, Fire Protection District (8:05)
- Planning Board and Subdivision Review Board Member Selection Process (8:10)
- Resolution in Support of MPO (8:15)
- Climate Smart Community Resolution (8:25)
- Public Notification Policy Resolution (8:45)
- Incident Command Training Resolution (9:00)
- Committee Structure Resolution (9:05)
- Resolution to Become Amicus Curiae for Home Rule Appeals (9:30)
- Resolution to Seek Legal Assistance to Develop Local Law to Ban HVHF (9:45)

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## Resolutions

### Resolution 58 of 2012

Motion made by Mr. Barber: Seconded by Ms. Weiser

#### **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

**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.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Discussion: Councilmember Linda Adams asked in regards to this portion of the resolution **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..... Who proposed that MPOs small that 200,000 in population had to justify their status? Supervisor Don Barber answered that it comes from New York State but he believes it is coming down from the federal government. There are some State funds but the funds typically come from the federal government. The DOT is part of the Town MPO committee which works as the liaison for the Town. If we (the Town of Caroline) don't have a MPO then someone who doesn't live in our county but does live in our State can make the decision about our highway projects in our area. Supervisor Barber said he has more faith in our local people to know what is best for the Town highway projects. In answer to a question posed by Councilmember Snow about the role of the MPO, Supervisor Barber answered, The MPO is a planning organization that makes recommendations to the State and then the State decides which projects they are going to fund. They don't actually control any money.

#### **Resolution 47 of 2012**

Motion made by Ms. Weiser: Seconded by Mr. Snow to un-table resolution 47 of 2012 Climate Smart Communities from 1/10/2012

**So moved:** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

#### **Resolution 47 of 2012**

Motion made by Mr. Barber: Seconded by Ms. Weiser

**Climate Smart Communities Resolution (1<sup>st</sup> proposed 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

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.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

### **Discussion:**

Councilmember Snow: said he didn't care for the name of the resolution. He felt that the resolution should be called "Climate Dumb Communities", instead of "Climate Smart Communities." After talking with constituents, he felt if the community was "climate smart" then the Town would already be on the right track and there wouldn't be a need for the resolution. People he spoke with were for the recycling but a question he was asked was what could the town give back to the people for being more energy efficient?

Councilmember Frongillo: Climate Smart Community is a voluntary program. The resolution promotes communities who take leadership already or who want to take leadership in being energy independent. In answer to Councilmember Snow's question he told about in 2008 there was a pamphlet put together by the Energy Independent Caroline profiling six people who put in renewable energy systems on their houses. The pamphlet gave the stories of "how it came to be" as a way of celebrating "your neighbors" in the town have renewable energy and you can talk with them about the process.

Supervisor Barber: Also in answer to Councilmember Snow's question, Supervisor Barber said having energy conservation for Town resident's will be doing more for the people themselves than anything the Town could offer. The town is not in a position to give any reduction in property tax for people making their houses more energy efficient because the rules are set by the State, but the State could be lobbied to change that rule. He also said he believes that at this time residents can get credit on their income tax for various property upgrades in energy efficiency, so this would be a benefit to them through State and Federal tax reduction.

Councilmember Adams: said a portion of our Town sits atop the Marcellus natural gas formation. She said it is an abundant and versatile energy source which speaks to an independent energy option and that it would be premature to discard natural gas via this resolution. She referred to the part of the resolution **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** ..... she said she does not believe that all fossil fuels are to be blamed for the climate changes. She also spoke to part of the resolution .....Councilmember Adams said natural gas is distinctly cleaner versus coal usage and that it is **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** a fact that not all fossil fuels are bad for Greenhouse Warming Potential (GWP). She also referred to the part of the resolutions "voluntary program" which she said there is no accountability toward the goals put forth. She also said wind turbines, biomass digesters, and



solar arrays do not meet the standards of the Caroline Comprehensive Plan (see number 6. in the resolution). She said regarding a “commit to an evolving process” (see number 10. in the resolution) that this is a conflict for the resolution as it is written-one can not take options off the table and have an evolving process; this resolution is not in the best interest of Caroline.

Supervisor Barber: Responded to Councilmember Adams, saying the accountability is within our town and the only accountability would be the Town’s commitment to these goals. Energy Independent Caroline would be working on these goals and that is where the accountability would come from.

Councilmember Frongillo: This is an inspirational program that helps municipalities move forward with energy independence or climate goals.

### **Resolution 59 of 2012 for discussion**

Motion made by Ms. Weiser; Seconded by Mr. Frongillo

(See discussion below following first version of the resolution [with version 2 and 3 of the resolution following])

(A motion was made to amend the amendment: see below 2<sup>nd</sup> and 3<sup>rd</sup> version [Resolution 59 of 2012])

### **Resolution on Improving Public Notification of Town Government Activities (Version 1 of resolution)**

**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 have a right to know 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 (web address) of 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 changed.

### **Discussion:**

Councilmember Weiser: Spoke with a member of the community about getting out information about Town meetings, etc and the fact that not everyone has broad band internet service to receive such notices that are put out via e-mail or on the Town website. She said that there are people that can't afford to have internet provided or people who may not use a computer. Though everything has been done by law to notify the public of Town Board meetings, Councilmember Weiser would like to see additional mechanisms put in place of notifying the public. One thought was to do a Town wide mailing with Town officials contact information supplied, along with a list of Town board meeting dates provided for the year. At this time Councilmember Weiser has put notebooks at various store locations around the Town of Caroline which include copies of the current minutes, current resolutions, the comprehensive plan and the 2012 budget. She talked about cutting the expense of the mailing by doing a one time joint mailing with the Brooktondale Newsletter.

Supervisor Barber: Spoke to changing the resolution to provide the direction to the Public Information Committee so they could help work out the details of the resolution. He said there is a balance between the responsibility of the elected official of the government and the responsibility of the citizens. He said he doesn't believe the resolution should be passed at this point, that the committee process which we are embracing at this point as a Town board should be allowed to function. 130 minutes

Councilmember Snow: Would like to see the Public Information Committee in place to "get the ball rolling." He said he feels that Councilmember Weiser has made a good start but it is not finished at all. He would also like to see the part changed about sending *A tear off portion for residents to complete and return to the Town Clerk if they want to be notified.....* as he said he believes there is a more efficient way to do it.

Councilmember Adams: Said she worried that it might be misunderstood that the Town Clerk would be making the phone calls based on the following: *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.* She thought that section should be made more clear. It was suggested that wording be changed to have the “tear off portion” be returned to *the Public Information Committee at the Caroline Town Hall.*

Councilmember Frongillo: Overall he said he liked the idea of the mailing; notifying everybody in the Town of the schedule of Town meetings and other important information. He said he wanted to make sure since the mailing is being discussed to go with the Brooktondale newsletter (Old Mill) that it is realized that it is a “Town mailing” and not just endorsing one hamlet of the Town of Caroline. He said it is important to be sensitive to the people who don’t live in the hamlet of Brooktondale, that the mailing is targeted to reach the whole Town of Caroline.

**Note about proposed Resolution 59 of 2012 (below) making the following amendments (see 2<sup>nd</sup> version of resolution below presented by Supervisor Barber with suggested changes in italics and suggested text to be deleted with “strike through”. There was a board discussion and additions added by board members in bold italics.)**

Motion was made by Mr. Barber; Seconded by Mr. Snow to amend the resolution as follows:

**The Town Board voted on the amendments to the Resolution on Improving Public Notification of Town Government Activities (2<sup>nd</sup> version; amended resolution)**

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

**WHEREAS** Town residents should be informed of who their *elected* public servants are and how to contact them, and have a right to know when public meetings are taking place, and should have the ability, ~~within reasonable limitations as set by Section 103 of the Open Meetings Law,~~ to see the records scheduled to be discussed ~~prior to~~ *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~~ *accessible* information *accessible* on the activities of local government to all interested residents,

**Therefore be it resolved that:**

*The Town Board directs the Public Information and Website Committee to suggest a process that balances the responsibilities for both the Town Government and the citizens of Caroline that communicates the following:*

~~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 *normally* occur, and if ~~known, a the tentative~~ schedule for when committee meetings ~~shall occur~~ *and where to find information on any changes*
- A list of all official and unofficial venues for posting public information, the information *to be posted* ~~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 (web address) of the town's website
- ~~An invitation encouraging residents~~ *The process* 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.~~
- *A tear off portion for residents to complete and return to the Town of Caroline if they want to be notified by phone of public hearings and special 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 changed. A tear off portion for residents to complete and return to the Town Clerk if they want to be charged with recommending a process whereby residents can be notified by phone of public hearings and special meetings of the Town Board,~~ and

*Be It Further resolved that the Town Board requests the Committee's recommendation by **June, 2012***

***Resolved, the Caroline Town board directs Councilmember Weiser to implement these steps that are listed here, including the tear off portion as soon as possible at a cost not to exceed three hundred dollars.***

**A motion was made to accept the amendments:**

Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Nay; Weiser: Aye

**Resolution 59 of 2012**

Motion made by Ms. Weiser; Seconded by Mr. Frongillo (to accept the resolution as amended)

**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 elected public servants are and how to contact them, and have a right to know when public meetings are taking place, and should have the ability, as set by Section 103 of the Open Meetings Law, to see the records scheduled to be discussed prior to open meetings; and

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

**Therefore be it resolved that:**

The Town Board directs the Public Information and Website Committee to suggest a process that balances the responsibilities for both the Town Government and the citizens of Caroline that communicates the following:

The town board meetings schedule, and official locations for posting public notices:

- 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 normally occur, and the tentative schedule for when committee meetings and where to find information on any changes
- A list of all official and unofficial venues for posting public information, the information to be posted in accordance with Public Officers Law Article 7 (Open Meeting Law).
- The URL (web address) of the town's website
- The process to sign up for the town's email announcement list with link
- A tear off portion for residents to complete and return to the Caroline Town Hall if they want to be notified by phone of public hearings and special meetings of the Town Board.

**Further be it resolved that**

- The Public Information Committee will be charged with recommending a process whereby residents can be notified of public hearings and special meetings of the Town Board, and

Be It Further resolved that the Town Board requests the Committee's recommendation by June, 2012.

Resolved, the Caroline Town board directs Councilmember Weiser to implement these steps that are listed here, including the tear off portion as soon as possible at a cost not to exceed three hundred dollars.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Nay; Weiser: Aye

**Resolution 60 of 2012**

Motion made by Mr. Weiser: Seconded by Mr. Frongillo

**Resolution on Incident Command Training for Elected and Appointed Officials**

Whereas, elected and appointed officials should have a clear understanding of their roles and responsibilities for successful emergency management and incident response, and

Whereas, the Town of Caroline has been the recipient of FEMA funds for recovery from past emergencies; and

Whereas, future award of FEMA funds is contingent on the Town's preparedness in the National Incident

Management program, and

Whereas, that preparedness includes in part completion of required Incident Command Training for senior elected and appointed officials, and

Whereas, Beth Harrington, a resident of Caroline, works for the Tompkins County Department of Emergency Response as their NIMS compliance officer and is qualified to perform such training,

Therefore be it resolved that

The Town of Caroline Supervisor, Board , and Clerk shall complete IS-100 and IS-700 within 20 weeks of passage of this resolution.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

**Proposed Resolution On Committee Structure And Function (Board discussion follows)**

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:

**1. 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 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 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.

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 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.

#### **Board Discussion**

Councilmember Weiser: The attorney for the Town of Caroline, Guy Krogh, read the resolution and sent back (via e-mail) suggestions for changes. Councilmember Weiser is asking for the boards input and comments on the resolution and then she and Supervisor Barber would work for the next month on implementing any changes.<sup>5</sup>

Councilmember Adams: Questioned section 2. A. *The Board shall, at it 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.* She asked how does this support free and critical thinking and give the committee participants the ability to function in a given board when a majority of the town board may at any juncture amend a committees discussions, goals, activities, etc. She said in her thoughts it would cripple a productive debate and have a deleterious impact on committee processes. She said the difficulty she can see with a reasonable person reading the proposed resolution is that it does not just affect this board but it will stay on the books forever. How this applies to not only this board. In her opinion, if adopted, this resolution would be grave mistake and not good for Caroline. She questioned this level of detail; statement of time commitment anticipated of committee members including duration of appointments, maximum number of meetings allowed to be missed, anticipated hours per month of homework or outside committee meetings, etc. She questioned the role of the board to micro-manage the committee member's time. Is it appropriate to remove someone (from a committee) for not being able to keep all of

their commitments when things can come up from time to time and cause them to miss meetings, etc?

Supervisor Barber: The committees are advising the Town Board with the Town board keeping the committees up to date on what they are looking for. It said he thinks they should take Councilmember Adams comments in to consideration when wording section 2.A.

Councilmember Weiser: In response to Councilmember Adams concerns, she said she has worked a lot as a volunteer and managed many volunteers in her work at non-profit businesses. It is pretty typical when you bring a volunteer on board that they are aware of the time commitment that is expected of them; what are the kinds of things they will be asked to do. Then they can determine for themselves rather or not the position will be a good fit or not versus people not knowing what the expected responsibilities are and finding out it is way too much work for what they have time for. Then we have volunteers who are unable to perform because they didn't realize the level of commitment involved. They feel overwhelmed and not able to do what they are asked to do. To answer Councilmember Adams question about removing a committee member who is unable to keep all their commitments, she said "yes" if the board needs to get tasks done and the committee member is unable to perform those tasks in a reasonable time frame of the board expectations then the person should be removed. This is a function of managing the committees.

Councilmember Frongillo: Asked Councilmember Adams if her concern was that she saw it as being politically motivated to remove a member from a committee? She answered in the affirmative that it seemed clear to her the motivation behind it.

Councilmember Snow: He made the suggestion that all the board members review the proposed resolution and e-mail Councilmember Weiser with suggested changes.

A motion was made by Supervisor Barber to end the discussion on the proposed resolution **On Committee Structure And Function**

Supervisor Barber-Aye

Councilmember Adams- Opposed

Councilmember Frongillo-Aye

Councilmember Snow-Aye

Councilmember Weiser-Aye

### **Resolution 61 of 2012**

Motion made by Mr. Barber: Seconded by Mr. Snow

### **Resolution of the Town of Caroline to Defend Municipal Home Rule**

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 may 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:

The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Town to defend municipal home rule in land use authority.

And Be It Further Resolved that 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 Town Board deems necessary or appropriate to carry into effect the foregoing resolution.

And Be It Further Resolved that 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

### **Discussion:**

Councilmember Weiser: Discussed with the board changing the title of the resolution (**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**). The board discussed it and revised it to be: **Resolution of the Town of Caroline to Defend Municipal Home Rule**

Councilmember Frongillo: Suggested changing *The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule at every opportunity*. To The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Town to defend municipal home rule in land use authority decision.

A motion was made by Mr. Frongillo: Seconded by Ms. Weiser to approve the amendments to the resolution

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Abstained; Snow: Aye; Weiser: Aye

A motion was made by Mr. Barber: Seconded by Mr. Snow to adopt the resolution as amended

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

### **Resolution 63 of 2012**

Motion made by Mr. Barber: Seconded by Ms. Weiser

### **To Seek Legal Assistance to Develop Local Law to Ban HVHF**

WHEREAS, Caroline citizens have presented the Caroline Town Board with a petition bearing 1,130 witnessed signatures of adults residing in Caroline and 16 additional witnessed signatures of adults who own land in the Town of Caroline but live elsewhere, which makes the following statement:

“We, the undersigned residents of the Town of Caroline, urge the Town Board to ban gas extraction using high-volume, slickwater, hydraulic fracturing in the Town of Caroline.

The methods used and the intensity of industrial development threaten our clean air, clean water, soil, rural landscapes, and health, as well as our social and economic well-being.”

and

WHEREAS, this is an unprecedented number of signatures for a petition in the Town of Caroline, and

WHEREAS, in Tompkins County alone, the Towns of Dryden, Ithaca, and Ulysses have already passed local ordinances prohibiting high-volume hydraulic fracturing, and the Town of Danby and the Village of Trumansburg are in the process of considering and adopting such ordinances,

BE IT RESOLVED THAT the Town Board hereby instructs the Town Supervisor to engage one or more attorneys, on a pro bono (no-fee) basis but otherwise on terms acceptable to the Supervisor, to prepare using their best judgment as to method and language, for subsequent consideration and evaluation by the Town Board and by the Attorney for the Town, a draft local law that would prohibit within the Town unconventional gas drilling and associated high-impact activities, including but not limited to: high-volume hydraulic fracturing, injection wells for the disposal of hydraulic fracturing waste, treatment plants to process waste from hydraulic fracturing, natural gas compressor stations, and hydraulic fracturing chemical storage and processing facilities.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

**Discussion:**

Councilmember Adams: Her interpretation of environmental conservation law does not put this the Town of Caroline's jurisdiction. She said she feels the town board is spending time on this when there is other items in the Town that need the town boards attention. She said by working on this ban it comes at the expense of what we do have in our jurisdiction that is important to address.

Supervisor Barber; Disagreed with councilmember Adams saying that he felt that this is in the jurisdiction of the Town of Caroline.

Councilmember Weiser: Said she has a difference of opinion than Councilmember Adams but what it will ultimately come down to is the decision of the courts. While she feels it is important to still move forward with the ban.

Councilmember Frongillo: We have always trusted the NYS Association of Towns for legal advice and opinions, and the Town board owes the voters and the people who signed the petition (against hydrofracking) to look into it.

Adjourned on a motion by Mr. Frongillo and seconded by Mr. Snow the meeting adjourned at 9:59 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk