

# Town of Caroline Town Board Minutes

March 16, 2006

The regular meeting of the Town Board of the Town of Caroline held on March 16, 2006 at the Town Hall was called to order by Supervisor Don Barber at 7:00 p.m.

## **Present:**

Don Barber, Supervisor  
Ed Cope, Councilman  
Tim Seely, Councilman  
Dominic Frongillo, Councilman  
Nelly Farnum, Councilwoman

## **Recording**

**Secretary:** Debra DeAugustine, Town Clerk

**Visitors:** Stacey Crawford, Barry Goodrich, Jackie Cassaniti, Jeremy Richards, Peter Hoyt, Sheriff Meskill

## **Better Housing of Tompkins County**

Stacey Crawford, Director Better Housing. Stacey provided an overview of the Caroline Housing Rehabilitation program. Application is due on April 3, and we will get the results by September. If we are awarded funds, the work can begin next winter.

## **Privilege of the Floor**

### **Gap Analysis**

Barry Goodrich, Caroline representative on county stormwater coalition. Attended DEC seminar last County hired Nick Schipanski with grant funds to do a gap analysis on stormwater regulations and laws on the books for all towns in county. Barry handed out the gap analysis to the board and clerk.

### **Noise from motocross track on Brooktondale Road**

Jackie Cassaniti, 40 Woodlane Rd., Jeremy Richards: 92 Besemer Rd., complained about motocross racing on the property of Peter Wyllie, 296 Brooktondale Rd.

Noise can be heard by neighbors in the area of Brooktondale Rd, Besemer Rd, and Woodlane Rd. There are 36 houses within hearing range; the noise can be heard with windows closed. The noise is amplified because of where the track is situated; it is so loud, you "can't think straight when outside." It's an oval of about 60 yards in length made by the bulldozer tracks, situated 50 feet from the creek bed. Concern about pollution going into the creek. Do they need special permits? Are there any noise or nuisance laws? Neighbors have indicated they would sign a petition.

Sheriff Meskill: if people see 4 wheelers or unlicensed bikes, they should call the office. Nothing they can do about the noise unless violating a town or state law.

Don Barber: No laws governing the issue. Owner was issued an order to cease and desist with any more earth movement. Don will call the DEC and ask them to come out and take a look; they're the enforcement arm. The land is supposed to be level; without jumps, it won't be much of a track.

Pete Hoyt, 360 Brooktondale Rd: not directly affected, but he's asked the people across from him to keep it down, and they have. He doubts Pete Wiley wants to antagonize people.

Cindy Whittaker has talked to several riders, including Pete's son; maybe it will help.

### **Barrile**

Frank Proto is making a report on how the money was spent. Asked the supervisor whether the property owners made any financial contributions. None. Volunteer personal service came to around \$39,000. Supervisor commented that we had to do characterization of the stream three times, after particular high

water events; volunteers from the Town of Ithaca, City of Ithaca, Town of Dryden pitched in. Frank pointed out that landowners have had to shoulder the responsibility for creek maintenance with very little help from the town. Don noted that work the town did in the past was not well engineered, and the work “went down the creek.” Needed to come up with a model for this area, which has gravel riverbanks, not shale. Barrile project was a very successful collaboration between town, county, state; we should continue this work on down the creek.

## Monthly Reports

### Highway Superintendent

- Ford pickup: Auction house suggested she hold off selling it until May. Signed contract for a minimum of 20k on the sale.
- Inspection: Did very well; several minor violations, most of which have already been taken care of. They’ll come back in 30 days.

### Supervisor’s Report

#### Correspondence

1. Health Dept: air pollution and sanitary code changes.
2. Guide to local planning for agriculture in NYS. Will give to planning board.
3. Turned in annual financial report to clerk.
4. Received a plaque from the green power partnership for green power procurement for the town.
5. Letter from SPCA stating that they will no longer serve tickets personally for licenses that have expired; rather they will mail the tickets. Our contract does not state that they have to serve tickets in person.
6. Citizen who attended Lee’s memorial service suggested we do something to commemorate Lee.

#### Report

1. Smith-Barney has suggested the supervisor take out short-term CDs with the town’s money.
2. Attended the council of governments meeting, focus on health insurance.
3. Association of Towns training, attended session on shared services and a talk on 284 agreements, and found that we’re following the law properly.

### County Representative’s Report

- Sanitary code amendment: went into effect today.
- Planning committee meeting: finishing up the housing needs assessment to present to the county board in April. Natural interest focus area focusing on towns that have stream corridors. Ag density policy as it would affect the towns.
- Health committee: state has required the health dept to put together a plan for the avian flu pandemic. Due in Albany in August.
- Suggested the town put a plaque for Lee at the town monument; Lee was a Vietnam vet.

### Department, Committee, & Liaison Reports

Councilman Cope: Handed out very early draft of part 2 of the Comprehensive Plan, the implementation phase. Having trouble finding a summer intern

### Transfers

#### Motion to Authorize Transfer of Funds

A motion was made by Supervisor Barber and seconded by Councilman Seely to authorize the following transfer:

	<b>From</b>	<b>To</b>
\$40.00	General Fund Account A 7510.2 Historian EQ	General Fund Account A 7510.4 Historian CE

**Adopted**

Don Barber	Aye
Ed Cope	Aye
Tim Seely	Aye
Nelly Farnum	Aye
Dominic Frongillo	Aye

**Action Topics**

**Approval of Abstracts**

**Approval of General Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Frongillo to approve payment for the General Fund voucher numbers 042 through 065 in the amount of \$9,261.17.

**Adopted**

Don Barber	Aye
Ed Cope	Aye
Tim Seely	Aye
Nelly Farnum	Aye
Dominic Frongillo	Aye

**Approval of Highway Fund Abstract**

A motion was made by Councilman Seely and seconded by Councilman Frongillo to approve payment for the Highway Fund voucher numbers 038 through 054 in the amount of \$16,549.85.

**Adopted**

Don Barber	Aye
Ed Cope	Aye
Tim Seely	Aye
Nelly Farnum	Aye
Dominic Frongillo	Aye

**Approval of Streetlight Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Seely to approve payment for the Streetlight Fund voucher numbers 004 through 005 in the amount of \$581.37.

**Adopted**

Don Barber	Aye
Ed Cope	Aye
Tim Seely	Aye
Nelly Farnum	Aye
Dominic Frongillo	Aye

**Minutes**

**Approval of Minutes from January 12, 2006**

A motion was made by Supervisor Barber and seconded by Councilman Seely to accept the minutes of January 12, as submitted by the town clerk.

**Adopted**

Don Barber	Aye
Ed Cope	Aye
Tim Seely	Aye

Nelly Farnum	Aye
Dominic Frongillo	Aye

**Approval of Minutes from February 7, 2006**

A motion was made by Councilman Seely and seconded by Supervisor Barber to accept the minutes of February 7, 2006 as submitted by the deputy clerk.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Approval of Minutes from February 16, 2006**

A motion was made by Supervisor Barber and seconded by Councilman Seely to accept the minutes of February 16, as submitted by the town clerk.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolutions**

**Resolution 3-4 of 2006  
Environmental Planner Contract**

By Councilman Frongillo; Seconded by Councilman Seely

RESOLVED, the town board authorizes the supervisor to sign the Environmental Planner Contract.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 3-5 of 2006  
Establish Weight Limits of Town Roads**

By Supervisor Barber; Seconded by Councilman Frongillo

RESOLVED, the town board authorizes the establishment of the following weight limits on town roads:

10-Ton Weight Restriction

1. White Church Road
2. Central Chapel Road
3. South Road
4. Buffalo Road
5. Level Green Road
6. Blackman Hill Road
7. Yapple Road

5-Ton Weight Restriction

1. Thomas Road
2. Banks Road
3. Shindagin Hollow Road

4. Brearly Hill Road

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 3-6 of 2006  
Stormwater Coalition of TC Agreement**

By Councilman Frongillo; Seconded by Councilman Cope

WHEREAS, Caroline desires to have the Watershed Network provide services for Compliance with Stormwater Phase II Regulations (hereinafter referred to as Stormwater Support Services);

WHEREAS, the Watershed Network, through its Watershed Steward, has the technical capability to provide these services to Caroline;

WHEREAS, the Town Board of Caroline has examined and investigated the fields of endeavor related to the profession of environmental planning, and has determined that (1) the said profession requires special, unique, and individual skills, and (2) said profession requires specialized skill, training, education, and expertise; and

WHEREAS, and accordingly, the Town Board of Caroline has determined that the provision of environmental planning services is a service that falls outside the formal bidding process and procurement procedures and requirements imposed by the General Municipal Law, the Town Law, and related provisions of law,

NOW, THEREFORE, in consideration of the promises, covenants, and agreements contained herein, the parties agree as follows:

1. The term of this Agreement shall be from March 15, 2006, through December 31, 2006.
2. The Watershed Network agrees to provide stormwater support services to Caroline as described in Exhibit A – Stormwater Support Services. Requests for services under the Stormwater Support Services Agreement may only be initiated by the following officers and officials of Caroline: Town Supervisor, Chair of the Caroline Watershed Committee, and Chair of the Town Planning Board.
3. Caroline agrees to pay the Watershed Network \$50 per hour for Stormwater Support Services up to a maximum of \$7500, which shall be paid after receipt of a voucher from the Watershed Network. Caroline shall remit payment to the Watershed Network within 30 days of the receipt of a voucher from the Watershed Network. Since this Agreement is for professional services, the parties agree that if the Watershed Network is unable to perform its obligations hereunder due to illness, injury, or the termination of employment for any reason whatsoever of its Watershed Steward, then the Watershed Network may terminate this Agreement. An adjustment of any amounts paid by Caroline to the Watershed Network that have not been earned shall be made and the Watershed Network shall promptly refund the amount of such adjustment to Caroline.
4. The Watershed Network will undertake the work described in this Agreement in a timely, professional, and competent manner, in accordance with generally accepted professional principles, and will maintain accurate and complete time records of the services provided to Caroline under this Agreement. This Agreement entitles Caroline to no more than 150 hours of the Watershed Steward’s time, which number has been calculated according to the Watershed Steward’s billable rate.

Caroline shall indemnify, hold harmless and defend the Watershed Network and its officers, employees, agents and elected officials from and against any and all claims and actions brought against the Watershed Network and its officers, employees, agents and elected officials for injury or death to any person or persons or damage to property arising out of the negligence of Caroline and its employees, subcontractors or agents.

5. The Watershed Network shall indemnify, hold harmless and defend Caroline and its officers, employees, agents and elected officials from and against any and all claims and actions brought against Caroline and its officers, employees, agents and elected officials for injury or death to any person or persons or damage to property arising out of the negligence of the Watershed Network and its employees, subcontractors or agents.
6. This Agreement may be amended only by written agreement between the Watershed Network and Caroline. This Agreement may be terminated only by written agreement by each of the parties hereto.
7. It is mutually agreed between the parties that an independent contractor relationship, not an employment relationship, is hereby established under the terms and conditions of this Agreement. The Watershed Network and its Steward shall perform its services at sites, time and pursuant to professional standards for this type of work, using its own equipment, offices and supplies. The Watershed Network will be reimbursed for mileage if travel outside of Tompkins County is necessitated.

The provisions of this Agreement shall be construed under the laws of the State of New York.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 3-7 of 2006  
Proposal for Engineering Analysis of Midnight Sun**

By Councilman Seely; Seconded by Councilman Cope

RESOLVED, the town board authorizes Tim Seely to contact the engineering firm request they submit a proposal for an engineering analysis of the Midnight Sun property.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 3-8 of 2006  
Youth Services Agreement with CCETC**

By Supervisor Barber; Seconded by Councilman Seely

RESOLVED, the town board authorizes the supervisor to sign the agreement with Cornell Cooperative Extension of Tompkins County for youth service programs for 2006.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 3-9 of 2006  
Rural Beautification Grant Application**

By Supervisor Barber; Seconded by Councilman Seely

RESOLVED, the town board authorizes the supervisor to sign the Rural Beautification Grant application.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Aye
	Tim Seely	Aye

March 16, 2006

7

Nelly Farnum     Aye  
Dominic Frongillo   Aye

**Adjourn**

On a motion, the meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk