

Town Board Minutes

April 10, 2007

The regular meeting of the Caroline Town Board held on April 10, 2007 at the Town Hall was called to order by Supervisor Don Barber at 7:00 p.m.

Present: Don Barber, Supervisor
Tim Seely, Councilman
Dominic Frongillo, Councilman
Nelly Farnum, Councilwoman

Recording Secretary: Debra DeAugustine, Town Clerk

Privilege of the Floor

Frank Proto, Slaterville Rd, 1) received Don's letter in regards to the gabian baskets, and will get in touch with Don. 2) county is beginning to look at initiating flood hazard project: \$25,000 -- countywide. Is there going to be an opportunity for the town's watershed committee to designate properties that need help? Don: In the past, watershed committee has assessed areas that might need help. April/May meeting would be good opportunity for residents to come in and talk to the committee.

Monthly Reports

Don Barber, Town Supervisor

Correspondence

1. Informational meeting on Illicit Discharge Detection and Elimination – 4/16 @8:30 AM B-dale VFD

Report

- Records Storage: Highway super needs the space where we store records. Town of Ithaca has system, and sent Board a rental agreement
- GOSC- \$246K committed (13 projects) of \$336K total, \$38K spent
- Contract signed with Laberge for planning grant; 10-month timeline
- TCCOG working on radios for communicating with new Emergency Towers
- Coalition of Caroline Business is forming. Next meeting: 4/11/07 7PM at old fire house – looking for Tourism Grant to showcase local businesses
- Lighting District - Spoke with owner of Speedsville grocery. The concern is lighting for pedestrian traffic, not vehicular. Town Law Section 198 describes the process for extending a lighting district. Requires petition; public meeting to discuss finding (need is valid and appropriate); pass resolution

Frank Proto, County Representative

- BOH meeting: discussed proposed water well revisions to sanitary code. Public info meetings are 4/24 (Newfield Town Hall) and 4/25 (Dryden Town Hall)
- Grievance Day coming up 4/16. This is the last year of the 90% assessment.
- Affordable housing material in draft form. Don said has been shown to Council on Governments, but municipalities have not been invited to weigh in on it. Frank will follow up.
- Governor signed into law a bill that affects property owners whose properties damaged by floods last summer. Law allows individuals to apply to local assessment office for reduction in assessment due to damage. Don read that there is a dollar threshold. Frank will check on it.
- Banks Road Bridge: facilities committee will vote next Tuesday. FEMA money for the bridge is supposed to be spent sometime this year. But, don't know yet the severity of the repair.
- Cindy asked Frank to help get an exemption at solid waste for Town junk day in May.

Cindy Whittaker, Highway Superintendent

- Dump truck: bid for \$425; scrap would get \$80 – \$120 per ton (weighs 11 tons)

- Getting 150 concrete slabs from Thurston ave bridge (can only transport 9 at a time)
- Called OGS about biodiesel; they can't get bids for this area right now; possibly by August will get contract prices. Right now costs more than diesel.
- Junk clean up week beginning May 14 (no tires).
- Culvert policy. Town will no longer put in culverts. TC highway dept has a list of contractors they train. Cindy wants our culvert policy to require county-approved contractors. Highway dept (not property owner) determines if culvert is needed on a right-of-way, and highway super needs to sign off for CO. New code enforcement officer has not been requiring people to have highway dept and fire company sign off. Don has talked to John about fire company policy; will speak with him about culvert policy for people building new homes. We need to let the public know new culvert policy is coming. Will impact building permits after a certain date.
- Creamery Rd: contacting TC soil and water to see if we can stabilize bank.
- County bid for services not out yet. 284 agreement will need to be amended once TC bids are awarded.

Dominic Frongillo, TB member

- Volunteer labor: town can use volunteer labor for construction projects
- Correspondence file: town is not required to have a correspondence file
- 6 mile creek summary of results from CSI
- Town was given an award of excellence from MEGA for purchasing 100% elec from windpower

Action Topics

Transfers

A motion was made by Supervisor Barber and seconded by Councilwoman Farnum to authorize the following transfer:

\$ 3000.00 from General Fund Account A1990.4 Contingency to General Fund 1430.4 Personnel CE

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Approval of Abstracts

Approval of General Fund Abstract

A motion was made by Councilman Seely and seconded by Councilwoman Farnum to approve payment for the General Fund voucher numbers 120 through 144 in the amount of \$10,597.32.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Approval of Highway Fund Abstract

A motion was made by Councilman Seely and seconded by Councilwoman Farnum to approve payment for the Highway Fund voucher numbers 60 through 76 in the amount of \$36,856.52.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Approval of Streetlight Fund Abstract

A motion was made by Supervisor Barber and seconded by Councilman Seely to approve payment for the Streetlight Fund voucher numbers 6 and 7 in the amount of \$358.57.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Approval of Community Development Fund Abstract

A motion was made by Councilman Seely and seconded by Supervisor Barber to approve payment for the Community Development Fund voucher numbers 7 through 10 in the amount of \$15,529.62.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Minutes

Approval of Minutes from March 6, 2007

A motion was made by Supervisor Barber and seconded by Councilman Frongillo to accept the minutes of March 6 as submitted by the deputy town clerk.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Approval of Minutes from March 13, 2007

A motion was made by Supervisor Barber and seconded by Councilwoman Farnum to accept the minutes of March 13 with the following amendments.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Amendments:

page 2, Supervisor's Report, para 5, change "He has filed the application" to "The supervisor has filed the application"

page 3, para 3, Clm Frongillo, change "protests that he" to "said CSI"; change "objections" to "concerns"; change "Watersheds Committee" to "CSI board of directors"

page 3, para 4, change "(Google CSI for details)" to "(visit communityscience.org)"

Town Business

Contract for Architectural Services

This contract is for an architect to create construction documents. Discussed Guy's comments and decided what language to remove/change.

Introduce Building Height Restriction Local Law

Nelly introduced the proposed local law. Town board members will have comments to Nelly within two weeks.

Local law No. _____ of 2007

EMERGENCY RADIO COMMUNICATIONS PROTECTION LAW

Section 1: PURPOSE:

The purpose of this Local Law is to prevent interference with the countywide public safety radio communications system that is used by emergency service providers in the Town of Caroline and throughout Tompkins County.

Section 2: FINDINGS:

1. Any structure exceeding fifty feet in height and above the ground is a potential cause of interference, interruption or severe degradation of the countywide public safety radio communications system;
2. The public safety communications system was constructed at considerable cost to taxpayers;
3. The Town of Caroline has supported the countywide public safety radio communications system;
4. The countywide communications system is crucial to the provision of police, fire, medical, ambulance and other public services for those who work, reside or own property in the Town of Caroline; and
5. It is imperative that the emergency communications system be protected from interference, interruption or degradation by the construction, alteration or modification of any buildings or structures within the Town of Caroline.

Section 3: REQUIREMENTS:

- A. No person or entity may construct, alter or modify any structure, including, but not limited to, any building, tower, silo or windmill, exceeding fifty feet in height above the ground without following the provisions and meeting the requirements of this Local Law;

- B. No person or entity shall construct, alter or modify any structure unless such person or entity submits detailed design plans for the structure to the Town of Caroline. Such design plans must meet the requirements of any other law or ordinance of the Town of Caroline, and must comply with the New York State building and energy codes. In addition to any other permit or application fees, a fee of \$100 must be submitted to the Town of Caroline to cover the cost of hiring a radio communications expert to determine whether the proposed construction is likely to interfere with the countywide radio communications system;
- C. In the event of potential interference the applicant shall be notified. If the applicant wishes to proceed with the application the applicant shall be required to pay any additional costs for the radio communications expert to analyze the potential interference and to propose appropriate remediation;
- D. In the event that the retained radio communications expert determines that the construction or modification may result in interference, interruption or degradation of the countywide communication system, any approval of any building permit or site plan application shall be conditioned upon the applicant making any and all remedial measures that the expert determines are needed in order to avoid such interference, interruption or degradation; and
- E. No permit shall be given and no construction, alteration or modification may occur upon or in connection with any building or structure until the radio communications expert notifies the Town of Caroline that the proposed construction, alteration or modification will not interfere with the countywide radio communication system.

Section 4: ENFORCEMENT:

- A. In addition to any other right or remedy allowed by law or in equity, the Town Board of the Town of Caroline may maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision or requirement of this Local Law. In the event the Town of Caroline seeks any equitable relief in the form of a restraining order or injunction, temporary or otherwise, the Town of Caroline shall not have to (i) post any bond or other undertaking, or (ii) prove the lack of any adequate legal remedy. Any violation or non-compliance with this Local Law may be restrained or otherwise abated in any manner provided by law.
- B. Any person or entity that violates any of the provisions of this Local Law shall be (1) guilty of a criminal offense and subject to a fine of not more than \$250.00, or (2) subject to a civil penalty of not more than \$750.00 to be recovered by the Town of Caroline in a civil action.
- C. Any person or entity in violation of this Local Law shall be responsible for all costs and disbursements, and all attorneys' and experts' fees incurred by the Town of Caroline in enforcing the provisions of this Local Law.
- D. The Town of Caroline hereby appoints the Town of Caroline Code Enforcement Officer as its principal enforcement agency under this Local Law, who shall issue or deny building permits, and other permits and/or certificates, based upon compliance with this Local Law, and who may enforce this Local Law in any other manner permitted by or under this Local Law. The Town Board of the Town of Caroline reserves the right to appoint by Resolution any other enforcement officers it deems necessary or desirable.

Section 5: EXCULPATION:

The Town of Caroline shall not be responsible for any loss of or damage to property or rights in property arising from the existence or enforcement of this Local Law. In no event shall the Town's liability exceed the sum of \$500.00.

Section 6: AMENDMENTS:

The terms, requirements, benefits, and provisions of this Local Law may be amended from time to time, in the discretion of the Town Board. Publication of a notice of public hearing pertaining to the amendment of this Local Law shall be and be deemed sufficient notice to any affected person or entity of any amendment(s) hereto.

Section 7: SEVERABILITY:

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Local Law shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of this Local Law, nor any other section, subsection, paragraph, subdivision or clause hereof. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the controversy in which such judgment shall have been rendered. If any of the requirements of this Local Law, or the application thereof to any person, entity, or circumstances, is held invalid, the said requirements shall remain valid and enforceable as to any other person or entity, or as to any other circumstances.

EFFECTIVE DATE:

This local law shall become effective upon filing with the Secretary of State.

Resolutions

Resolution 4-1 of 2007

284 Agreement

By Supervisor Barber; Seconded by Councilwoman Farnum

RESOLVED, the town board has agreed to sign the agreement for the expenditure of highway moneys.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Resolution 4-2 of 2007

Cooperative Extension agreement

By Councilwoman Farnum; Seconded by Councilman Seely

RESOLVED, the town board has authorized the supervisor to sign the 2007 agreement with Cornell Cooperative Extension of Tompkins County in support of youth service programming.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Resolution 4-3 of 2007

Establish Marriage Officer

By Supervisor Barber; Seconded by Councilwoman Farnum

WHEREAS, pursuant to Section 11-c of NYS Domestic Relations Law, a municipality has the authority to appoint marriage officers whose function is to solemnize marriages, and

WHEREAS, Kevin Adler and Vanessa Horner are desirous to have a Caroline elector, Aaron Goldweber, solemnize their marriage, now therefore be it

RESOLVED, that the Caroline Town Board hereby appoint Aaron Goldweber to be the Town of Caroline Marriage Officer, as defined in NYS Domestic Relations Law Section 11-c from August 3, 2007 through August 6, 2007 with all of the rights and responsibilities declared in that section of NYS Law, and be it further

RESOLVED, that the maximum fee the Marriage Officer can charge for this service is \$75.00, and be it further

RESOLVED, that ceremonies must be performed in the Town of Caroline.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Resolution 4-4 of 2007

Contract for Architectural Service

By Councilman Seely; Seconded by Councilwoman Farnum

RESOLVED, the town board authorizes the supervisor to sign the contract with Schickel Architecture for architectural services for the Town Hall annex.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

**Resolution 4-5 of 2007
Establish Community Service Award Policy**

By Councilwoman Farnum; Seconded by Councilman Seely

WHEREAS, each year individuals, or groups of individuals, make significant and lasting contributions in multiple ways that foster the well-being of the citizens of the Town of Caroline; and

WHEREAS, without the dedication, generosity and commitment of such individuals the quality of life within the Town of Caroline would be diminished, and

WHEREAS, in many instances these contributions and efforts, and their significance for the Town, are not widely recognized, therefore let it be

RESOLVED that there be established a Community Service Award for the Town of Caroline with the purpose of annual recognition of multiple potential kinds of community service including, but not limited to, long-term dedicated service to the Town either in one capacity or in many capacities; short, intense service focused toward a particular outcome; or a one-time feat of an heroic nature.

The award will have the following characteristics:

Eligibility: The focus is on community service to the Town of Caroline; there is no requirement that the individual receiving the award be a current resident of the Town of Caroline. Elected officials are not eligible for the award while holding office. Nominees may be individuals or groups of individuals who, within the year or longer period preceding the year of their nomination, have provided services or participated in activities that have enhanced the quality of life in the Town of Caroline.

Frequency: Up to two awards will be given annually.

Nominations: A call for nominations will be made through announcement in local newspapers and newsletters, posting on the Town's website, and by posting at the Town Hall. The period for nominations shall begin 45 days from the time of posting at the Town Hall. The nomination process is open to anyone who sees the call for nominations. Nominations are made by filling out a specific form that includes a description of the award criteria and the selection process. The form is to be filled out by a primary nominator and at least one other person shall provide a supporting nomination. Elected officials of the Town are eligible to submit a nomination.

Selection: Selection shall be by a committee of three: two citizens of the Town of Caroline and one Town Board member. The Town Board member will chair the committee. Committee members shall serve up to two years and will be selected through a nomination and review process, as is done for other Town committees. The selection committee will convene and make the awarding decision within one month of the end of the period of call for nominations.

Presentation of the Award: The award shall be presented prior to a fall meeting of the Town Board, with a reception for family, friends and citizens immediately following the presentation. An award certificate will be given and the awardee's name will be permanently engraved on a plaque in the Town Hall. Notification of the award will be given to local newspapers and newsletters, and a posting will be made on the Town website.

Adopted Barber: Aye; Cope: Absent; Seely: Aye; Farnum: Aye; Frongillo: Aye

Adjourn

On a motion, the meeting adjourned at 10:16 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk