

# Town of Caroline Town Board Minutes

June 12, 2007

The regular meeting of the Town Board of the Town of Caroline held on June 12, 2007 at the Town Hall was called to order by Supervisor Don Barber at 7:00 p.m.

**Present:** Don Barber, Supervisor  
Ed Cope, Councilman  
Dominic Frongillo, Councilman  
Nelly Frongillo, Councilwoman

**Recording Secretary:** Debra DeAugustine, Town Clerk

## Privilege of the floor

Pam Austin, 3168 Slaterville Rd: two concerns

- Regarding noise: looks like farmers running combines at 3 a.m. would not be okay. Wants board to be aware that farmers sometimes need to do this. Don noted later that farming would be exempt.
- Regarding proposed property donation: property has gone untouched for years; she is very concerned about endangered species (plant and animal); concerned about human intrusion; concerned about liability for people getting hurt; also concerned about parking. Cornell did study about that area in 90s and sent it to bordering landowners, and there are endangered plant and animal species.

Don Porteous, 3353 Slaterville Rd: Does the town plan to spend money on this land? Also concerned about liability issue. Nelly notes that we have not accepted this donation. Would not be part of tax base.

## Monthly Reports

### Department, Committee, & Liaison Reports

#### Cindy Whittaker, Highway Superintendent

Absent, but left messages that they're working on Burns Road (paving); and working with property owners to remove personal property on Buffalo Road that impedes highway work. Clerical assistant has started work in highway office.

#### Supervisor's Report

Correspondence

1. Letter to Governor Spitzer from Harber (Association of Towns) re: siting of wind generators becoming a state function rather than local
2. Invitation to Special commission on Future of Town Courts at 10 am in Ithaca Town Hall on 6/26/07
3. Copy of letter from SEMO requesting All Hazard Mit Plan be considered in responding to questionnaire if town is considering Hazard Mitigation Funding (flood hazard just applied for)
4. NIMSCAST compliance matrix at FRD center on Brown Rd 6/20-6/29
5. DEC grant applications for eradication of invasive species due 6/29
6. Invitation to presentation on Global Warming and Local Politics 6/28 at 6:30 at TC Human Services

Report

1. Records storage – clerk is handling
2. GOSC - \$238 committed (15 projects) of \$336K total, \$79 spent
3. TCCOG sending in two projects for governor's offer for assistance on approved initiatives for making local government more efficient. TC will submit unified court and countywide pool for workers comp for emergency service providers; SPCA will be speaking this month about uniform contract with

municipalities and a presentation from TC Planning about incentive zoning to encourage affordable housing

4. Working with SWCD on FEMA funding for Barrile II – getting data for other options
5. Speedsville streetlight: affected property owners will be petitioning town board

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

1. Flood Haz Mitigation projects: town on list for receiving attention: 1. Middaugh Road bridge area; 2. Evie Weinstein's. Towns are being asked to contribute financially.
2. Lee Shurtleff will arrange county-wide meeting regarding accidents with hybrid vehicles, particularly emer services personnel using jaws of life getting electrocuted. Training for volunteers, special equipment, and special tools are needed.
3. 2009 county goes back to 100% of market assessment
4. Has concerns about affordable housing proposal. Wants to get Town's perspective of it.
5. Rec partnership; county will review on 6/20
6. Board of health meeting: new water well proposal. Discussed fee schedule.
7. County Legislature dealt with the resolution to support a committee at the fed level to impeach Bush/Cheney; passed 9-6
8. Celebrations money. Working on rehabbing WWI monument in Dewitt Park. Korean war monument on White Church: please let him know if we can use funding for improvements
9. Tax rate goals set
10. Meeting with governor next month. Asked if the town had concerns to relay to the gov. Don: being able to pool workers comp for emergency service workers with other municipalities. Ed: more help for small towns for law enforcement.

#### **Nelly**

1. Handed out flyer that will be distributed through Emergency Planning Committee
2. Meeting on possible land donation is 6/13. All residents with interest/concerns should attend.
3. SPCA: meeting with director on 6/15
4. Community service award: needs suggestions of names for committee members to judge nominations

#### **Dominic Frongillo, TB member**

1. Wants to be the alternate on the Council of governments (see resolution 6-1).
2. Caroline energy committee resolution about siting of wind towers to agenda (see resolution 6-11)
3. Rec partnership board recommended its agreement and sent out to municipalities
4. Meeting with TG miller on Barrile Phase II

## **Action Topics**

### **Transfers**

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

\$ 1000.00	from Highway Fund Account DA 5110.1 Repairs PS to Highway Fund Account DA 5140.1 Misc Repairs PS
\$ 1000.00	from Highway Fund Account DA 5110.11 Repairs OT.PS to Highway Fund Account DA 5140.11 Misc Repairs OT.PS

And RESOLVED that the Caroline Town Board makes the following budget adjustments:

Increase General Fund Appropriation Line A8510.4 by \$196.00 and

Increase General Fund Revenue Line A2389 by \$196.00 to \$13,799

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

## **Approval of Abstracts**

### **Approval of General Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilwoman Farnum to approve payment for the General Fund voucher numbers 182 through 218 in the amount of \$15,774.54.

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

**Approval of Highway Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Frongillo to approve payment for the Highway Fund voucher numbers 92 through 116 in the amount of \$111,900.02.

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

**Approval of Streetlight Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Frongillo to approve payment for the Streetlight Fund voucher numbers 10 and 11 in the amount of \$660.52.

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

**Approval of Community Development Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilwoman Farnum to approve payment for the Community Development Fund voucher numbers 14 through 20 in the amount of \$68,848.46.

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

**Minutes**

**Approval of Minutes from May 1, 2007**

A motion was made by Supervisor Barber and seconded by Councilman Frongillo to accept the minutes of May 1 with the following amendment.

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

Amendment

page 3, Salary Committee, "ILR school" should be "Cornell ILR school"

**Approval of Minutes from May 8, 2007**

A motion was made by Supervisor Barber and seconded by Councilman Cope to accept the minutes of May 8 as submitted.

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

**Town Business**

**Right to peace and quiet law**

Nelly: last version issued was May 1, 2007. Tim and Nelly met with town attorney, Guy Krogh. Before lawyer can finalize wording, we need to discuss:

1. As written, relates to residents of town on their own property. Krogh says unconstitutional because does not give equal protection. Noted that law enforcement would not pursue frivolous complaints by residents or non-residents.
2. Guy urges town to have a list of definitions: three are "exemption," "variance," and "permit." Exemptions, are cases where the law simply does not apply. Permit is an exemption for a particular period of time for a particular activity. Time limit would have to be one month at the upper limit if the review body is the town or planning board. Variance gives a period of time to come to compliance with the limits of the law. If a business can't get into compliance within a certain time, this law does not address it; it's up to the legislative body.
3. Write into the law fine levels for second and third offenses.
4. Who is the review board for variances and permitting? Several levels of automatic appeal should be built in. Appeals shouldn't be made to the body that made the first decision. Don: permit is code enforcement; variance should be someone like the planning board. Appeal for both should be town board.

## Resolutions

### Resolution 6-1

#### Appoint alternate to Tompkins County Council on Governments

By Councilman Frongillo; Seconded by Supervisor Barber

RESOLVED, the town board appoints Dominic Frongillo to serve as the alternate for the Town of Caroline to the Tompkins County Council on Governments.

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

### Resolution 6-2

#### Adoption of Emergency Service Tower Protection Local Law

By Supervisor Barber; Seconded by Councilman Frongillo

WHEREAS, the Caroline Town Board has discussed and deliberated on a local law to protect the microwave beam path of the Tompkins County Emergency Communication System, and

WHEREAS, the Caroline Town Board received public comments on the proposed local law entitled, "Emergency Radio Communications Protection Law" on June 5, 2007, now therefore be it

RESOLVED that the Caroline Town Board hereby adopts Local Law No. 1 of 2007, Emergency Radio Communications Protection Law, and directs the town clerk to immediately file this local law with the NYS Department of State.

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

### Resolution 6-3

#### SEQR determination for Stormwater Control Local Law

By Councilman Frongillo; Seconded by Councilwoman Farnum

WHEREAS this matter involves consideration of the following proposed action: Adoption of the proposed Stormwater Management and Erosion and Sediment Control Local Law (2007), to be designated Local Law No. 2 of 2007 upon its adoption,

WHEREAS this proposed action is an Unlisted Action for which the Town of Caroline Town Board is an involved agency for the purposes of environmental review; and

On June 12, 2007, the Town of Caroline Town Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (SEQR), (i) thoroughly reviewed the Full Environmental Assessment Form (the EAF), and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, and (iii) completed the EAF;

WHEREAS after thorough deliberation, Town of Caroline Town Board concluded (a) the vast majority of effects of the law will have positive and permanent benefits to the environment, (b) each project falling under the jurisdiction of the law will be considered independently and is regulated by permitting process, and (c) any potential adverse environmental effects for actions required under this law are deemed non-significant, because construction and permitting are temporary;

WHEREAS the Town Board of the Town of Caroline aimed to achieve maximum public input on the environmental effects of the proposed Stormwater Law, and the following is a partial list of how the town achieved maximum public input:

- The Town of Caroline Watershed Committee, comprised of interested town citizens and supporting personnel, developed the Stormwater Law over the course of two years at regular meetings which were open to the public
- Watershed Committee monthly meetings were routinely publicized in the Brooktondale Community Newsletter, including the time, date, and location of meetings

- Information on monthly Watershed Committee meetings and how to access meeting minutes were posted on the Town of Caroline website (townofcaroline.org)
- Public information sessions in 2006 and 2007 with personnel from the Cayuga Lake Watershed Network and Town Watershed Committee provided information on the provisions and potential impacts of the Stormwater Law, with opportunity for citizens to ask questions
- The town posted the proposed Stormwater Law on the Town of Caroline website and outside the Town Hall
- Two separate public hearings on subsequent versions of the Stormwater Law at which citizens had the opportunity to provide comment

NOW, THEREFORE, BE IT RESOLVED, the Town of Caroline Town Board, based upon (i) its thorough review of the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, and (iii) its completion of the EAF, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“NEGATIVE DECLARATION”) in accordance with SEQR for the above referenced proposed action, and be it further

RESOLVED, the responsible officer of the Town of Caroline Town Board is hereby authorized and directed to complete and sign as required the EAF, confirming the foregoing NEGATIVE DECLARATION, which fully completed and signed EAF shall be attached to and made a part of this resolution.

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

**Resolution 6-4 of 2007**  
**Stormwater and Erosion Control Local Law**

By Supervisor Barber; Seconded by Councilman Frongillo

WHEREAS, the Caroline Town Board has discussed and deliberated on a local law to regulate stormwater management and erosion and sediment control, and

WHEREAS, the Caroline Town Board received public comments on the proposed local law entitled, “Stormwater Management and Erosion and Sediment Control” on June 5, 2007, now therefore be it

RESOLVED that the Caroline Town Board hereby adopts Local Law No. 2 of 2007, Stormwater Management and Erosion and Sediment Control, and directs the town clerk to immediately file this local law with the NYS Department of State.

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

**Resolution 6-5 of 2007**  
**Request NYS DOT to lower speed limit of Buffalo Road**

By Supervisor Barber; Seconded by Councilman Frongillo

WHEREAS, Buffalo Road is a highway that came to the Town of Caroline under the “By Use” provision of Highway Law, and

WHEREAS Buffalo Road was not designed for the state speed limit of 55 MPH , and

WHEREAS, Buffalo Road follows the course of Buffalo Creek from Bailor Road to State Route 79 which has a tortuous path and whose banks are precariously close to Buffalo Road, and

WHEREAS, Buffalo Road, due to the turns from following the creek channel, has several stretches with minimal sight distance when in conjunction with its steepness creates dangerous situations, and

WHEREAS, some sections of Buffalo Road has curves with slopes that push drivers off the road, and

WHEREAS many stretches of this road, due to the narrowness of the creek channel, have residences very close to the road, and

WHEREAS, Buffalo Road is a main thoroughfare between Route 79 and the Village of Candor in Tioga County and is the route used by employees and supplies for MacCormick Correctional Facility, now therefore be it

RESOLVED that the Caroline Town Board petitions the Tompkins County Highway manager to request of the NYS Department of Transportation to investigate reducing the speed limit to 40 MPH on the section of Buffalo Road from Bailor Road to State Route 79.

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

**Resolution 6-6 of 2007**

**Create fund for stewardship of donated park land**

By Councilwoman Farnum; Seconded by Councilman Frongillo

WHEREAS the Town of Caroline 2006 Comprehensive Plan was unanimously passed by the Town Board of the Town of Caroline, and

WHEREAS a section of the Comprehensive Plan entitled *Open Space and Environmental Protection* discusses the significant recreational and economic value that may result from an investment in open space protection (p. 9), and

WHEREAS goals listed consistent with the preservation of open space include “Preservation of existing protected open space, and pursuit of additional opportunities for public open space and recreational amenities....and recreation on protected public open space that is safe and consistent with designated uses.....and preservation of water quality and quantity and protection against environmental degradation...” (p. 10), and

WHEREAS, in order to provide effective stewardship of lands donated to the Town of Caroline for parkland and/or recreation funds will need to be raised in part through donations from interested groups, individuals and citizens to be used solely for the purpose of stewardship of these lands and for offset of lost tax revenue associated with the acquisition by the Town of land previously held privately, now therefore be it

RESOLVED that the Town Board establishes a fund, to be called the Stewardship Fund for Parklands and Recreation Areas of the Town of Caroline, to be used for expenses associated with stewardship of these lands, thus enabling individuals to donate funds to the Town of Caroline to be used exclusively for this purpose, and be it further

RESOLVED, that the approved FY 2007 Town Budget for the Town of Caroline be and hereby is amended by creating a new line item for the Stewardship Fund for Parklands and Recreation Areas of the Town of Caroline, line number A2389.1, and that the Supervisor perform an audit and report upon the status of such fund annually, consistent with the requirements of General Municipal Law §30 and Town Law §§ 29 and 123.

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

**Resolution 6-7 of 2007**

**Establish Web site advisory committee and webmaster position**

By Councilman Frongillo; Seconded by Councilwoman Farnum

WHEREAS a major responsibility of democratic government is informing, empowering, and encouraging participation of its citizens, and

WHEREAS a municipal website can enable a wide segment of citizens to access important information about local government and community organizations, and

WHEREAS a well-designed website requires active involvement of users, content contributors, and stakeholders to ensure usability, constructive feedback, and continual improvement, therefore be it

RESOLVED the Town of Caroline shall establish the Website Advisory Committee, with the following characteristics:

Purpose. The Website Advisory Committee will meet periodically to ensure the website is meeting the needs of the public, solicit input from stakeholders, and recommend changes in content, design, appearance, and features to the Town which will form the basis for the Town’s contract with the

Webmaster. At its discretion, the Committee may also work more broadly to enhance public information and communication in the Town.

Responsibilities shall include:

- Oversee general website functioning
- Develop policies & procedures for content and updating
- Recommend changes in content, design, features, and appearance
- Anticipate future website needs & collect public input
- Recommend fees for business posting
- Promote website use among citizens, organizations, and businesses

Membership shall include:

- Webmaster
- Town Board member (chair)
- Town Clerk
- Town department or committee representative (ex. planning)
- Community organization (ex. fire dept, community center)
- Citizen
- Youth (under 21)

Terms

- Appointed annually by Town Board
- Meets 3-6 times per year

ALSO BE IT RESOLVED the Town of Caroline shall establish the position of Webmaster, a contracted position for which specific responsibilities shall be detailed in an employment contract, and will include the following characteristics:

Purpose. The Webmaster is the primary contact for day-to-day functioning of the website, and is responsible for working with content contributors to ensure content is appropriate and up-to-date. The Website Advisory Committee will recommend design guidelines and policies for content and updating which will form the basis for the Town's contract with the Webmaster.

Responsibilities shall include:

- Solicit content from businesses, community organizations, town committees
- Maintain list of committee, organization, and business Content Contributors
- Train new Content Contributors & provide support
- Email content update reminders to Content Contributors
- Approves content changes
- Monitor site for appropriate content, removes inappropriate content
- Sit on Website Advisory Committee
- Communicate with website host
- Troubleshoot technical issues
- Final authority on content (as defined in contract with the Town)

Terms

- Appointed to 3-year term by Town Board (1 year initially)
- Compensated \$500 per year (initially)

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

#### **Resolution 6-8 of 2007**

#### **Establish Collective Bargaining negotiating team**

By Supervisor Barber; Seconded by Councilman Frongillo

RESOLVED, the town board hereby establishes the negotiating team consisting of councilmen Cope and Frongillo for the upcoming labor negotiations.

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

**Resolution 6-9 of 2007**  
**Contract for records storage with Town of Ithaca**

By Supervisor Barber; Seconded by Councilwoman Farnum

RESOLVED, town board authorizes the supervisor to sign the contract with the Town of Ithaca for inactive records storage space.

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

**Resolution 6-10 of 2007**  
**Agreement with Key Bank for credit card program services—tabled**

By Supervisor Barber; Seconded by Councilwoman Farnum

RESOLVED, town board authorizes the supervisor to sign the contract with Key Bank for credit card program services for the town's municipal court.

**Resolution 6-11 of 2007**  
**Oppose amendments to Article X of the Public Service Law**

By Councilman Cope; Seconded by Councilman Frongillo

WHEREAS the Town of Caroline, through its Energy Independent Caroline Committee, is actively involved in determining appropriate siting of utility-scale wind turbines in the town, and

WHEREAS the towns of New York are closest to the land use planning and regulations and therefore most appropriate to have review and make determinations on wind turbine proposals, and

WHEREAS wind turbine siting should be encouraged by the state legislature since it is a stated objective in New York state law that the state achieve 25 percent power through alternative energy sources, and

WHEREAS a growing number of towns have already adopted and the Town of Caroline is in the process of adopting wind turbine siting ordinances, and

WHEREAS the Energy Independent Caroline Committee of the Town Board has advised the town to urge the state to keep review at the local level in accordance with local land-use codes, now therefore be it

RESOLVED that the Town of Caroline urges the New York State Assembly and the New York State Senate to defeat proposed amendments to Article X of Public Service Law, which provide and support one-stop siting of major electric generating facilities, and to keep revisions to Article X requiring the review of siting proposal applications in accordance with local land-use codes.

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

**Adjourn**

On a motion, the meeting adjourned at 11:00 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk