

Minutes of the Town Board Meeting Held on August 7, 2007 at 7:00 PM at the Town Hall in Slaterville Springs, NY

Board Members Present: Supv. Don Barber
Clm. Tim Seely
Clm. Dominic Frongillo
Clm. Ed. Cope

Board Members Absent: Clm. Nelly Farnum

Visitors: 33

Supv. Barber addressed the visitors and gave this resolution in the beginning at the meeting.

Resolution # 8-1-2007 Special Meeting for Right to Peace and Quiet Law

A motion was made by Supervisor Barber, seconded by Councilman Seely. Resolved, The Caroline Town Board will hold a Special Meeting to receive public comments on the first draft of the Right to Peace and Quiet Law on Thursday August 9th at 6 PM at the Brooktondale Community Center. A Town Board Member will briefly describe the law to frame the topic for discussion. The public will be invited to describe how they feel this law would impact them both positively and negatively. In order to give all in attendance a chance to speak, comments should be concise enough to fit within 3 minute time span. After everyone that wants to speak a first time has a chance, anyone wanting to speak a second time will get a second opportunity. The meeting will end at 9:30 PM.

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Adopted Supv. Barber Aye
Clm. Cope Aye
Clm. Seely Aye
Clm. Frongillo Aye

Absent Clm. Farnum

Supv. Barber gave 20 minutes to give the public an opportunity to speak and give comments.

Dave Moesch-Shouldn't this topic be discussed at the Agenda Meeting? It's not right to change the meeting when people have made time to come to this meeting. Why are you changing this at the last minute?

Supv. Barber- we are giving you additional opportunity to speak on this subject.

James Cornell- How many complaints have you had in the last 6 months? How many in the last year?

Supv. Barber- None in the last 6 months and a handful last year. In the spring of 2006 some citizens came to the Board and stated they were experiencing excessive noise at all different times in the night.

There were no laws on the books. Again another month the same group came again to ask for help. There was an arranged meeting with both parties but there was no reconciliation. Again, they came again and it is still going on and wanted some relief, another meeting was arranged, this time along with the Town Attorney and the Sheriff. The Town Board seeing there were no other options short of suing someone for disturbing the peace. They had already gone down that avenue, but the chances of winning it would be slim because the things that they would need to prove to the judge – and the cost and the timeline would be extraordinary. So, they said “we need some relief”.

James Cornell-They couldn't do anything without having the lawyer do something, correct? Find out what noise was being made and how much noise was being made? That is what this law is what you are trying to put through is going to cost the Town also, and cost these people, and your lawyers a lot of money too. You should look around and say hey, this law is no good. We are the Town, the taxpayers. Supv. Barber- The Town Board looked at, what is our job as a Town Board? Our job is to provide for the health, safety and well-being of our residents. This is the case we felt that they did not have a recourse. We said that we would go through the process in determining if it is possible to provide them some kind of legal remedy. The Town Board felt, that we had already looked at noise laws from other communities, felt that they were not in any way not germane to this community; we decided to appoint a committee. The committee was setup with seven members. They had a variety of interests, had a variety of vocations that they were coming from. They sat down and worked from August to November, and came up with a recommendation to the Town Board. Their recommendation was to have a public meeting at the time we had many comments, the Town Board listened to what they had to say and decided that we should come up with a law that gave them the right to some peace and quiet.

Where we are with this is that the Town Board decided to go through the process to see if a law could be done. We had several meetings with many people who are here tonight that sat in listen to the Town Board talk. It was very clear to us that a law that limited, regulated, is one that does not work. The Town Board spent a lot of time and a lot of effort going back and forth between ourselves and finally at the end, meeting with the committee, got to develop a law within the legal restraints that was best. This is the place now that we can accept public comment and I have been looking forward to this, welcoming this opportunity. This law is not a done deal.

James Cornell- I want to know where the petition went. The signatures showed they were against this law.

Supv. Barber- I would love to know where that went to.

Ken Baker- I would like to ask you if you know there is a state law that says you can't schedule a meeting without a 10 days prior notice after posting.

Supv. Barber-It also says you can hold a meeting under emergency situations.

Rick Cromely- How did this law become so prejudicially named the right to peace and quiet law, instead of Town of Caroline noise law?

Bruce Murray- How many hours did you spend and you and you and you. We put out tax dollars for a lawyer legally to write this up. I'm appalled. This has so many holes, loops, jumps. At that meeting you told us that I was present at, you told us that anything pertaining to firearms, it would be handled by the DEC. That's what we were told. This thing comes out, and in statement #1, it talks about causes injury to animal life. Wrong. That's where a good lawyer comes in. I could go through this thing upside down and backwards. But when you start talking about things and in your exemptions and when you get into the firearms-the wrong discharge of a firearm, period. For you to regulate as a Town Board that I can only shoot my firearm to hunt, is totally off the wall! I don't want to have to go to a lawyer, just like you didn't want those people to have to go and get a lawyer. This is totally appalling as a freaking town person. This whole thing is crazy.

Dave Moesch- Newfield has a 90 decibel sign, is it a state law?

Tim Seely-It is a state law. Motor Vehicle Traffic Law.

Dave Moesch- Why not enforce what are already laws.

John Morse- I own Celebrations. We moved to Caroline for the freedoms that we were offered to start a business here. You have helped us with that, but my personal opinion on this is that it scares me as a business owner and a resident. I grew up in Candor. I've enjoyed the freedoms of being able to live in the country and use your property as you wish. My sister lives in a housing development and my wife and I can't imagine why someone would do that but that's someone's own preference. It's the rules she has chosen to live by. I didn't come to Caroline to choose to live by those same rules. People who typically live in a town like this have larger parcels of land, than someone in the city. They do that because they have recreational activities they like to participate in. They would like to have freedom to have target practice or ride their four-wheelers. It's their freedom, its part of the country. This is pretty wide open, as a business person, "noise" with a reasonable sensitivity. What is that? So many decibels, so many feet? Sound travels, maybe someone two miles away can hear it but someone a hundred feet away can't. The firearms, if you don't practice that's pretty scary. Not an emergency regarding for the date for the next meeting. That's not an emergency. I won't be able to make the meeting in two days. I would like to be involved. It's taken this long to get this far, let's make sure we follow the rules.

Sandy Clary- I look around this room and I see a lot of people I grew up with. I've been here a long time. How many people here have had a problem with noise?

Chris Fillinger-I have had problems with ATVs, loud music. I have just as much right to my piece of property as anyone else, just because I haven't lived here for 20 generations or more, all of us are immigrants.

Sandy Clary-All of us aren't young, it doesn't bother us. But for the rest of us to pay for it, we all shouldn't have to. What it's called is consideration. I don't think a law is going to make any of us any more considerate. This kind of a thing will make people not law abiding. Make them more defiant.

Billy Jean Isabel- I bought the old Woodhull house, 20 years ago. I remodeled it and I love it. I love Brooktondale. Yesterday my neighbor came by in the morning to say he'll have a hard time going to work because he was up all night because of a party across the creek until 3 am. There are some people who may object to any kind of regulations, but one of the things we can do is proceed in a democratic, orderly and courteous process to come to some kind of resolution. We don't need to shout insults at each other and in an orderly fashion, months from now. I've experienced noise, excessive noise.

The next Meeting is August 9, 2007 at the Brooktondale Community Center at 6:00-9:30 PM.

To give proper notice to the Public

An Official Meeting is scheduled for August 22, 2007 at 6:00 PM at the Brooktondale Community Center.

The Privilege of the Floor is closed at 8:00PM.

Resolution # 8-2-2007 Adjust CD Abstract

A motion was made by Supervisor Barber, seconded by Councilman Cope. Resolved, the Caroline Town Board will adjust the CD Abstract at the next Regular Business Meeting on August 14, 2007.

Adopted	Supv. Barber	Aye
	Clm. Cope	Aye
	Clm. Seely	Aye
	Clm. Frongillo	Aye

Absent	Clm. Farnum
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Department, Committee & Liaison Reports

Seely

- CYC will meet this month August 28th for budget discussions.
- Buildings and Grounds-the architect made up new plans, reworked the building within the footprint of the existing Midnight Sun. The budget is back towards the budget goal.
- The Town Attorney will discuss financing options; band or bond; public referendum or permissive referendum.
- Metal doors in the auditorium on both sides in the Town Hall will be replaced within the month with insulated metal doors. Clm. Seely will talk with Chad Novelli.
- Had some trouble with lights in the Town Hall They have been fixed.
- C Im. Seely will call a tree service to see if the tree should be kept and trimmed or cut.
- He met with Barry Goodrich at the Town Barns. There is a long list of potential areas of concern:
 1. fuel/chemical/salt containment for spills
 2. cover fuel island
 3. wash bay
 4. containment at de-icer area
 5. containment at the salt storage area
 6. new coverall
 7. overall site regrading and paving

Clm. Seely would like help with putting a plan together with someone who has the expertise, knowing what is needed and what isn't, for MS4 requirements. Supv. Barber suggested Sharron Anderson.

Clm. Seely will speak with Supt. Whittaker and Sharron Anderson.

- The Town Attorney spoke with the Town Board Members about BAN and bonds. This discussion is about how to finance the new town annex. Bonding is a method of permanent finance, banding is issued for a limited time. Band is usually used preliminary to bond. This is a long discussion. Clm. Seely would like to discuss more on this next week. He will find out about interest rates. He will work on a tentative budget.

Nelly (she was absent so Supv. Barber gave her report)

- Personnel Manual- She went over her the section.
- She wants to go forward to accept Mr. Larkin's land donation.
- Update with NYMS compliance and FEMA.
- She will be at the next Planning Board meeting on August 9th at the Brooktondale Community Center at 5:30 PM.

Ed

- Clm. Cope and Supv. Barber met with Supt. Whittaker to discuss the Town Barns.
- Supt. Whittaker reported to Clm. Cope the Gradall is working.
- Clm. Cope would like an Executive Session called after this meeting tonight, to discuss negotiations.

Dominic

Watershed Committee

Barrile Phase I

- The Town selected a contractor for the Barrile I repair at a special meeting last month. The contract has not yet been signed. Barry Goodrich hopes to meet with the contractor, walk the stream, discuss the plan of work and sign the contract on an upcoming day.

Barrile Phase II

- The Watershed Committee met with stakeholders from the Triad Foundation, County Highway Department, USGS and the Six Mile Creek Partnership, to discuss plans.

Gaging Stations

- USGS asked the current supporters of the Brooktondale Gage about the continuing support for 2008.

Recreation Partnership Board

Agreement

- The Rec. Partnership Board discussed comments submitted by the Town of Caroline, Town of Ithaca, and the Ithaca youth Bureau, and hopefully adopted a final proposed agreement. It will be distributed to member municipalities this month.

Budget

- The Rec. Partnership Board discussed alternative budget proposals and recommended a budget that represents a 3% increase in municipal contributions. More information will be distributed to all municipalities this month.

Website Advisory Committee

Publicity

- Pat Brhel's column ran a description of the website and website committee.

Website Advisory Committee

- The Website advisory Committee met and adopted its recommended design guidelines for the Town's website
- (Discuss) What is the process for developing a contract with Katy?
- The committee is in the process of identifying "point people" from organizations/departments to work with on the website, and will begin drafting a content contributor's agreement.

Supervisors Report

Supv. Barber stated there is a proposal from HSBC Bank showing their services and interest rates in the Correspondence File and he will check with TTC to see if they can compare their services equally. The Board will decide what bank to go with as the financial institution for the Town.

Supv. Barber reported 1st Niagara Bank has a broker that will help develop our insurance plan. This is in the Correspondence File.

The residents from Speedsville have sent a petition to the Town Board asking to place a streetlight close to the Speedsville Store. The Town Board will need to set a Public Hearing date.

The Employee Hand Book will need to be discussed next week. The Board Members need to type their comments and email them.

AGENDA

- Discussion Right to Peace and Quiet Law
- Discuss Annex Design and Budget
- NIMS Compliance Update
- Larkin Land Donation
- Approve Recreation Partnership
- Set Date for Street District Public Hearing
- Employee Handbook
- Establish Web Developer Contract

The Meeting adjourned at 9:28 PM. with the Town Board going into an Executive Session, discussing the Union Contract.

Respectfully Submitted,

Mary Clark Walls
Deputy Town Clerk