

# Town of Caroline Town Board Minutes

August 14, 2007

The regular meeting of the Town Board of the Town of Caroline held on August 14, 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  
Tim Seely, Councilman

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

## Privilege of the floor

*Stephanie Freeman:* how to become a temporary marriage officer. *Don:* must apply in writing to clerk.

*Peter Hoyt:* asked why board is still considering the noise law if so many are against it (quoted Will Rogers)

*Don Porteus:* thought board would be having a decision on whether to proceed

*Robert Chapman:* Community is changing; who will define what community is to become?

*Yvonne Baker:* Scrap the whole thing. Anger is accelerating

*Pam Auble:* we're a small community and we should be neighborly

*Don Short:* 4 wheelers are not allowed on state land; now we might not be able to ride them on our own property

*Elma Canfield:* how do we get board to scrap the law?

*Supervisor Don Barber:* We've tried to articulate this to the public. When the board assigned a committee, was not to make a law, but to look at how a noise law could be written for a rural community. It was our job to look at that recommendation and put that report together with input from the community. This is the process. We're trying to work through all the conflicting ideas for and against. It is an issue that warrants study; we need to try.

*Duane Austin:* what was response of police about this being a disturbing the peace problem? *Don:* there is no disturbing the peace law in NYS, but there is a disorderly conduct law, in which you must be doing something with malicious intent. So we're working on getting legal opinions.

*Jeremy Richards:* that "nobody" wants law is not true. Lots of people support it. Many of those people are afraid to come forward. If a neighbor says "I have a right to do anything I want on my land," where does that leave it for neighbors to talk together and work things out?

## Monthly Reports

### Department, Committee, & Liaison Reports

#### Cindy Whittaker, Highway Superintendent

- Roadwork complete: Buffalo Rd: replaced header on outlet of culvert; South Rd: repaired two pipe headers; Landon Rd: cut and removed brush from roadside; Yapple Rd: drainage work; Creamery Rd: removing brush from drainage ditch; currently spray patching
- Moved boxes from the town vault to the town of Ithaca records storage area
- Sign inventory completed

#### Supervisor's Report

Correspondence

1. Letter from DOT: no reason to reduce speed limit
2. Letter from TC public library: 2008 budget info; must cut services they provide
3. EMC: Steve Nicholson's term expires 1/1/08; looking for nomination

4. WRC: seeking muni rep application by 9/18/07
5. Notice from Laberge about RESTORE Grant application for commercial center investment
6. NYS Real Property Services: Town equalization rate (rate / actual sales) = 85%, next year go back to 100% assessment
7. Post 9/11 update will occur 9/11 from 8:30 to noon at TC3

#### Report

1. GOSC: 314K committed (17 projects) of \$336K total, \$187K spent
2. Have a resident interested in Dog enumeration: Shuly Gross will be paid as a contractor
3. Sent out budget requests; looking for response by 9/4/07
4. Town of Ithaca is not available to provide technical help with stormwater: working with Newfield and Ulysses
5. Received proposal from First Niagara to provide insurance broker services for health insurance: may be helpful as we move into more retirees. Negotiating team to assess.
6. Banks Rd Bridge: engineering consultant has found that the problem with unstable soil conditions on one side also exists on the other. FEMA will fund entire bridge replacement, but it won't happen until 2008

#### Frank Proto, County Representative

1. Thanks the board for working on right to peace and quiet law; good to see lots of people come out to take part in government
2. Banks rd: if we proceeded with the project this year, it would come out of county and local money; if we wait, FEMA will foot entire bill (\$800,000+)
3. Assessment: some of us were not in favor of 3-yr assessment
4. Distinguished youth award: send letter to county leg office or to himself

#### Nelly, TB member

1. Attended monthly meeting of McCormick Center; considering warning system to alert neighbors if there's an emergency at the center. Also, now growing and selling veggies at B'dale farmers market
2. Community Service Award: can get specs from clerk or Web site. Deadline Sept 15; award will be given Oct 2
3. Meeting with SPCA will occur on Aug 23, 7 pm at Town Hall
4. Incident Command System 200 course; Aug 30 & 31 in county, and in Slaterville Springs Sept 8 & 9

#### Dominic Frongillo, TB member

1. Web site committee putting together town list serv; should be two sign-up sheets

#### Ed, TB member

Planning board will have meeting on Aug 22 at 5pm in old Brooktondale Fire Hall with the consultant (Laberge) on site plan review proposal. Eric Smith in charge of that process. Don suggests they meet in Town Hall or the parking lot will be jammed

## Action Topics

### Transfers

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

\$ 185.00 from a1990.4 Contingency to A1460.4 Records Mgt CE

\$ 1500.00 from Highway Fund Account DA 5130.1 Machinery PS to Highway Fund Account DA 5140.1 Misc Brush Weeds PS

**Adopted** Barber: Aye; Cope: Aye; 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 252 through 287 in the amount of \$22,081.47.

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

**Approval of Highway Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Seely to approve payment for the Highway Fund voucher numbers 137 through 155 in the amount of \$143,785.78.

**Adopted** Barber: Aye; Cope: Aye; Seely: Aye; 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 14 and 15 in the amount of \$615.42.

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

**Approval of Community Development Fund Abstract**

A motion was made by Councilman Cope and seconded by Councilman Frongillo to approve payment for the Community Development Fund voucher numbers 24 through 28 in the amount of \$66,099.79.

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

**Minutes**

**Approval of Minutes from July 3, 2007**

A motion was made by Councilwoman Farnum and seconded by Councilman Seely to accept the minutes of July 3 with the following amendment.

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

Amendment:

page 1, Farnum Report, sb \$1600 “in gifts and pledges”; Upper Susquehanna sb Upper Susquehanna Coalition

**Approval of Minutes from July 10, 2007**

A motion was made by Supervisor Barber and seconded by Councilwoman Farnum to accept the minutes of July 10 with the following amendment.

Amendments:

page 2, supervisor report, should read 79K spent

page 2, Seely, right to p&q law, change “pass it as law” to “introduce...”

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

**Approval of Minutes from July 18, 2007**

A motion was made by Supervisor Barber and seconded by Councilman Frongillo to accept the minutes of July 18 as submitted.

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

**Town Business**

**Right to peace and quiet law discussion**

Where as a board are we going with this?

Tim: glad we had last meeting since we heard a lot of different viewpoints. I walked away from mtg with four strong points: 1. firearms are more than hunting and would need to be addressed (easy) 2. perceived balance on the law; it is not clear 3. from what I’ve heard, largest gathering of citizens in Caroline to discuss political issue. 4. Heard twice about community dispute resolution board and think it merits investigation.

Nelly: issue of resolution committee as an alternative or initial step or part of it; would like to hear more people tell us their ideas about this. Permitting process must be more clear. Who are we as a community? Are

we as homogeneous as we were in the past and as we'd like to be? Strong feeling that we are an entire town and community, not several hamlets.

Ed: glad to hear the dispute resolution idea come out. Heard about an advisory board they had in Newfield, where complaints would be lodged. Would like to know whether it worked, etc. Might work for a variety of issues. Totally agree that the firearms issue should not be part of the law. Sometimes when people are trying to work out an issue, they come to a point where they just can't get along and have no recourse; something has to be in place to resolve it. People are saying that if everything is exempt, why have the law? Just for that occasion that arises where there is no recourse.

Frongillo: decision to appoint committee was to investigate having nothing [no law; no recourse] against having something, and what might that something be. Must weigh all ideas. Community dispute resolution seems like a good idea, and according to attorney, nothing could be binding because we can't take away people's rights to going to court. Also should address the very specific concerns people have. Maybe go with a decibel meter since every other option seems subjective.

Don talked to Community Dispute Resolution and they said there is no legal way we can bind anyone to arbitrator decision, but can help in resolving a civil suit (not criminal). In law, definition of excessive noise. Important that this is complaint-based. Duration is important, and needs to be considered. Firearms – wants exempt. Snowmobiles and off-road vehicles: current law could jeopardize these. Suggest a moratorium of one year during which people would register trails with town, and then all those trails and areas of activity would be exempt from law. Same would be for businesses. Needs to say motor vehicles are exempt; even though already covered by NYS motor vehicle law. Permits: code enforcement officer would have to make clear why permit denied so people could appeal. Important to state that would not give police right to trespass. Remove responsibility of rapid response from landlord. Must be clearer that town does not prosecute, individual does. Important in criminal case, police officer must observe and measure the noise.

### **Annex design**

Tim presented new drawings. Discussed budget, including items (like site improvement) to pull out. Will ask that cedar clapboard siding be replaced with something that looks more like existing building and is less maintenance. New total, including contingency, would be closer to \$263,960. Already reserved some funds from previous years.

Don says next move would be to pass a resolution to put this up for permissive referendum.

### **NIMS Compliance**

NIMS compliance is important when applying for certain kinds of funding. Nelly has been working with Beth Harrington in completing the documentation; still more work to do.

### **Larkin Land Donation**

Points to consider: Mr. Larking is ready to call the question; wants to know whether we're going ahead. In the broad sense, he sees future use as no trapping, no hunting, no fishing. He does not see that he has any responsibility to help fund stewardship. We have donations to the stewardship fund. Lots of public interest in this land as far as helping with volunteer work. Not covered under stewardship is lawyer's closing fees, extra liability insurance, or offset taxes.

Feedback: Don thinks it standard policy for land donors to provide financial backing to help town offset expenses. The first land we accept, being without financial donation, sets a precedent. Nelly: if we feel it will not be the town's responsibility, we're not ready to be getting into this kind of thing.

Ed: we need to raise more money. Principal should be that individual give money with the donation. If we really want the land, we really need to raise the money. Don feels that the people who find it important should band together and fund it. If we don't have the kind of money to start with, we should not go forward. Would be willing to go forward if we got the \$2500. Dominic: ideal situation is for the donor to partial fund, then fundraise in the town for 10 years into the future.

In our comp plan we say we're interested in preserving open spaces.

Nelly does not feel comfortable asking citizens to donate to land fund. Don: the town board cannot ask for donations; citizens must. Don will consider accepting the land if people give money, and will accept pledges as money.

### **Web developer design guidelines**

Aug 7, web committee completed a design document and guidelines. Dominic asked board to review the recommendations, and make a contract. Association of towns should review the document and give their opinion. Board thinks the committee is better equipped to come up with a policy than the board. Dominic will contact AoT. He will also have the committee turn their proposal into a contract.

## **Resolutions**

### **Resolution 8-3**

#### **Create document for approval of land donation**

By Councilwoman Farnum; Seconded by Councilman Frongillo

RESOLVED, that in anticipation of accepting the donation of a parcel of land in Caroline on Route 79 at the Tompkins County/Tioga County border, the lawyers representing Mr. Clarence Larkin and the Caroline Town Board will work together to create a final document to present the Town Board for approval of said land donation.

**Failed** Barber: Nay; Cope: Nay; Seely: Nay; Farnum: Aye; Frongillo: Nay

### **Resolution 8-4**

#### **Approve 2008 – 2012 Intermunicipal Partnership Agreement**

By Councilman Frongillo; Seconded by Councilman Seely

WHEREAS, the Town of Caroline is currently a member of the Intermunicipal Recreation Partnership and

WHEREAS, the Recreation Partnership has been an excellent model of intermunicipal collaboration which enables the Towns of Caroline, Danby, Dryden, Enfield, Groton, Ithaca, Newfield, and Ulysses, the Village of Lansing, and the City of Ithaca and Tompkins County to jointly plan, finance, and share a more diverse set of high quality recreation programs than any single municipality could offer on its own, and

WHEREAS, the current Intermunicipal Recreation Partnership Agreement will end December 31, 2007 and

WHEREAS, the Recreation Partnership Board, comprised of representatives from participating municipalities wishing to continue this innovative partnership, has reviewed the current agreement and voted on August 13, 2007 to adopt the attached, updated Agreement for the period January 1, 2008 through December 31, 2012, and

WHEREAS, municipalities in the Recreation Partnership value Tompkins County's commitment to building collaborative intermunicipal solutions to meeting needs of youth, and Tompkins County's contribution is essential in enabling smaller municipalities to participate affordably, and

WHEREAS, the Agreement must be approved by the elected board of each participating municipality to take effect, now therefore be it

RESOLVED, that the 2008 - 2012 Intermunicipal Recreation Partnership Agreement is approved and further

RESOLVED, in approving the Agreement, the Town of Caroline agrees to abide by its terms and conditions and further

RESOLVED, that the Town of Caroline strongly urges Tompkins County to maintain its keystone financial and planning support for the Recreation Partnership and further

RESOLVED, that a copy of this resolution be sent to the Recreation Partnership Board care of Tompkins County Youth Services Department at 320 W. State Street, Ithaca, NY 14850.

RESOLVED, that the Town Board of the Town of Caroline hereby authorizes the Supervisor to sign the proposed Agreement on behalf of the Town, assuming there are no substantive changes from the version reviewed by the Town Board on August 14 2007.

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

**Resolution 8-5  
Street lighting map plan**

By Supervisor Barber; Seconded by Councilman Seely

RESOLVED, the town board requests that a map plan and report be done on the Caroline Lighting District.

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

**Adjourn**

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

Respectfully Submitted,

Debra DeAugustine, Town Clerk