

## **Caroline Town Board Meeting Minutes of August 12, 2008**

The regular meeting of the Caroline Town Board held in the Town Hall was called to order on August 12, 2008 at 7:00 p.m. by Supervisor Don Barber.

### **Attendance:**

Don Barber, Supervisor  
Toby McDonald, Councilman  
Pete Hoyt, Councilman  
Dominic Frongillo, Councilman  
Linda Adams, Councilwoman

### **Recording**

**Secretary:** Debra DeAugustine, Town Clerk

### **Six Mile Creek Gauging Station**

Tod Miller from USGS gave presentation (attached) on Six Mile Creek Gauging Station. B'dale gauge was put in for a groundwater study in 2003, in part because the City wants to know what's coming into their drinking water. Found that the sediment source is very minor in upper Six Mile Creek basin. Every year revisit whether or not to continue the gauge. Todd would like to see it continue to 10 years. Can see the gauge in real time on their web site. Good flood forecaster; surrogate for lack of rain gauges; same for snow melt.

Questions: highways and towns can use it for information. Has the town used it for stormwater management information for building homes? Answer: No, not that I know of; mostly for culvert design, berms, etc.

Question: does data go to FEMA; will it be part of flood zone determination? Answer: LIDAR maps can create topo maps at much greater detail. Plan in this county is to use LIDAR to redo floodmaps, but funds aren't there to process the raw data. Undertermined who will do the mapping; whether FEMA will be involved, certainly they'll get the information.

Frank Proto: is there a consideration to discontinue Bethel Grove station and if possible, would it be moved to a different site? Answer: If there is a need, they should move it because it's in such an unstable location.

Mr. Barber: have you approached other funders for the B'dale gauge? Answer: Craig [Schutt] has given his commitment; commitment from Roxy Johnson representing city; only haven't heard from Dryden.

### **Privilege of the Floor**

Joe Scaglione: has anyone taken a look at 400 pages of crime he submitted. Ms. Adams: someone put an exec summary in Journal.

Pam Auble: had a few incidences on her property on Coddington Road. You'll get that anywhere; her big concern is when she called police and they did not come.

Cindy Smalt: I would talk about the liability issues if someone gets hurt on the trail; opens up a world of concern on who will be responsible.

Amy Woodin: stated in letter from NYSEG that they want no liability.

Pam Auble: someone comes down my trail with a snowmobile and ends up head first in the creek; so with hiker, who would be responsible?

Lincoln Adams: can look in the DEC. Any uninvited person on your property, you have no liability.

Rebecca Philips: think he's referring to a public nuisance. If someone trespasses on your property, you have to sue the people who trespass. As far as the trail is concerned, they will cancel your policy fast.

Bob Wilcox: suppose they get injured on the trail. Who is liable? The taxpayers? Yes.

Dave Carr: Will highway crews be responsible for maintenance of the trail? Mr. Barber: don't know.

Brigit Foster: we don't get answers. Seems that you would go out and get answers. In resolution, landowners need to buy in. They are clearly not buying in. How long do we give the trail committee?

Mr. Barber: they've had meetings with the public.

Amy Woodin: why are we still waiting for answers. Why is the trail committee not responding? Mr. Barber: We've asked them to give us a response. Ms. Woodin: with no response, why are you still going forward?

Unidentified: got a letter from trail committee that they were not going to have open meetings anymore; felt alienated when they received that letter.

Linda Adams: thinks that the trail committee realized that the public information meetings were not very constructive. They were not lending to any kind of communication.

Christie Snyder: came tonight to state support with a trail that would connect Brooktondale with Ithaca and can empathize with the concerns of residents. Have friends living on the Rec Way in Ithaca and have not had any problems. There are lots of trails out there, so there have to be answers to concerns.

Steve Nicholson: I serve on several volunteer committees in town. I maintain a section of the Finger Lakes Trail in Caroline. It is 600 miles long, and connects to the north country trail and the Appalachian Trail. Certainly concerns on people along the trail; most find that, once established, trails are an asset to the community.

Mary Arsenault: how will this be an asset to me with a trail going along my property?

Robin Tilton: adjacent landowner. I can see both sides; not willing to put my needs and my family privileges above my neighbors. Also feel that this should not be going on any more. NYSEG clearly stated that they need written consent from all landowners. Question is why are these people being continually impinged upon when it is not going to happen? If someone goes off the trail, landowner will be sued. That is a fact.

Linda Adams: for what it's worth, the first letter that the town of Caroline received – many of those points were negotiable. As far as the 100 percent landowner signoff, Trails committee wanted to hand Bob Pass from NYSEG the survey responses. Tim Ashmore [Ithaca Journal] did an article and said that Clayton Ellis said that adjacent landowner approval is not the bottom line for NYSEG to allow a trail, It was their beginning point of negotiation. Through their actions, they indicated they are not at the 100% threshold. Pete Hoyt: but the board accepted this letter from NYSEG in good faith.

Ms. Woodin: does our opinion, people who live in this town, doesn't matter. We've given the committee time to come back, and they still haven't.

Ms. Auble: as adjacent landowners who are against this. What are our options? If we don't get an answer to our dilemma, who do we go to?

Mr. Barber: The trails committee was asked to come to the meeting tonight and they did not come to put in their input. 2<sup>nd</sup> Tuesday of next month, we will vote.

Susan Barr: The next trails committee meeting is on Thursday at 7 pm. We take phone calls. (Bev Liddington agreed that they take phone calls.)

Toby McDonald: two members of this board will not go forward if adjacent landowner are not in agreement.

Mike Whitall: who will pay for this? Don Barber: Municipal Planning Board money to create; will take town money to maintain.

Dave Carr: personal experience with South Hill Trail; son was robbed. They fought tooth and nail against it. So money to build it and feasibility study. How do we pay to maintain it?

Mr. Barber: Town board is involved because we have a Comprehensive Plan. Being that, a subcommittee has been set up to look at trails. This particular area was looked at because there is one landowner. Feel this is a good process because it is so instructive for the trails committee.

## **Department, Committee, & Liaison Reports**

### **Highway Superintendent**

Mr. McDonald reported for the Highway Superintendent

- Road Work: Drainage ditching work has been completed on Speed Hill Rd, Downey Rd, Shindagin Hollow Rd, and Buffalo Rd. Should repair along sections of Buffalo Rd. Shindagin Hollow was graded, raked, rolled and mowed. Working on replacing problem pipe headers. Will be continuing roadside mowing throughout the town.

- Misc: Heavy rain has plugged many culvert pipes and roadside streams. Will continue to clean culverts and remove debris as needed. Some areas included Ekroos Rd, White Church Rd, and Elm St.

### Supervisor's Report

Correspondence of Note:

1. Septic permit is in hand
2. Letter from DOT investigating Route 79 Speed Limit Change request
3. Letter from Justice Phoenix about condition of Town Hall meeting room
4. Receipt of NYSEG/Community Energy "Catch the Wind" certificate
5. Water Resource Council seeking applications by 9/16/08
6. Town Assessment Equalization rate = 100%
7. Contract with Integrys for Electricity at fixed rate (which will help stabilize lighting district expenses)

Report:

- Valley Road streambank stabilization project: received comments from Army Corps--want additional vegetation at top of slope- after DEC comments will have public meeting to introduce plans.
- Council of Gov'ts – Dog Control contract is big topic – how to pay for and a number of variations
- FEMA has given the green light to Barille II without a formal appeals process.
- Budget requests are out. Please contact me with questions.

### Frank Proto, county rep

- Executive committee of TCAT will meet to discuss route changes, esp in rural areas. Ridership is up. Fare decrease in July, and ridership went up 30% during that time.
- First budget pass last week; we're short \$1.6 million if we fund every request we have. Translates to a 5.2% increase. To limit it to 3% will have to cut programs.
- Reviewing the ag focus areas in county comprehensive plan. Town of Caroline is one of the towns we're looking to expand in.
- New county administrator has been named. Will begin in October.
- Working with Rural Development, a group out of Binghamton. Looking at alternative energy
- Snow and ice agreement: did go back to the state and said we're not plowing your roads this year. They were not reimbursing up the full amount. We don't know if they will come up with some more bucks
- Complaints about recycling debris showing up on the roads; lots seem to be coming out of the trucks. If anyone spots this, call Mr. Proto; he will speak to Barbara Eckstrom.
- Planning committee meeting Thursday: will discuss update on flood hazard mitigation program.
- County Office for the Aging and Lifelong: looking to combine those offices

### Dominic Frongillo

Web site is up. Looking for feedback from the board and members of the public.

Energy independent Caroline: Cornell student contacted him from Beijing; wants to do honors program on EIC. She'd love to write grants for us. Received specs from office building; they came back with comments.

IT committee: has meeting set up tomorrow with 4 members who are interested.

### Transfers

By Mr. Barber; Seconded by Mr. Frongillo

\$100.00	from General Account A1460.2 Records Management EQ to General Fund Account A1460.4 Records Management CE
\$34.00	from General Fund Account A1480.4 Public Information CE to General Fund Account A1460.4 Records Management CE
\$500.00	from General Account A8020.1 Planning PS to General Fund Account A8020.4 Planning CE

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

## Abstracts

### Approval of General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the General Fund voucher numbers 243 through 276 in the amount of \$9834.64.

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

### Approval of Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 171 through 185 in the amount of \$24,356.51.

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

### Approval of Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the Streetlight Fund voucher numbers 13 and 14 in the amount of \$694.82.

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

### Approval of Community Development Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the Streetlight Fund voucher numbers 14 and 15 in the amount of \$9651.91.

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

## Minutes

### Minutes of July 8, 2008

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes of July 8 as submitted by the town clerk.

**Passed** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

## Town Business

### Resolution on Coddington trail

Not being brought up at this meeting.

Brigit Foster and Amy Woodin made an arrangement at the meeting with Susan Barr and Bev Liddington to visit a couple of places along the proposed trail.

### Office Building action plan

See Resolution 8-1 below.

## Resolutions

### Resolution 8-2 of 2008 Town Hall Office Building RFP

By Mr. McDonald; Seconded by Mr. Hoyt

RESOLVED, the Caroline Town Board will put the Town Hall Office Building Committee's RFP out to bid.

Discussion:

Ms. Adams: suppliers need point of contact for any questions posed. Question will go out to every supplier (with the questioner's name not shown).

Mr. Hoyt: idea is very good. How does the question get answered? By whole committee or by one person?

Mr. Barber: Typical process is that there is one person, and they have a timeline for the response.

Mr. Goodrich: we can have them ask questions by a certain date

Mr. Barber: spec is deficient in certain areas; leaves us open to criticism. Need performance specifications, which are not there. Building needs to meet ADA specs; must be energy efficient. Decisions we make must look to the future, and meeting the bare minimums does not take into consideration future of energy costs.

Mr. Hoyt: Aren't these objections late?

Mr. Barber: My concerns were addressed at the meeting, but not addressed in this spec. This spec does not even address the size of the windows.

Mr. Frongillo: I was interested in specifying certain performance standards.

Mr. McDonald: we started by finding an alternative to using the Midnight Sun. People of the town came forward to stop that process. Committee was formed to look into an alternative, which is a modular.

Mr. Barber: every time that was brought up, I said it was irresponsible. We should not tell them that it has to be a modular structure; it needs to meet our needs.

Mr. Frongillo: Steve [Nicholson] said it was an estimated 50-year life span. What is the life span that would meet our needs? Beyond the short-term sticker price. What is the long-term cost of maintenance and heating? This might be the most cost-effective in the short term, but not in the long term.

Mr. Goodrich: we looked at a few different kinds of construction. this turned out to be the best route to go, a serviceable building to meet our needs.

Mr. Barber: cited the necessity of a steel roof.

Mr. Nicholson: we designed these specs solely for RFPs. You're voting that we can go out and get this information from at least three bidders. There's more knowledge to be gained from getting these requests. It is not a vote that we're designing the lowest bid building.

Mr. Frongillo: If we put it out only to modular instead of specs for any building, aren't we limiting ourselves?

Mr. Goodrich: other alternatives are more expensive.

Mr. Phoenix: sounds like someone dropped the ball. If you want all those things, seems that someone should have told them.

Mr. Barber: I have given my input all along. Steve, your view that we're just getting numbers is not correct because we're.. get this from tape.

Mr. Frongillo: Is it possible that we work through these issues so we can get these questions answered? This is a major investment for this town. My suggestion is that we bring the inputs to the table.

Mr. Hoyt: I agree that Don has given his input for the last six weeks, and that your points were heard. I thought they did tweak their speck a bit.

Mr. Frongillo: politically convenient thing to do is accept this and move on, but to be responsible in spending quarter of a million dollars, must hear some answers to concerns

Mr. Barber: from debate comes understanding. You can have this process go on forever, but thinks Dominic is saying that we meet in the short term and come to an understanding.

Mr. Hoyt: let's vote on this and if it doesn't pass, throw it out and look at the annex again maybe next year.

Mr Frongillo: that approach is missing a major understanding. This is not about passing this spec; it's about building a building that's the best for the town. Need to address concerns.

**Adopted** Barber: Nay; Frongillo: Abstain; Adams: Aye; McDonald: Aye; Hoyt: Aye

Mr. Barber said we do need to receive three bids for a project of this size; recommends that we put in the size of the windows; need foundation specs; specs for the porch; also recommend size of the door and make sure it meets egress, may need to have more than one door.

### **Resolution 8-3 of 2008**

#### **Authorize funding of the three-year Brooktondale Gauging Station agreement--tabled**

By Ms. Adams; Seconded by Mr. Frongillo

WHEREAS, the Gauging Station provides valuable data for the monitoring and management of Six Mile Creek, measuring the water flow and sediment load; and

WHEREAS there are currently 5 years of data recorded; this next 3-year block would get the project closer to the goal of 10 years of data, which is the threshold necessary for scientific worth per the USGS; and

WHEREAS this data has been useful to Caroline gaining funding from local, state, and federal sources for many of the past watershed projects and those pending currently; and

WHEREAS this is a jointly funded project between the USGS, Town of Caroline, Town of Dryden, City of Ithaca Water and Sewer Division, and Tompkins County Soil and Water, now therefore be it

RESOLVED that the Caroline Town Board approves the next 3-year term.

Discussion: Barber: in the past the Caroline share has been \$1100; City kicks in 3500; Soil and Water Conservation put in \$5500; Dryden \$1500. In the past, we've had one-year funding from the TRIAD Foundation. Hoyt thinks city should put in more than Caroline; Barber agrees that we need to pursue more from others involved. McDonald: this is the city's water supply, they should be committing more. Adams: I will pursue commitment from other interested entities. Barber: prior to budget process, other entities probably won't commit, but we need to work with those agencies. Goodrich: heard from Ed Bugliosi this afternoon: USGS is willing to add an additional 10% to their money, which was 20% and now is 30%.

A motion was made by Mr. Hoyt and seconded by Mr. Frongillo to table the resolution.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

#### **Resolution 8-4 of 2008**

#### **Authorize Justice Court Assistance Program Grant application**

By Mr. Barber; Seconded by Mr. McDonald

The Town Board authorizes the supervisor to sign the grant application for the Justice Court Assistance Program.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

#### **Resolution 8-5 of 2008**

#### **Rescind resolution 1-6 of 2008, mileage reimbursement**

By Mr. Barber; Seconded by Mr. Frongillo

The town board hereby rescinds resolution 1-8 of 2008. RESOLVED, the new mileage reimbursement rate is \$0.585 per mile.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

### **Executive Session**

On a motion, the board entered executive session to discuss a personnel issue at 9:55 pm.

On a motion, the board adjourned the executive session at 10:12 p.m.

### **Adjourn**

On a motion, the meeting adjourned at 10:12 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk