

Caroline Town Board Meeting Minutes of April 14, 2009

The Town Board meeting held on April 14, 2009 at the Caroline Town Hall was called to order at 7:08 p.m. by Supervisor Don Barber.

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

Recording Secretary: Debra DeAugustine, Town Clerk

Town Business

Department, Committee, & Liaison Reports

Highway Superintendent's Report

Reported by Toby McDonald.

1. Roadwork: Patching potholes and have started grading trouble spots
2. Upper Road: Recommendation that Upper Road be abandoned
3. Valley Road: Met with Dave from TG Miller and hopefully will be able to coordinate our roadwork on Valley with the streambank stabilization project.
4. Miscellaneous: Cindy met with the county and will be working with Tompkins County Highway on drainage at the intersection of Bald Hill Road and White Church Road. Junk cleanup is scheduled for 4/27 – 5/2. Notices have been put up around town and there will be notices in local papers. Working on cold-storage building (see attachment #1)

Don Barber, Town Supervisor

Correspondence of Note

1. County Bridge update: Old 76 at Speedsville Boyer Creek Bridge- Construction underway completion July 2009
2. NYMIR – Board of Directors election
3. Rec Partnership – Annual report Caroline participation increased from 187 to 237
4. Request from Highway Supt for Qualified Abandonment of Upper Road
5. Ltr from TC SWCD along with invoice for Barrile II engineering
6. WRC- announcing Public hearing for TC Water Strategy- 4/20 @4:15 at Transit Ctr
7. TCPL- library service contract with Caroline Library
8. DOT lowering speed limit on Rt 79 to 45 mph from Midline to Besemer

Report:

1. Preliminary drawings for Barrile II complete and off to permitting agencies. Expect Easement drawings on 4/17. SEMO and FEMA looking for more info on structures to be removed
2. TCCOG meeting on proactive steps municipal governments can take to protect their assets when pressed with gas drilling that is exempt from local law- inventory critical assets (environmental, water related, historic, etc) and require permits and bonds for road repair and restoration- will ask planning board to work on former, and am working with TCCOG on latter
3. Expect drawings and specs on office building late this week for review and sign-off and then send to State for code review. Hoping to have contract for construction for May 5th Board meeting.
4. Met with some players in dog control as a TCCOG function. SPCA is currently willing to hold price constant for at least another year. They are working with CU Vet College to get more student vets performing routine SPCA vet functions which could reduce costs – reason to keep contract price constant

Discussion: Toby: passing critical assets list job to the planning board. PB is down to three people. Should we appoint Tony Tavelli, the only applicant to the board, so they're not so understaffed?

Youth services board is looking for Caroline representative. Caroline Town board makes appointment. Last person was Penny Boynton. Broader scope than rec partnership.

Frank Proto, County Legislator

Formal request to Mr. Proto from Board to go to bat for us with waving the tipping fee for any junk we bring to the tipping station. Proto agreed.

1. Health and Human Services committee meeting: heard about latest impacts of state and fed budgets. COFA: all funding cut for training people for outreach for long-term care insurance for seniors. Home Health aid money not cut. Budget for health and human services is largest in the county. Loss of sales tax will offset the funding we did not lose from state.
2. Roadwork: White Church is being worked on. Other road he's been after them is Besemer Road.
3. Water Resources Council having public hearing on draft EIS for water supply. We should have gotten a copy of the document. Frank found it in the library.
4. County sales tax on solar installation is waved. Trying to get the sales tax waved on other alternative fuels also, like wood and pellets. Will work with Ken Slaughter of Cooperative Extension to get wording on this. Linda Adams suggests wording should include EPA standards; thinks such wording will get buy in and support if people realize how clean some systems are. Meeting Thurs in Danby on switchgrass, forming a cooperative that will take fallow land and using it to grow switchgrass. Rural buses: got funding from state for dedicated rural buses that are more comfortable to ride in.
5. Broadband. Went to see Mike Ludgate about tower near his property on Hanshaw Road. Lee Shurtleff is checking to see if can use existing system for broadband system. Asks if we can identify roads that do not have signal. Don says the road is not the issue for broadband phone coverage, rather the distance from boosting station. As far as cable goes, coverage is stated through cable contracts.
6. Hospital: lack of primary care physicians.

Linda Adams

Watershed Committee: Pete Hoyt, landowner with the most acreage affected by the Barrille II project, has questions & concerns, various parties have been working with Pete since early March through to present. Until resolved, the project is at a standstill.

Past Forums & Events attended:

4/2/09 Cornell Cooperative Extension- meeting about what can the co-op do better to help address natural gas opportunities in our community

3/30/09 TCCOG- Kimberlea Rea, Esq. - local jurisdiction options local gov. & natural gas issues give Environmental conservation law Section 23-303 which says: "The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law."

3/26/09 Ithaca HS- Natural Gas Drilling: Health Effects, Economy, Watershed

Upcoming: 5/6/09 Dr. Steve Penningroth of CSI presents water testing recommendations for domestic water supplies near natural gas drilling sites. Dr. William Pammer of Sullivan County Planning & Environmental Mgr, speaks to natural gas issues

Domimic Frongillo

1. EIC recommendation on solar. They recommend we go back to installers and update bids with prevailing wage and use a 10 kilowat without geo and a 16 kilowat with geothermal. Committee will ask for updated quotes and will try to present a recommendation at first meeting next month. Pete concerned on the

dependencies, and wants to make sure there's enough time to consider both solar and geothermal before making a decision. He's coming around to the benefits of the photovoltaic system but still skeptical about the geo and would like to get the info from EIC sooner than later. Dominic will see what he can do.

2. Geothermal: got two bids and will run a payback analysis to present to board next month. Don says the difference between the two is getting bigger because the higher bidder had left stuff out. Need to go through checking references of the lower bidder. We need to make decision next month.
3. Permeable pavement as option, looking at it for parking lot.
4. Web site: have info needed to switch hosting. Currently running old web site because of problems with new.

Transfer

By Mr. Barber; Seconded by Mr. Hoyt

\$ 119.57 from General Fund Account A 7510.2 Historian EQ
to General Fund Account A 7510.4 Historian CE

\$ 365.00 from General Fund Account A 1990.4 Contingency
to General Fund Account A 9040.8 Workers Comp

\$ 0.00 from Highway Account DA 9060.801 Medical Insurance
to Highway Fund Account DA 5142.4 Snow and Ice CE

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

Approval of Abstracts

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the General Fund voucher numbers 105 through 142 in the amount of \$45,409.45.

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

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 61 through 85 in the amount of \$31,016.74.

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

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the Streetlight Fund voucher numbers 7 and 8 in the amount of \$637.79.

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

Community Development Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Community Development Fund voucher number 1 in the amount of \$270.30.

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

Approval of Minutes

Minutes of March 3, 2009

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes as submitted by the deputy town clerk.

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

Minutes of March 10, 2009

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes as submitted by the town clerk.

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

Town Business

Bond anticipation note bank choice

We would probably have the note (which is a line of credit) out for one year. HSBC offers two rates: 2.45% if we move our Town checking and savings accounts to them and 2.70% if we don't; Trust Co quoted 3.00%. Toby not at all opposed to using HSBC with the bond anticipation note; more of a pain, however, of changing all our business over for the tiny savings. Good policy that we do business with two banks and let the banks know. Don and Pete have similar thoughts. Don will develop bond anticipation note with HSBC.

Resolutions

Resolution 4-2 of 2009

Lawn Mowing Contract

By Mr. Barber; Seconded by Mr. Hoyt

RESOLVED, the Town Board authorizes the supervisor to sign the contract with Lucente Landscaping for yearly lawn mowing.

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

Resolution 4-3 of 2009

Qualified Abandonment of Upper Road

By Mr. Barber; Seconded by Mr. Hoyt

WHEAREAS, the Town Superintendent of Highways has presented to the Town Board a written description of a certain Town Highway that in her opinion appears to have not become wholly disused, but for the previous two (2) years has not been usually traveled along the greater part thereof, by more than two (2) vehicles daily in addition to pedestrians and persons on horseback, and

WHEREAS, the Town Board has satisfied itself as to the accuracy and completeness of such description of the Town Highway and that it appears to the Town Board to be appropriated for Qualified Abandonment thereof,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. It appears that the following Town Highways are eligible for a Qualified Abandonment thereof:
 - UPPER ROAD: Beginning at its intersection with White Church Road (County Route 158) and proceeding thence generally westerly to its terminus. (Map #15)
2. The Superintendent of Highways of Tompkins County is requested to hold a Public Hearing on such Qualified Abandonment Pursuant to the provisions and procedures prescribed in Highway Law Section 205(2).
3. Copies of this resolution shall be certified by the Town Clerk and distributed as follows:
 - Town Superintendent of Highways
 - County Superintendent of Highways
 - County Representative Proto
 - Property Owners:
 - Jamie Ramirez
 - Frank & Kathy Vorhis
 - Gary & Diane Fine
 - Lynn Abbott

Discussion: Qualified abandonment means that the town still has a right of way, but after six years the board can vote to abandon the road, and the right of way goes to the private landowner.

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

Resolution 4-4 of 2009

Valley Road Streambank Stabilization Project SEQR Negative Declaration

By Mr. Barber; Seconded by Mr. Frongillo

WHEREAS, the Caroline Town Board is the Lead Agency for the State Environmental Quality Review of the Town of Caroline Valley Road Stream Bank Stabilization Project and determined that this project is an Unlisted Action; and

WHEREAS, the Town completed the Short Environmental Assessment Form ("SEAF") and Part I thereof was duly delivered to all Involved and Interested Agencies with the Notice of Intent for input and/or comment; and

WHEREAS, the Town Board, as Lead Agency, reviewed the SEAF on the record and upon a line-by-line basis at its April 14, 2009 meeting and found and declared that the SEAF was complete, accurate and final; and

WHEREAS, the Town Board has reviewed and has duly considered all comments and concerns delivered or expressed by the public and all Involved and Interested Agencies; and

WHEREAS, the Caroline Town Board held a public information meeting with property owners in the vicinity of the project and a separate site visit with the US Army Corps of Engineers and NYS Department of Environmental Conservation determined not to hold a Public Hearing due to the lack of responses and interest by any persons and interested agencies in the environmental impacts of the subject thereof; and

WHEREAS, the environmental impacts identified were: (i) the construction of the structure and the disturbance of soils, the creation of dust, the impacts upon traffic and noise that could be generated during construction; (ii) the removal of some vegetation in the area that will be replaced immediately upon completion of the structure installation; and

WHEREAS, as to such potential impacts: (i) construction processes will be temporary in nature and on-site silt fencing and other impact controls will be utilized to mitigate such impacts, and further, the project will be subjected to permitting and inspection processes and such processes will mitigate each of such potential impacts, such that all such identified construction impacts will be duly mitigated thus making them non-significant; and thus, the design and timing of the project mitigate potential impacts upon Six Mile Creek and make them non-significant; and

WHEREAS, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the Lead Agency having made a negative declaration of environmental impact,

Accordingly, it is hereby

RESOLVED, that the Town Board of the Town of Caroline be and hereby is re-declared to be the Lead Agency; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated thereunder, and accordingly, the Town Board of the Town of Caroline, based upon (i) its thorough review of the SEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and the hearing held hereupon, and all testimony and evidence presented thereat, if any, and the comments of Involved and Interested Agencies, if any, (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, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the SEAF, Part II, 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 SEQRA for the above referenced proposed action, and determines that no Environmental Impact Statement will be required; and it is further

RESOLVED, that the Responsible Officer of the Town Board of the Town of Caroline is hereby authorized and

directed to complete and sign, as required, the determination of significance confirming the foregoing Negative Declaration, which fully completed and signed SEAF and the contained and declared determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Caroline.
2. The Town Supervisor of the Town of Caroline.
3. All Involved and Interested Agencies.
4. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12.

Discussion: status report is that the Army Corp and DEC have come back with no problems. No unresolved concerns by neighboring property owners and residents in area, except movement of large trucks and equipment. Town will do its best to keep one lane of road open during day and two at night. Next meeting with residents would probably be mid-May, after we choose a contractor. Would like to start work in mid-June. NYSEG has not committed to move poles as town would like them to; they've been unresponsive.

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

**Resolution 4-5 of 2009
Valley Road Streambank Stabilization Project Authorization for Bid**

By Mr. Barber; Seconded by Mr. McDonald

WHEREAS, the Town Board authorizes TG Miller to request bids on the construction work for the Valley Road Streambank Stabilization project.

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

**Resolution 4-6 of 2009
Appointment to Planning Board**

By Mr. Frongillo; Seconded by Mr. McDonald

RESOLVED, the Caroline Town Board appoints Tony Tavelli to the Planning Board for a 5- year term that began January 1, 2009.

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

Attachment #3: Tony Tavelli application

Adjourn

On a motion by Mr. Barber and seconded by Mr. Hoyt, the meeting adjourned at 9 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk