

## **Caroline Town Board Meeting Minutes of July 7th, 2009**

The Town Board agenda meeting held on Tuesday, July 7th, 2009 at the Caroline Town Hall was called to order at 7:05 p.m. by Supervisor Don Barber.

### **Attendance:**

Don Barber, Supervisor  
Dominic Frongillo, Councilman  
Linda Adams, Councilwoman  
Toby McDonald, Councilman  
Pete Hoyt, Councilman (left the meeting at 8:20pm)

### **Recording**

**Secretary:** Marilou Harrington, Deputy Town Clerk

Also present: Rob Elshire

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## **Reports**

**Dominic Frongillo, Town Board** : Rob Elshire and his fiancée requested that the Town Board appoint Dominic Frongillo as a temporary marriage officer to perform their wedding. The Town has the authority to appoint a temporary marriage officer. The resolution will stipulate the office will be for 3 days and the maximum charge is \$75.00 per ceremony.

Planning Board – The Planning Board will be asking for public input. Linda said depending on the formation of the properties, that drilling can be done in the middle of the town. Don noted on his property an old gas well is up to 1 mile deep. He talked about the aquifer we are trying to protect. He said that we need to find the old wells in the Town where drilling might occur and let the DEC know so the drilling isn't done in the same proximity. If the companies travel county or state roads the town has no say over the road. Bonding the town roads is only way to have some control over the usage and damages that may be incurred. The State can do something different. Toby noted that there is a slow down on the gas companies starting projects as they are waiting on the state rules. Linda feels the landowners feel the DEC will champion them and protect them if something goes wrong in the process. (Pete asked) Linda gave an example of potential problems; water resources being contaminated, cutting corners, soil/property damage, etc. Don also noted in PA that a gas company drill got stuck at 3-4 hundred feet and they used dynamite to dislodge it. In the process, they blew out the aquifer and 8 families lost their well water. Don said it is hard to follow how the gas companies are being governed because the State has changed the rules for the gas companies.

**Linda Adams, Town Board** – From TC health Dept. They have to check for bacteria in the water at the Town Hall site. This was supposed to have been done by the 30<sup>th</sup> of June. They received the water sample today, July 9<sup>th</sup>. This test is done at no charge.

Barrille II state monies will not come through for 2009. The water shed committee recommends waiting to start any projects until the funds come through. The original money that was promised for this project was used by the government to pay bills, etc., and the money hasn't been replaced in the appropriate account yet. Pete asked about FEMA paying for a scaled back project. Don said we can discuss it, but money promised should go back in the fund; Environmental Protect Fund. Linda said we can provide the information about future projects and make sure we are ready to commit when the funds do become available. DEC and Army corp., permits to come through in the near future.

**Toby McDonald, Town Board** – Valley Road Stream Bank project. Toby met with the contractor representatives; Paul Sweeny, and Carl Byron, with Dave Herrick the engineer, about the traffic flow and access. Sylvester Johnson and Barry Adams who in live in close proximity of the project were also at the meeting, everyone seemed to leave satisfied. There was a discussion about preserving flower beds on creek side. Linda was saying weather has much to do with the timeliness of the project. Toby said the road will be open for the whole project. (Authorize Don to sign the contract. Notice to proceed)

**Don Barber, Town Supervisor-** Don spoke with Brooke Greenhouse. The Dept of State is providing information for the modular design . It was noted that the prevailing wage changes automatically 7/1/2009. Toby expressed concern that a clause may change the amount of the bid by the increase of the prevailing wage.

Don clarified that even if the prevailing wage changes that the contract was for the project to begin before the change took place.

179. D Tax credit- the credit can be allocated to the builder so the building company can take the deduction. The Town can't receive a tax credit as it is a tax exempt organization. Don talked with Guy who said it was pretty standard for the credit to be allocated. We can assign the credit to Cayuga Country Homes. Don will look at the calculation to see what the credit is....and look at the way this may be a benefit to the Town of Caroline.

Finlo- Contract showing solar panels. Price \$97,900 with a NYSERDA rebate of \$63,000.

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## Town Business

Subject- Ted Schiele from the Health Dept came to speak to the Town Board about a program called Tobacco Free Tompkins, (as proposed by the Youth Commission Board). Some of the Town board members expressed serious reservations about the proposed resolution (see attachment 1 and 2) because of the Town Board's authority over this kind of issue. Mr. Schiele was asked to clarify his interest in the project by Peter Hoyt. He answered that his interest was professional and as a former smoker had a personal interest. He was here on behalf of the State Health Dept Tobacco health plan; smoke free outdoor area. Public health issues the state is addressing, reduction in adult smoking, to reduce second hand smoke, and youth smoking. He explained that it is a public health issue. Exposure to 2<sup>nd</sup> hand smoke, causes illnesses such as asthma. In New York State since the smoking ban in public buildings, heart attacks have lessened significantly. Linda said she has seen that report. Pete talked about "big brother" and that he felt that next the government will be telling you can't smoke in your house. Ted said with smoking related issues so high that the Medicaid cost has also raised significantly causing Medicaid to sue tobacco companies for those health issues. Linda talked about self policing, the increase in price of tobacco and cigarettes and the cost has decreased the amount of smokers.

Toby asked why this should be Town business, when it falls outside the boundaries of the Town board authority. He added that there are already in place policies across the states to varying degrees which say our parks, play grounds, and our beaches must remain smoke free. And that the Town does have some authority but it is limited to its own property and not other public properties.

Dominic, said he will speak with the Youth Commission who seems to be generally looking to help work toward the public wellbeing. He will ask them to contact Ted Schiele who will meet with the group and offer them information. Then the Youth Group can present information to the Town, and other businesses interested in a smoke free entrance way. Dominic will also suggest that the Youth Commission work with Brooktondale Community Center, with the idea that a recommendation from the kids in the Youth Group offering T Free signs (though not law enforced) will work toward smoke free posting in the area and that it will enforce itself.

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## Resolution 7-1 of 2009

### Contract with Economy Paving for Valley Road Streambank Stabilization (HMGP 1665-0023)

RESOLVED, the Town Board authorizes the supervisor to sign the contract with Economy Paving for the Valley Road Streambank Stabilization Project (HMGP 1665-0023)

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

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## Agenda Items

- Transfers
- Approve Abstracts: Highway, General, Lighting
- Approval of Minutes of 5/5/09, 6/2/09, 6/9/09
- Appoint marriage officer
- Approval of Contract with Finlo for Photo
- Voltaic Panel to be installed on Office Building
- Introduce Local law to extend term of Clerk and Highway Superintendent from 2 years to 4 years

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**Adjourn**

On a motion by Don Barber, 2<sup>nd</sup> Toby MacDonald, the meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Marilou Harrington, Deputy Town Clerk