

Caroline Town Board Meeting Minutes of November 10, 2009

The Town Board agenda meeting held on Tuesday November 10, 2009 at the Caroline Town Hall was called to order at 7:23 p.m. by Supervisor Don Barber.

Attendance:

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

Recording

Secretary: Debra DeAugustine, Town Clerk

Also present: Frank Proto, County Legislature; Brooke Greenhouse, Cayuga Country Homes

Reports

Highway Superintendent's Report

Mr. McDonald gave highway report for Cindy Whittaker (Attachment #1)

Mr. Hoyt noted that he'd like superintendent to attend meetings occasionally so he can ask questions. Toby will pass it on.

Don Barber, Supervisors Report

Correspondence of Note:

1. Letter from Gary Fine appealing Cty Hwy Mgr decision about qualified abandonment of Upper Road- has been referred to DOT to place his appeal
2. Letter from Caroline Youth that they desire the \$1000 of funds from United Way be directed to Solar installation and live stream on-line access to solar data. Supervisor also noted that donations to solar and geothermal to date are nearly \$6,000.
3. Better Housing of Tompkins County alerting us to another round of Housing Rehab, etc grants
4. Quarterly statement from County on Sales and Mortgage tax
5. Letter from Dept of Assessment that ORPS has increased income limits for property tax exemption for person with Disabilities

Report:

1. Health Insurance Consortium: all plans have been approved and sent to NYS. NYSID has been communicating weekly so licensing is most likely before 1/1/10. Board mtg 11/19
2. I think I have developed strategy for preserving our Roads - Town will need to pass a law or amend an existing law that requires permits for road access/driveways. This is already granted to County's in HL 136. This permitting process allows for the creation of Road Access agreements- which are encouraged in dSGEIS. Now working through what technical info is required for developing a RAA.
3. I have been advised that it is appropriate and fully legitimate to pass a moratorium for gas drilling until the above has been accomplished.
4. Met with B-dale Fire Company. They want to do more homework and may propose at next year's budget cycle a multi-year contract. But for 2010 single year. They are willing to self-insure for WC 1st aid up to \$500. The current B-dale claim is over \$1000 and climbing. Vouchers removed from abstract and sent to Comp Carrier
5. Spoke with OSC about Highway Equipment Capital Reserve. This is the title that should be used and then a public hearing would be needed to pull funds from reserve for any piece of Capital Eq

Frank Proto, County Representatives Report

- Voted to ask state for permission to raise surcharge on telephone tax from \$0.35 to \$1; this amount will offset money state has not sent us to put in new communications system. There's a sunset on it of 10 years.
- Increase in mortgage recording tax. Board wanted to raise it by \$0.25 per \$100 when you record mort. Mr. Proto did not vote on it because the board would not drop the franchise fee, which would result in double dipping.
- Solid waste fee. Board voted to raise per billing unit to \$56. Mr. Proto not supportive of this fee ever since it started. The county bonded for enough initially to cover the costs the fee is raised to cover. Colleges were dumping for free in landfills because they did not pay taxes. They pay fees now, but nowhere near the \$56 per unit. Tipping fee will also go up.
- Several organizations reviewing dGEIS and preparing individual responses.

Brooke Greenhouse serves on County board of health: they have new regulations for open burning. Now it's a state-wide regulation on burning. State DEC will provide enforcement. Now farm burning is brought in under new regulation, so the rules have changed. Town Board might want to host forum on it.

Dominic Frongillo, Town Board

EIC: Tatem engineering sent prelim info today of what they'll be recommending in December

Town Business

Office Building:

Sun tubes: Barry Goodrich and Don Barber and Brooke went through to look for dark areas for sun tubes. Found 6 locations. Brook reports that the sizes of the tubes for some locations will require an increase of \$350.

Flooring: will work with Brooke as lower price of the two bids. Brooke brought the samples of what Molly Adams chose.

Plumbing in basement of Town Hall will be fixed.

Phone system: Pete Hoyt asked if someone was allowed to bid on the phone system. Don said yes, but Town Board has to consider whether the bidder can service the system.

Landscaping: Town Board will need to decide on a walkway between the final parking area and two buildings in December. We do not have to approve a final walkway plan right now.

Transfers

A motion was made by Mr. Barber and seconded by Mr. Frongillo to make the following transfers:

\$ 2,000.00 from General Fund Account A1990.4 Contingency to

General Fund Account A 1420.4 Legal CE

\$ 604.00 from General Fund Account A8710.4 Conservation CE to

General Fund Account A 1920.4 Municipal Dues CE

\$ 11,000.00 from Highway Fund Account DA 5112.1 Capital Improvement PS to

Highway Fund Account DA 5110.1 Repairs PS

\$ 13,000.00 from Highway Fund Account DA 5112.2 Capital Improvement to

Highway Fund Account DA 5110.4 Repairs CE

\$ 5,000.00 from Highway Fund Account DA 5112.2 Capital Improvement to

Highway Fund Account DA 5142.4 Snow and Ice CE

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

Approval of Abstracts

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the General Fund voucher numbers 345 through 382 in the amount of \$16,908.66.

Adopted Barber: Aye; Frongillo: Aye; Adams: Absent; 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 200 through 225 in the amount of \$84,640.92.

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

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Streetlight Fund voucher numbers 22 through 22 in the amount of \$864.88.

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

Bond Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Hoyt to approve payment for the Streetlight Fund voucher number 5 in the amount of \$16,000.00.

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

Approval of Minutes

Minutes of October 6, 2009

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes as amended below.

Amendment: change tentative to preliminary

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

Minutes of October 13, 2009

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes as amended below.

Amendments:

Page 1, Supervisor's report, para 3: capitalize Candor

Page 2, first para: change to read: "NYS says that towns can designate ..."

Pete Hoyt report after Speedsville should read: "They ..."

Toby McDonald report: should read: "granule matter..." and "guide rail"

Page 3, Transfers: \$300 should go to DA5140.11; \$600 to DA5112.11

Page 5: Reason for executive session was to discuss real estate transaction

Add Pete's and Don's statements, as requested.

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

Minutes of October 15, 2009

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

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

Resolutions

Resolution 11-3 of 2009**Change orders for Town Office Building (Attachment #2)****Change order #4**

Moved by Mr. Barber; Seconded by Mr. Frongillo

RESOLVED the town board authorizes the supervisor to sign change order #4 for \$3070 for changes in electrical service to overhead service.

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

Change order #5

Moved by Mr. Barber; Seconded by Mr. Frongillo

RESOLVED the town board authorizes the supervisor to sign change order #5 for \$660 for Repair and re-built water supply manifold in existing Town Hall.

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

Change order #6

Moved by Mr. Barber; Seconded by Mr. McDonald

RESOLVED the town board authorizes the supervisor to sign change order #6 for \$350.00 for sun tubes.

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

Resolution 11-4 of 2009**Budget Amendments**

Amendment #1:

Reduce line DA9010.8 by \$15,000 to \$21,380 and increase line A9901.9 by \$15,000 to \$21,750

Moved by Mr. Barber; Seconded by Mr. Hoyt

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

Amendment #2:

Increase SF1-9040.8 by \$225 to \$7455

Moved by Mr. Barber; Seconded by Mr. McDonald

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

Resolution 11-5 of 2009**Adopt Town of Caroline 2010 Budget for General and Highway**

Moved by Mr. Barber; Seconded by Mr. Frongillo

RESOLVED, the Town Board adopts the 2010 general and highway budgets as amended.

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

Resolution 11-6 of 2009**Adopt Town of Caroline 2010 Budget for Fire Protection District**

Moved by Mr. Barber; Seconded by Mr. Frongillo

RESOLVED, the Town Board hereby adopts the 2010 fire protection district budget as amended.

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

Resolution 11-7 of 2009**Adopt Town of Caroline 2010 Budget for Lighting District**

Moved by Mr. Barber; Seconded by Mr. Frongillo

RESOLVED, the Town Board hereby adopts the 2010 lighting district budget.

Adopted Barber: Aye; Frongillo: Aye; Adams: Absent; McDonald: Aye; Hoyt: Aye
(Attachment #3: budgets)

Resolution 11-8 of 2009

Sign Contract with SPCA for Dog Control

Moved by Mr. Barber; Seconded by Mr. McDonald

RESOLVED, the Town Board authorizes the supervisor to sign the contract with the SPCA, dba Tompkins County Animal Control (TCAC) for dog control in 2010.

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

Resolution 11-9 of 2009

Appoint SPCA as Licensing Authority for the Town

Moved by Mr. Barber; Seconded by Mr. McDonald

WHEREAS, the Town of Caroline has duly appointed the SPCA of Tompkins County, dba Tompkins County Animal Control (TCAC) as its dog control officer and municipal impound facility; and

WHEREAS, TCAC must license every dog redeemed or adopted from the appointed facility and has requested authorization to license dogs harbored in the Town of Caroline directly to the Town of Caroline rather than to the Town of Dryden where the impound facility is located; and

WHEREAS, under New York State Department of Agriculture and Markets law the Town of Caroline may authorize TCAC to issue the Town of Caroline dog licenses, maintain an inventory of State issued license tags and collect legally required State and local license fees ; and

WHEREAS, the Town of Caroline intends to complete and submit New York State form DL-S System Shelter Application to provide access to TCAC to the State data base of dog licensees;

NOW, THEREFORE, BE IT RESOLVED that the governing Town Board of the Town of Caroline does hereby authorize TCAC to issue dog licenses on its behalf; and

FURTHER RESOLVED, that upon approval from New York State Department of Agriculture and Markets, the town clerk will assign and deliver to TCAC a limited, inventoried supply of dog license tags; and

FURTHER RESOLVED, that the Town of Caroline grants TCAC access to the New York State data base of licensed dogs by submitting New York State form DL-S System Shelter Application.

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

Resolution 11-10 of 2009

Request Town Be Involved Agency in Gas Drilling Permits

Moved by Mr. Barber; Seconded by Mr. Frongillo

WHEREAS, It is estimated that the geologic rock formation known as Marcellus Shale may contain up to several trillion cubic feet of natural gas under a large portion of the southern tier of New York State; and

WHEREAS, the high percentage of acreage currently leased with gas companies within the Town of Caroline would lead us to expect numerous gas wells to be permitted within our Town's boundaries; and

WHEREAS, drilling into the Marcellus Shale will require millions of gallons of water plus tens of thousands of gallons on chemicals, many toxic and carcinogenic, for each hydrofracturing episode where this liquid mixed with special sand is injected into the ground under high pressure; and

WHEREAS, the injection and subsequent removal of this toxic mixtures from hydrofracturing is just one human error away from contaminating drinking and surface water; and

WHEREAS, the transport of this massive amount of water and produced fracing fluid creates a significant public hazard and wear of Town roads: and

WHEREAS, the sound, vibration, and light from the drilling operation will be nothing like our residential and farming community has ever experienced; and

WHEREAS, most rural towns, including the Town of Caroline, have no industrial development to date, yet with the onset of gas drilling could become home to potentially hundreds of industrial sites, and

WHEREAS, unlike every other industry that would want to site within a Town, gas wells are sited by the industry and not the community that hosts it, and

WHEREAS, the draft Supplemental Generic Environmental Impact Statement for drilling in the Marcellus Shale does not address the cumulative impacts of more than one well, yet the impacts to the Town of Caroline's property values and assessment, roads, water supply, landscape, and most importantly community will be significant if we host several to over one hundred well sites; and

WHEREAS, the New York State Department of Environmental Conservation is not in a position to assess the cumulative impacts of many gas wells, but Municipalities, who best know and can evaluate these impacts are, so all local governments must be part of the review process for natural gas drilling permit applications and the comments of municipalities should be considered and given Involvement Agency weight when determinations relating to natural gas application;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Caroline requests that the Department of Environmental Conservation promulgate regulations with regard to the Supplemental Generic Environmental Impact Statement for drilling in the Marcellus Shale to require that local government be designated as Involvement Agencies for State Environmental Quality Review Act (SEQRA) proceedings relating to natural gas permit applications for proposed sites within the boundaries of the local governments, and be it further

RESOLVED, that local governments' statements be solicited and given significant weight when determinations relating to natural gas applications are made; and be it further

RESOLVED, that copies of this resolution shall be forwarded to: Commissioner Pete Grannis, New York State Department of Environmental Conservation, Governor David Paterson, Representative Michael Arcuri, State Senator James Seward, State Assemblywoman Barbara Lifton, and the NYS Association of Towns.

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

Resolution 11-11 of 2009

Request DOT Assist Town in Determining Weight Limits

Moved by Mr. Barber; Seconded by Mr. Frongillo

WHEREAS, 98 percent of the Town of Caroline lane miles of road are public roads that the Town acquired through the "By Use" statute; and

WHEREAS, these "By Use" roads were not engineered to carry specific amounts of axle loads or traffic volumes; and

WHEREAS, these "By Use" roads have been resurfaced and maintained through empirical observation and managed according to the prevailing practice in the area; and

WHEREAS, these "By Use" roads do occasionally experience axle loads from farm equipment, public works vehicles, and local deliveries that we know through observation consume a large amount of roadbed life and rapidly deteriorate the road surface; and

WHEREAS, the road surface condition directly affects the cost to the traveling public to drive on the roads, and roads in poor condition cost substantially more to drive on, and

WHEREAS, there has been developed an equilibrium between road maintenance standards, road maintenance expenses, and the tax levy that citizens have grown accustomed to; and

WHEREAS, the State of New York is preparing to permit the oil and gas industry to drill using a hydro-

fracturing technique within our Town's boundaries which will require hundreds of truck trips per drilling site, and which will knowingly create a condition that the roadbed cannot carry and surface deterioration will occur rapidly on weak roads; and

WHEREAS, the Caroline Town Board is at a cross roads where it must balance section 1604 of the Vehicle and Traffic law which allows for the use of public highways by all vehicles, and the Town Board's fiduciary responsibility to protect it's assets and the public from unnecessary expense; and

WHEREAS, Counties already have the authority to issue access permits for occupying, working in, or entering and exiting County Highways under Highway Law Section 136, but no equivalent State statute exists for Town highways or Village or City streets; and

WHEREAS, Access Permits under Section 136 can allow for persons to work in the roadway e.g. culverts and crossing of roads with buried infrastructure) and can authorize access to public roads by means of driveways and access roads, and

WHEREAS, for a Town, Village, or City to currently have an access permit system requires passage of a local law;

WHEREAS, this is a problem that affects hundreds of local governments in New York State, and it requires each affected municipality to draft local legislation to deal with it, thereby possibly subjecting the oil and gas industry and other industries or projects requiring many trucks trips to a multitude of different local laws; and therefore be it

RESOLVED that the Caroline Town Board hereby requests the NYS Legislature, the Governor, and the NYS Department of Transportation to promptly broaden Highway Law 136, which is only applicable to Counties, to be applicable to towns cities, and villages, at their own discretion, to issue "Access" Permits to their local roads; and be it further

RESOLVED that the Caroline Town Board hereby requests that the NYS Department of Transportation assist local governments in determining the maximum load carrying capacity of local roads so the local government can negotiate Road Access Agreements based on engineering principles; and be it further

RESOLVED that a copy of this resolution be sent to Governor David A. Paterson, NYSDOT Acting Commissioner Stanley Gee, NYSDEC Commissioner Pete Grannis, Senator James Seward, Assemblywoman Barbara Lifton, and G. Jeffrey Haber, Executive Director of the Association of Towns of the State of New York.

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

Resolution 11-12 of 2009

Sign contract with Harford for code enforcement

Moved by Mr. Barber; Seconded by Mr. McDonald

RESOLVED, the Town Board authorizes the supervisor to sign the contract with the Town of Harford for code enforcement.

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

Adjourn

On a motion by Mr. Barber and seconded by Mr. McDonald, the meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk