

Caroline Town Board Meeting Minutes of December 8, 2009

The Town Board meeting held on December 8, 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, absent
Linda Adams, Councilwoman
Toby McDonald, Councilman
Pete Hoyt, Councilman

Recording Secretary: Debra DeAugustine, Town Clerk

Department, Committee, & Liaison Reports

Highway Superintendent's Report

Roadwork included Ekroos Road ditching and grading, Brearly Hill Road gravel and grading, drainage in front of Slaterville Post Office, and Graveling shoulders on Hamilton and Speed Hill Roads. Will soon begin posting weight limits on local roads, brush cutting, and siding on the small garage. The trucks are ready for winter and the generator is installed.

Attachment #1 is a letter from Ms. Whittaker regarding a turnarounds, the new generator, and a gas spill.

Don Barber, Town Supervisor

Correspondence of Note:

1. Results of on-site insurance audit- clear record
2. New Assessment Director – Jay Franklin
3. Letter from Dept of State regarding Planning Grant

Report:

1. Health Insurance Consortium: NYSID has 2 issues that still need final resolution: Reserving and Union Voting. Without know the NYSID players, can't predict outcome. Consultant who does know the players is very optimistic we will be licensed before 1/1/10. Board mtg 12/17
2. Road preservation Legislation: G. Krogh is working for 4 to 6 Towns on the same law getting it's validity from Highway Law Section 136. County Attorney is working on a complimentary law based on V&T law Section 1160.
3. Meet with Slaterville Fire District next Monday about Workers Comp. Premium amount arrived today

Frank Proto, County Legislator

1. Health & Humans Services meeting: reviewing the dGEIS and are ready to bring it forward. They have 62 or 63 comments, which they will send to DEC commissioner. Hoping to delay the DEC regulations; not ready, things are not flushed out yet.
2. DEC has come out with revisions to MS4 SPDES permits. Mr. Proto formed a special committee to address the issue. Big thing they found is that they're including entire municipality as MS4s, not just designated areas. Will not really affect Caroline, but will other townships. Also, DEC is no longer going to be the final signoff entity. They will rely on the municipalities: unfunded mandate. 2010 is already budgeted.
3. Insurance consortium. Hope is that it will come together with unions.
4. Board of Health: they're trying to come up with guidelines for what homeowners should be testing their wells for, with drilling coming our way. We don't know what the fracking fluid contains, its important for homeowners to test wells now so they know what's in them. Really concerned that they don't give out complete advice to homeowners. Cost is excessive. Have to test for trace elements that are not usually

tested for, and should use a certified lab.

5. Don question on MS4: is there a certain threshold that the state takes over. Does the town have to give out permits? Mr. Proto does not know. Don: we would have to give out permits for natural gas.

Linda Adams

Watershed Committee Report

Jon Negley (Tompkins Soil & Water) met with Tepco people on Nov. 10, 2009 to discuss solutions for the exposed pipe which crosses Six Mile Creek. Tepco has hired Shaun McAdams (of Barton & Loguidice) to do the design and the engineer / project manager is John Condino. Options were discussed...the most logical seems to be to flip the meander bend in this stretch of stream to realign it with the section of pipeline that was designed for the streambed. Mr. McAdams would like to sit in on a Caroline Watershed Meeting early 2010.

Roxy Johnson (SMC Drinking Water Treatment Plant Manager) would like to request that Caroline put her dept. on our official call list in the event we need to alert them to a significant creek situation.

A new drilling permit was issued by the DEC to Anschutz Exploration Corp. in the Town of Dryden. The formations targeted are the Trenton and Black River.

John Daniels (code enforcement) communicated that a stormwater inspection was performed Oct. 22, 2009. The inspection showed a greater than 1/2 acre soil disturbance and requested a written plan of the intended erosion & sediment controls measures be submitted to the Caroline Code Enforcement Officer.

Transfers

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

- \$ 1,200.00 from General Fund Account A1110.404 Court Trials CE to General Fund Account A 1110.4 Court CE
- \$ 12,000.00 from Highway Fund Account DA 5130.1 Machinery PS to Highway Fund Account DA 5110.1 Repairs PS
- \$ 10,000.00 from Highway Fund Account DA 5112.2 Capital Improvement to Highway Fund Account DA 5110.4 Repairs CE
- \$ 321.10 from Highway Fund Account DA 5130.1 Machinery PS to Highway Fund Account DA 5112.11 Capital Improvement PS OT
- \$ 2,000.00 from Highway Fund Account DA 5130.4 Machinery CE to Highway Fund Account DA 5110.4 Repairs CE
- \$ 200.00 from Highway Fund Account DA 5110.11 Repairs PS OT to Highway Fund Account DA 5140.11 Misc PS OT
- \$ 4,250.00 from Highway Fund Account DA 5140.111 Sick, Holiday, Vacation to Highway Fund Account DA 9060.8 Medical Insurance

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

Approval of Abstracts

General Fund Abstract

A motion was made by Mr. McDonald and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 383 through 415 in the amount of \$22,208.85.

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

Highway Fund Abstract

A motion was made by Mr. McDonald and seconded by Mr. Hoyt to approve payment for the Highway Fund voucher numbers 226 through 238 in the amount of \$21,563.20.

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

Streetlight Fund Abstract

A motion was made by Mr. McDonald and seconded by Ms. Adams to approve payment for the Streetlight Fund voucher numbers 23 and 24 in the amount of \$696.12.

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

Bond Fund Abstract

A motion was made by Mr. McDonald and seconded by Ms. Adams to approve payment for the Bond Fund voucher numbers 6 and 7 in the amount of \$10,000.00.

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

Approval of Minutes

Minutes of November 4, 2009

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

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

Minutes of November 10, 2009

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

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

Town Business

Landscape

Caleb and Nicole Scott. Sent out an estimate to the town for landscaping the area around the two town buildings. Can work with the town to meet a budget. Could consolidate concepts into one or two to present to the board. Want to give the town a 50% discount off normal design rates. Estimate is around \$2000 for an integrated design for the two properties. 20 hours they've already spent is donated. Clock would start when they consolidate the ideas into something more concrete. Plan for handicap ramp: three basic ideas. Don mentioned that the stairs in front of the library need to come off. Nicloe suggests getting a certified arborist look at the trees. Discussed parking, how many spaces to provide for park and ride, where to place the parking. Don: we have to have a discussion with TCAT. We made good progress with them about using B'dale Baptist Church. Meanwhile, we can have highway superintendent put temp stone around for walkway.

Phone System

Chris Manly provided proposal (attachment #2). Talked about using T-1 as opposed to Time Warner. He thinks you'll get better bang for your buck from Time Warner. This system can be done in phases, starting with analog system. System is very flexible. The town will own it. Anyone with some technical proficiency can run it. In order to move on it, we need to sign a contract, and we should have Guy Krogh take a look on it.

Change Orders

Sun Tubes: original change order for sun tubes resulted in getting the wrong info from Velux. The new change order is not an addition, but is a complete replacement of the first change order.

Telephone cables between the two buildings: CCH wants to finish the outdoor work and could not complete work without this cable, which we were asked to purchase. Don now asked Brook to add Cat 5E cable.

Progress report: geothermal is up and running. Flow rate is excellent. Excellent thermal transfer. Modification: Now a manifold in the crawl space with individual shut off valves. Two areas of concern: 1. someone needs to accept the building; this can be conditional. 2. Liability.

Resolutions

Resolution 12-1 of 2009

Authorize the supervisor to sign a contract with Chris Manly for phone system design and installation

By Mr. Hoyt; Seconded by Mr. McDonald

RESOLVED, the town board authorizes the supervisor to sign a contract with Chris Manly for design, installation, and set up of a phone system per the proposal provided in attachment #2.

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

Resolution 12-2 of 2009

Change Orders for Town Buildings

Change orders are available as attachment #3.

Change order #6

Moved by Mr. Barber; Seconded by Ms. Adams

RESOLVED, the town board authorizes the supervisor to sign change order #6, sun tubes, in the amount of \$690.

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

Change order #7

Moved by Mr. Hoyt; Seconded by Ms. Adams

RESOLVED, town board authorizes the supervisor to sign change order #7: telephone cables between two buildings, in the amount of \$595.

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

Change order #8

Moved by Ms. Adams; Seconded by Mr. McDonald

RESOLVED, the town board authorizes the supervisor to sign change order #8, fire rated door in records room, in the amount of \$740.

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

Change order #9

Moved by Ms. Adams; Seconded by Mr. Barber

RESOLVED, the town board authorizes the supervisor to sign change order #9, sump pumps, in the amount of \$1590.

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

Change order #10

By Mr. Hoyt; Seconded by Mr. Barber

RESOLVED, the town board authorizes the supervisor to sign change order #10, exit light and re-pipe waste plumbing in Town Hall to connect septic, in the amount of \$851.15.

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

Change order #11

Moved by Mr. Hoyt; Seconded by Mr. McDonald

RESOLVED, the town board authorizes the supervisor to sign change order #11, provide/install flooring, in the amount of \$7952.

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

Resolution 12-3 of 2009

PILOT Agreement with Better Housing for Tompkins County for Caroline Seniors

Moved by Mr. Barber; Seconded by Mr. Hoyt

RESOLVED, the town board authorizes the supervisor to sign the PILOT agreement with Better Housing for Tompkins County for payment in lieu of taxes.

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

Resolution 12-4 of 2009

Contract with Thaler & Thaler for Legal Services

Moved by Mr. Barber; Seconded by Ms. Adams

RESOLVED, the Town Board authorizes the supervisor to sign the contract with Thaler & Thaler for legal services for 2010.

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

Resolution 12-5 of 2009

Establish Date for 2009 Year-End Meeting

Moved by Mr. Barber; Seconded by Mr. McDonald

RESOLVED, the Town Board will hold their 2009 year-end meeting at 9 a.m. on Wednesday, December 30th at the Caroline Town Hall, 2670 Slaterville Road, Slaterville Springs, NY.

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

Resolution 12-6 of 2009

Establish Date for 2010 Organizational Meeting

Moved by Mr. Barber; Seconded by Ms. Adams

RESOLVED, the Town Board will hold their 2010 organizational meeting on Tuesday, January 5th at 7 p.m. at the Caroline Town Hall, 2670 Slaterville Road, Slaterville Springs, NY.

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

Resolution 12-7 of 2009

Procedure for Town Official to Advise District Attorney on Town Matters

Moved by Mr. Hoyt; Seconded by McDonald

WHEREAS, the Town of Caroline might occasionally wish to advise the District Attorney's office of its wish to vigorously prosecute a particular, or type of, infraction or crime; and

WHEREAS, such advise could have a bearing on the final disposition of such a case; and

WHEREAS, such disposition might involve a citizen of the township; now therefore be it

RESOLVED, that any such advise, whether written or oral, whether offered by the town attorney or by an official representing the Town of Caroline, be approved by the town board prior to its being offered; and be it further

RESOLVED, that the board have an opportunity to review the written advise itself prior to taking action, or a written abstract of such advise if is to be offered orally; and be it further

RESOLVED, that such board action be taken only at a monthly business meeting after having been placed on the agenda at least one week prior to that meeting.

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

Discussion:

Distinction is having our attorney talk to the DA on behalf of a town board member or the town board member doing so on his own. Pete would like the whole town board to have the right to debate such a request. Toby sees this as more of an administrative issue. This is not about interference; it's about the town being entitled to ask the DA to take our laws and cases in violation of those laws seriously. Pete thinks it's about the town meddling in a

court case. Linda: This is a right of any citizen to give input, and should not be taken from members of the town board. Our own highway superintendent has said that it's hard to get law enforcement out here, and when they do come, enforcement needs to be taken seriously or the law enforcement won't take our calls seriously. Don doesn't have any particular problem for this particular issue. But he can't guarantee the same for future issues. He understands the transparency problem. This is not interfering in the court. This is prosecution, and it's their job to prosecute town law.

Mr. Bruce Murray was in the audience and had this input: He argued that laws in the town have to be upheld so they have "teeth" and so they set a precedent. You do not want to set the precedent of not upholding the law.

Don Barber noted that the resolution he drew up helps clarify for the attorney why the town board is asking him to do speak to the DA. Don noted that he will not vote for Pete's resolution because he doesn't know all the unintended consequences.

Resolution 12-8 of 2009

Prosecution of Vehicles Ticketed for Exceeding Weight Limits on Local Roads

Moved by Mr. Barber; Seconded by Ms. Adams

WHEREAS, the Town of Caroline acquired nearly all of its lane miles via a "By Use" statute of NYS law; and

WHEREAS, these "By Use" roadways were not designed by an engineer to have any particular minimum load carrying capability; and

WHEREAS, road failure is known to occur from surface erosion or abrasion and by permanent deformation of the road base; and

WHEREAS, the Town of Caroline has used its authority to protect the public investment of road surfaces by causing "By Use" roads to be posted for weight limits, and

WHEREAS, vehicles that travel these posted roads with weights that exceed the posted limits can decrease road life through surface deterioration and base deformation; and

WHEREAS, the cost of shortened road life is borne solely by the Caroline taxpayers; Now Therefore Be It

RESOLVED, that the Caroline Town Board requests its attorney to convey to the Tompkins County District Attorney of its desire to stop the degradation of road life by aggressive prosecuting any and all vehicles ticketed for exceeding legal weight limits and/or exceeding post weight limits within its borders; and Be It Further

RESOLVED, that a copy of this resolution be delivered to the Tompkins County Sheriff.

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

Adjourn

On a motion by Mr. Barber and seconded by Ms. Adams, the meeting adjourned at 9:43 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk