

## **Caroline Town Board Meeting Minutes of March 9, 2010**

The Town Board meeting held on March 9, 2010 at the Caroline Town Hall was called to order at Time 7:02p.m. by Councilman, Toby McDonald

### **Attendance:**

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

### **Recording**

**Secretary:** Tanja Eie, Deputy Clerk and Marilou Harrington, Town Clerk

### **Privilege of the Floor**

**Natural Gas Companies-** Tony Tavelli hoped that the board supported having the natural gas companies in the area. Don said he supports the gas companies, but his worries extend to the local roads being torn up by the large trucks and equipment that the gas companies would use. He doesn't want the tax payers to have to pay for any road repair caused by damage that the gas companies might cause or any water problems from the drilling. Toby said the board is trying to address a problem and create a program that will address this problem so we *don't* ruin the roads or trash the water. The Town has been excluded from the decision making with the gas companies and private citizens. Pete would also like to see the gas companies in the area for the profit it can bring to individuals and the Town. Pete said he visited PA where there are a lot of oil/gas pads in the area (Dimock/Springvale) and the roads appeared to look in good driving condition. His main concern is more the water issue. He asked can a home owner who has leased to a gas company be liable if a neighbor has an issue or problem with their water?

Dominic agreed with Pete that having the gas companies in Caroline can be a huge economic opportunity. Currently under New York State Law the Town cannot regulate drilling. He expressed concern about water contamination and damaged roads. He said the Town board has a responsibility to see what they can do to protect the Town and the tax payers from having to pay for any repairs caused by the gas companies.

**Planning Board Grant-** In 2005 the Town Board applied for a Grant (\$26,600) for a consultant to investigate implementation strategies for Phase I of the Comprehensive Plan with the deliverable plan to produce a draft of a proposed law. LaBerge was paid for the first half of the grant \$10,000 , (for the consultant) and then the Planning Board took on the task of creating a Local law draft (which was presented by Chad Novelli to the Town Board at approximately 8:00pm) before being sent off to the State of New York.

Tony Tavelli, member of the Planning Board had concerns that the draft of the proposed law would actually become a law. He said he felt uncomfortable submitting the proposed law, but if it was to go then he wanted the words "DRAFT" written in large letters on the cover so as to alleviate any questions that the proposed law was in draft form. There was a discussion between the board and members of the town in attendance about the grant monies and whether it would be worth "garbaging the proposed draft and the town eating the \$10,000." Mark Gregrow expressed concern that the draft sounded too much like it was a zoning law. Additional concern was based around whether Albany would actually view this draft, as a law, and try and enforce it as such. Don reiterated that there is no official endorsement; it is a draft to be presented to the State to receive the remainder of the grant (\$10,000). The draft will go into the Town's correspondence file and then the Planning board will work on the local law draft and decide if it is something that should be presented to the public or not. And if we don't finish the requirements of the grant we will lose the sceond \$10,000 and have to return the first \$10,000 the Town received to pay the consultant, so sending in the draft is the only way that the Town can satisfy the requirements. The Planning Board and the Town Board are just complying with the requirements of the grant. When Chad Novelli arrived, at 8:00pm, he joined the discussion about the grant before it was presented to the Town Board. The debate continued on whether the proposed law should be submitted or whether the Town should forfeit the \$10,000 and return the other \$10,000 it had already spent. Eventually, and with some reservation by some of people in attendance it was decided the draft law would be sent clearly stating that it was a "DRAFT" law. See attachment 1 Draft of local law

## Department, Committee, & Liaison Reports

### Frank Proto, County Legislator

**Public Sewer and Water-** The nearest public water and sewer is in Ithaca (water to Pine Tree Rd and sewer to Besemer Rd.) We would have to establish our own water source, like they did in Newfield, but it would be too costly without the State being involved.

**Census-** The census will be mailed tomorrow. If we can get up over 100000 participants, we are eligible for more funding. The Town of Caroline, has about 3,200 residents. Don said he has heard one of the reasons people avoid filling out the census is many people are concerned about the intrusiveness. This 2010 census is not intrusive.

**Gas Drilling** – forum for landowners is this Saturday 3/13/2010 at Dryden Fire Hall from 1:00-3:00pm. It is sponsored by Cornell Cooperative Extension and there will be a speaker discussing the efforts of Tioga County Landowner Coalition.

**Assessment Questions-**If you have a problem with the amount your property is assessed, you can set up appointment at the Assessment office to discuss the assessed value or wait for grievance day. The agriculture assessment has an April 1st deadline.

### Cindy Whittaker, Highway Superintendent

No report

### Linda Adams, Town Board

Absent

### Toby McDonald, Town Board

**Department of Labor** - From the employee handbook, 904, the “no violence in the workplace” policy will be posted in all workplace areas. Toby said the Town has until 3/23/2010 to make satisfactory adjustments to the policy and implement any changes from employee input. He is currently speaking with Town employees, asking them to fill out a questionnaire and will make adjustments as necessary

### Dominic Frongillo, Town Board

**Interview for Listserv Master-** Candidate Keith Slayden, is applying for listserv administrator. He explained that he would use a free service like Yahoo or Google for the set-up. He’s familiar with using both Google and Yahoo. It was discussed that the listserv should be completely separate than any other listserv and not affiliated with any political party. All messages should be factual and non-partisan, using good grammar/English. His main objective is to manage the listserv. The board expressed that Keith should be a good enforcer, keeping very clear guidelines. There will be deadlines for the postings of 24-48 hours. Keith works as IT support for Ithaca College and lives in town of Caroline.

### Don Barber, Town Supervisor

**Delta Engineering** – Is proposing to help the Town characterize roads for load carrying capability. Their fee would be approx. \$5,000 to \$8,000 depending on the scope of work. They will be working with Cindy on this project.

**Health Insurance Consortium-** The biggest Union, CSEA, has met with the Executive Committee of the board and wants to and come to a satisfactory conclusion. They are having trouble with the scope of work that the Committee is working on and they want it more articulated than just benefits, they would like additional details. The CSEA already sits on a joint health benefits committee with the State for some of the State employees. Don will be at a meeting held in Ithaca with CSEA next Thursday in hopes of making incremental progress.

**Quick Claim Deed-** Don received a letter Mr. Guttmann, attorney at law about the property that is claimed to be owned by Mr. Shapiro instead of the Town of Caroline. Mr. Guttmann said he has a 1974 get copy of deed showing his client, Mr. Shapiro owns the property. The Town board has received advice from our Attorney, Guy Krough and discussed the matter and is offering to do a quick claim deed if necessary to transfer their interest in the property, (since they agree that there was probably a mapping error and the Town indeed does not own the

property). Dominic asked if there was any financial pitfall, but it was discussed that it shouldn't cost the Town to transfer the property.

**Award Notice-** the Town of Caroline received a Notice of Award from NYSERDA for \$63,000 for solar panels for the new annex building.

### **Approval of Abstracts**

#### **General Fund Abstract**

A motion was made by Toby and seconded by Dominic to approve payment for the General Fund voucher numbers 91 through 131 in the amount of \$85,081.99.

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

#### **Highway Fund Abstract**

A motion was made by Toby and seconded by Dominic to approve payment for the Highway Fund voucher numbers 41 through 60 in the amount of \$63,375.14.

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

#### **Streetlight Fund Abstract**

A motion was made by Toby and seconded by Dominic to approve payment for the Streetlight Fund voucher number 6 and 7 in the amount of \$652.08.

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

## **Town Business**

### **Committee Report-**

#### **Annex building**

- Solar installation to begin on 3/12/2010. NYSERDA Grant will pay 75% of the cost for Solar panels and installation
- Landscaping a for parking lot at annex building will be one lot with 20 spaces for cars to park.

**Barrile II-** the 6 bids were opened at the last meeting and viewed again the following day to rule out any mistakes. All the bids were denied because of being too expensive. All the contractors were sent a letter rejecting their bids. There will be a re-bidding process before the next Town Board meeting.

**Clarity Connect-** Chuck Bartosch from Clarity Connect came to give an presentation and update on the broad ban stimulus money which will be bring high speed internet of outlying areas. He is resubmitting for the grant as a source of second run funding is still available. There was a mistake in the original grant application so it was refused.

**Level Green Road-** Level Green Road is improperly designated as a minimum maintenance road by the State. The road is seasonal. Cindy Whitaker will work with on a turn around easement.

## **Resolutions**

### **Resolution 3-2 of 2010**

#### **Budget adjustment**

By Mr. Barber; Seconded by Mr. McDonald

Resolved, the Caroline Town Board makes the following budget adjustment: Increase Revenue Line A3063 NYSERDA Grants by \$63,000. And Increase Appropriation Line A1620.44 Office Capital by \$63,000.

**Resolution 3-3 of 2010****Appoint a Listserv manager**

By Mr Frongillo; Seconded by Mr. Hoyt

RESOLVED, the Town Board will appoint Keith Slayden as the Town of Caroline listserv manager.

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

**Resolution 3-4 of 2010****Appointment to review board**

By Mr.Barber ; Seconded by Mr. Hoyt

RESOLVED, the Town Board appoints Len Pogorzola and Bob Spaulding to the Assessment Review and Advisory Board, and further RESOLVED, the Caroline Assessment Committee will receive the public on May 13th, 2010 at 3:00pm at the Historic Town Hall.

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

**Resolution 3-5 of 2010****Authorize Supervisor to sign the Youth Services Contract**

By Mr.Barber ; Seconded by Mr. Hoyt

RESOLVED, the Town Board authorizes the supervisor to sign the Caroline Youth Service Contract with Cornell Cooperative Extension.

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

**Resolution 3-6 of 2010****Authorize Supervisor to sign Municipal Cooperative Agreement for Health Insurance Consortium**

By Mr.Barber ; Seconded by Mr. Frongillo

RESOLVED, the Town Board authorizes the supervisor to sign the Municipal Cooperative Agreement for Health Insurance Consortium

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

**Resolution 3-7 of 2010****Authorize attaching draft site plan review Local Law to Planning Grant Report**

By Mr.Barber ; Seconded by Mr. Frongillo

RESOLVED, the Caroline Town Board has received a draft of the site plan review Local Law from the Town of Caroline Planning Board and consents to attaching it as "Deliverable" to the "Final Report for the Department of State" planning grant.

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

**Resolution 3-8 of 2010****Authorize Supervisor to sign a contract with Soil and Water Conservation District Management**

By Mr.Barber ; Seconded by Mr. Hoyt

RESOLVED, the Town Board authorizes the supervisor to sign a contract with the Soil and Water Conservation District for storm water management technical support specialist.

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

**Adjourn**

On a motion by Mr. McDonald and seconded by Mr. Barber, the meeting adjourned at Time 10:02p.m.

Respectfully Submitted,

Tanja Eie, Deputy Clerk

Marilou Harrington, Town Clerk