

Caroline Town Board Meeting Minutes of April 13, 2010

The Town Board agenda meeting held on Tuesday, April 13, 2010 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

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

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Joe Sirbin from New York Land and Lakes, Jim Houghton, Paul Vidovich

Privilege of the Floor

Jim Houghton, 5 Deputron Hollow Rd in Caroline, came to speak about State legislation about fracking issues. Some Assembly members are looking at concerns they need to address. There are some resolutions that are starting to circulate in the Assembly but no versions of the resolutions are in the Senate as of yet. Mr. Houghton brought proposed resolutions in for board review, so they could be aware of what is going on at this time, and if the Town wants to have any input/endorse. See attachment 1(resolutions). One resolution addressed the use of steel tanks (for back flow water) instead of open pits. He is most concerned about a document from the DEC addressing an effort to keep kids, wildlife and other animals out of open pits without being specific on how to achieve this. Pete asked if the pits were fenced in, he thought the fence would be reasonable. Linda said if a company wants to use a fence they can but it is not required. Jim said many companies are going to tanks because they are moveable whereas sometimes a new pit has to be dug. Don said open pit technology comes from out west where more evaporation happens more then the amount of water it receives whereas here , especially depending on the time of year there is much less evaporation. The use of pit liners has been discussed by the DEC (information from a study document) but they have to be installed properly and maintained, which seems to be more of an issue than what kind of pit liner is used. There is no sign of the use of pit liners in any of the bills to be passed. Barbara Lifton has proposed bill that hasn't gone forward as of yet which includes an increase in funding and inspectors. Jim said with concerns about toxicity of water fracking, the burden of proof should be on the company, like it is in Pennsylvania, and not on the individual landowners. The proposed bill about water fracking, Jim said does not include that provision. Jim brought the resolutions for the Town's education and possible endorsement. Since the resolutions are not in the Senate yet, Pete suggested going to the individual town people and asking them to contact their legislator.

Reports

Frank Pronto, County Representative

Health Care Consortium- Frank wanted to acknowledge and thank Suprv Barber for his involvement in working with the Health Care Consortium. He also thanked Don, Dominic and Marilou for helping with

the Census. He reminded everyone that this Friday is the last day to turn in the Census. Dominic's mentioned that his roommate is a census taker

T-Cat is going well, busses are running on time, etc. Cayuga Heights residents don't want buses passing their houses. Dominic and Paul asked for a possible change in a bus schedule that would bring a later bus to Caroline. Frank said it would be a union issue.

Health Committee meeting about an autism program that is already in place. The State wants to change the program which will let insurance companies be able to back out of paying for the students.

Public Health Commishiner Alice Cole is retiring. There has been over 80 applications to apply for the position. The hiring board has narrowed it down to 15 applicants. Applications came from all over the world

Broad Band- The FCC put out a statement to incorporate the library and schools to their broad band book. Frank sent a letter to all schools asking for their opinion/input. He also wrote to Chuck Schumer.

Water Resource Council- EPA asked the DEC about proposed regulations. Storm water regulations, in effect as of the first of February, maybe revised again in June.

Twenty Million has been awarded for affordable housing. The planning committee awarded the first \$32,000 to Ithaca neighborhood housing; \$100,000 to Ithaca Women's Community housing ; \$70,000 to TC Community Action,. Part of the programs funds are to help acclimate woman coming back into society after coming off of drugs, etc. White Hawk is on hold, as far as receiving funds as their application is not finished. BHTC –the Lansing Senior Citizens is also on hold as the application is missing federal pieces.

Flags to mark Veteran's graves at Caroline Cemetery's for Memorial Day Weekend- Frank to follow up with Janet Nash

Dominic Frongillo, Town Board

Planning board met Thursday, critical environmental report to share with the public. Three public meetings Brooktondale, Slaterville and Speedsville. Toby asked how many survey's were sent out and how many were received back. Dominic said about 1300 were sent and about 200 were returned. .

Concerns about protecting wet lands and other critical environmental areas in the local community, making the community and the gas drilling companies aware of their locations Toby asked who makes the determination of what is a critical environmental area. Don answered the Town board makes the determination of critical environmental areas, but that designation does not stop impact anyone from performing non- SEQR review activities such as selling or building, etc in these areas. The surveys ~~eluded~~ ~~to~~ identified about 20-30 critical environmental areas for the board to consider.

Planning board expressed that when the Town Board considered applicants for the Planning Board that would take in to consideration people that would work well together.

John Reed, RFP Town barns

Explore an agreement with Newfield Energy for wind energy.

Peter Hoyt, Town Board

No report

Toby McDonald, Town Board

Meet with the labor department meet the first 2 weeks in May, about violence in the work place and other issues. Training for the Town employees will be held on May 4th from 2-4pm

Linda Adams, Town Board

MS4 Annual Report has a new form. It is in the works to be completed ~~in~~ by June 30th.

Cindy Whittaker, Highway Superintendent

Roadwork

- Sweeping roads
- Patched pot holes on both gravel and paved roads
- Shoulder repairs
- Truck maintenance and repairs

Starting next week

- Cutting trees and brush
- Cleaning ditches
- Maintaining and installing signs

Misc.

Employee Hearing test scheduled for this week

Storm water training this week

New 10 Wheeler has arrived

Replaced several road name signs that have been stolen or damaged the over the last several months

Junk clean up has been scheduled for May 3rd – 8th.

6am to 4pm Monday – Thursday

There will be no one available Friday to help unload

Saturday hours will be 8am to 11am

No hazardous materials and or household garbage

Don Barber, Town Supervisor

Correspondence of Note:

NYSEG Solar Connection Application- will be connected later this month but will not “net meter” until July 2010

Energy Committee- taking advantage of the tax payers- listen to tape an add in other information

1. Notice of Award of \$26,697 from NYSERDA for Energy Conservation on Town Hall and Barns
2. Recreation Partnership 2009 highlights

Report:

1. Health Insurance Consortium: two final issues- Reserving and Union Voting. It seems like we're only making incremental progress. NYSID requires 5 million in reserve funding before they start. The county does not have that kind of money sitting around. Don went to Albany to discuss this issue. NYSID agreed to look at other forms of financial instruments to satisfy reserve criteria. Pete asked Reserving is not reinsurance. Don replied Re-insurance is called "Stop-Loss" which is separate from Reserving. Pete said 5% contingency is not available from fund balances around the County.
2. Barille II rebid successful bidder JB Contracting for \$363,300- within budget Contract has been awarded for construction to begin in June. Working on grubbing contract for implementation in May. Tree planting will be a 3rd contract. JB Contracting bid is about \$12,000 under what was estimated but doesn't include tree planting). TC planning has funds to finish the tree planting if remaining funds are not enough.
3. April 27th 9-11 AM Ithaca Town hall- Office of State Comptroller will be presenting and then Q&A about abstracts – vouchers – auditing
4. Open House for Office Building May 1st from 10-2. Brooke Greenhouse will be there to talk about geothermal and Tony from Finlo to talk about the solar power.
5. Final Landscape drawings from Scott Land and Yard- will paint on ground and Highway will excavate and bring in top soil and distribute. Sidewalks- need to create RFP and create list of local masons to request bids. Flag pole released to Caroline as excess property. Don met with Nicole and Caleb Scott and the Highway Supt Cindy Whittaker.
6. Recognize Mike Moran for all his contributions to a "green building" with recycled federal equipment.
7. Mike accepted the position of liaison to County Emergency Services Planning Committee
8. Bond Anticipation Note will expire by end of month. The Town will use \$21,750 budgeted to pay interest and reduce principle and take bids for a new BAN.

Town Business

Paul Vidovich Planning board applicant moved to Caroline 2.5 years ago, bought a house with 12 acres on Goodrich Hill Rd Plans on being here a long time, interested in getting involved in the community. Life experiences- currently runs a construction business with a 2 partners who also live in Caroline, so he can relate to small business'. Managed natural areas for about 8 years which involved taking care of large areas of land assessable to the public with hunting programs, hiking trails, etc. He has worked with the natural environment for a long time and has had a lot of opportunity to work with a board spectrum of people in a rural town, similar to Caroline. He has read the comprehensive plan. He was asked by a board member what his opinion was of it. He said he thought it was interesting with some good resources and is interested in the action items like the 5 year action plan. Linda mentioned for the record that Paul and his wife Kathy was instrumental in helping the storm water committee work on the project of eradicating Japanese knot weed (Barrile I). He shared an extensive report from Vermont where they had a very similar problem with Japanese knot weed and he volunteered his time and knowledge for the project. The Comprehensive Plan doesn't mention about gas drilling (there wasn't much thought of it at the time), but he is interested in becoming part of conversation (pros and cons) to be able to help people compromise and met common goals. Part of back ground is to mediate between diverse groups of people. Don asked role in his construction business, (builder?, manager?). He said they are all builders though he is the least experienced of the 3 of them. He helps manage the business. Don asked if when he was helping with the private reserve was there a planning process he went though or was he implementing a plan put together by others. He said was part of developing plans for different natural areas. Developing private run nature reserves, not for profit, developing management plans whether for ecological purposes similar to the Barrile I project as well as other invasive species they were managing. They also worked on erosion control, planting trees, etc. Dominic asked if he ever had to manage a situation where there were distinct differences of opinions. He said sometime the presence was difficult as some people had hard feeling about changes in a small town (Washington County). He created a common ground with people who would use the preserves; it was a long term commitment to build trust and relationships.

Tranfers

Resolved, the Caroline Town Board hereby authorizes the Supervisor to transfer 2010 funds as follows:

\$ 363.00 from General Fund Account A 1620.413 Town Hall CE to General Fund Account A 1620.411 Office Building CE

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

Budget Adjustments

Don; 2nd by Pete

Resolved, the Caroline Town Board makes the following budget adjustment: Increase Revenue Line A 3063 NYSERDA Grants by \$21,333.86. And increase Appropriation Line A 1440.408 Energy Engineering by \$21,333.86

And Be It Further Resolved that the Caroline Town Board makes the following budget adjustment: Increase Revenue Line A 3064 Justice Court Grant by \$16,080.00 and increase Appropriation Line A 1620.415 Meeting Room CE by \$16,080.00

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

Approval of Abstracts

General Fund Abstract

A motion was made by Don and seconded by Linda to approve payment for the General Fund voucher numbers 132 through 168 in the amount of \$16300.75.

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

Highway Fund Abstract

A motion was made by Don and seconded by Toby to approve payment for the Highway Fund voucher numbers 61 through 88 in the amount of \$41931.63.

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

Streetlight Fund Abstract

A motion was made by Don and seconded by Dominic to approve payment for the Streetlight Fund voucher number 8 and 9 in the amount of \$647.52.

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

Bond Fund Abstract

A motion was made by Don and seconded by Pete to approve payment for the Bond Fund voucher number 2 in the amount of \$9344.71.

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

Resolutions

Resolution 04-01 of 2010

Planning Board Appointment

Planning board applicants; Paul Vidovich, Erica Frenay, Kate Mackenzie, Matt Mix, Kathy Mix, Mark Wimer, and Cindy Smalt

A paper vote was taken highest ranking 7 as the person you would most like to see in the position and 1 being the least. The votes were tallied in private by the Town Clerk, Marilou Harrington, with Paul Vidovich receiving the most votes -and Erica Frenay receiving the 2nd highest votes.

Don; 2nd by Linda

The Town Board of Caroline Appoints to the Planning Board Paul Vidovich to a 5 year term ending on December 31st 2014 and Erica Frenay to a 4 year term ending on December 31st 2013.

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

Resolution 04-02 of 2010

Youth Services

The Town Board of Caroline authorizes the Town Supervisor to sign the contract with Tompkins County for Youth Services

Don; 2nd by Dominic

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

Resolution 04-03 of 2010

Easement off Level Green Road

The Caroline Town Board resolves to authorize the Town Supervisor to sign Land Easement with New York Lank and Lakes for a turn around off Level Green Road after advisement and consultation with the Town of Caroline Highway Superintendent and Attorney.

Don; 2nd by Toby

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

Resolution 04-04 of 2010

284 Agreement with Highway Superintendent

The Caroline Town Board is authorized to sign the 284 Agreement presented by Highway Superintendant for the amount of \$180,000 for work on Downey Road, Taft Road and Chestnut Road.

Don; 2nd by Toby

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

**Resolution 04-05 of 2010
Lawn Mowing Contract**

Don;2nd by Pete

The Caroline Town Board authorizes the Town Supervisor to sign the Lawn Mowing contract with Lucente Landscaping for 2010.

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

**Resolution 04-06 of 2010
Land Transfer Quick Claim Deed**

Pete, 2nd by Dominic

WHEREAS, the Town Board previously authorized the listing and sale of a small parcel and gore of land located on the Caroline-Dryden border in the Town of Dryden, known as Dryden Tax Parcel Number 78.-1-12, a .47 acre parcel of land, triangular in shape, on the Hartford and Slaterville Road (herein, the "Land"); and

WHEREAS, in preparation for the sale and/or transfer of such Land the Town discovered that the Land did not likely even belong to the Town, but was a parcel mistakenly borne when the County Assessor, or the then Town Assessor, tried to conform assessment lots to a municipal boundary change, thus cutting off a northerly tip of a parcel of land once fully located in Caroline and placing such severed tip, being the Land here in question, in the Town of Dryden; and

WHEREAS, due to the confusion so caused by deed references to municipal boundaries, the Land is most likely a "ghost parcel" actually owned by Shapiro, R.O., the underlying owner of the land to the south in Caroline and a prior purchaser of such land from the Town; and

WHEREAS, this .47 acres of Land was previously identified as excess property and is so declared as excess here once again as the Town has no need or use for such land; and

WHEREAS, the Town has examined the nature, use, and value of such Land and has determined that: (i) this Land constitutes excess land for which there is no current, future, or foreseeable future use by any governmental body or the public, and no such future use is planned; (ii)

there is no public use available for such Land; (iii) the shape and location of such Land, and the title problems inherent therein, establish that there is no viable market for such Land; and (iv) pursuant to Town Law §64, the Town is authorized to sell and/or transfer such Land, or clarify title thereto, as hereinafter authorized; and

WHEREAS, this action is a Type II Action under SEQRA such that no environmental review is needed or required; and

WHEREAS, upon due consideration of the above and other matters and factors, the Town Board of the Town of Caroline has hereby

RESOLVED AND DETERMINED, that there is no current, planned, or potential future governmental or public use for such excess Land and there is no viable private market for such Land as it is a small strip of land and does not provide enough area so as to support a dwelling or other private structure; and it is further

RESOLVED AND DETERMINED, that the affected parcels of Land to be transferred and/or sold include the small parcel and gore of land located on the Caroline-Dryden border in the Town of Dryden, known as Dryden Tax Parcel Number 78.-1-12, a .47 acre parcel of land, triangular in shape, on the Hartford and Slaterville Road; and it is further

RESOLVED, that the Supervisor be and hereby is authorized, after the running of the statutory permissive referendum period, to transfer such Land by private sale in whatever manner shall be deemed expedient so as to clarify title and re-confirm the prior deed of the Town; and it is further

RESOLVED, that this Resolution be and hereby is made subject to a permissive referendum, and the Town Clerk is hereby directed to publish a Notice of Permissive referendum as soon as is practicable.

SEQRA: Type II Action.

NOTICE of PERMISSIVE REFERENDUM

The Town Board of the Town of Caroline has adopted a Resolution dated April 13, 2010, whereby the Town authorized the private transfer and/or sale of a gore of land known as Dryden Tax Parcel Number 78.-1-12, a .47

acre parcel of land, triangular in shape, on the Hartford and Slaterville Road. This Resolution is subject to permissive referendum pursuant to Town Law § 64 and Town Law Article 7.

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

Adjourn

On a motion by Pete Hoyt, and seconded by Dominic Frongillo, the meeting adjourned at 9:19 p.m.

Respectfully Submitted,

Marilou Harrington, Deputy Town Clerk