

Caroline Town Board Meeting Minutes of May 11, 2010

The Town Board meeting held on May 11th, 2010 at the Caroline Town Hall was called to order at 7:03 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor
Dominic Frongillo, Councilman
Linda Adams, Councilwoman
Toby McDonald, Councilman
Pete Hoyt, Councilman arrived at 8:07

Recording Secretary: Marilou Harrington, Town Clerk; Sandie Baker, Deputy Town Clerk

Also Present: Rebecca Dewitt, Anne Bohme, Cyrus Umrigar, Elisa Evett, Pat Bhrel

Privilege of the Floor

Rebecca Dewitt, Speed Hill Rd : since Jim Houghton, discussion of Bills before State last month, things have changed, new legislation added, (see Attachment I A&B); asking that board will consider this legislation, property right and infringements?

Anne Bohme, Speed Hill Road, discussion of fracture drilling; safety issue, community cost; mentioned that some residents may only want to support some of the legislation.

Cyrus Umrigar, Brooktondale: discussed open pits, noxious chemicals, liabilities fall to landowners for damage done to neighbors; plea to the board to do whatever necessary to ensure the bills pass. Stressed awareness for community of what the actual risks are involved in industrial development. Most residents appreciate the rural nature of the community in Caroline. Stressed neutrality and the impact on small towns such as Caroline, which is beneficial to community understanding; asked that the board members consider attending/viewing the slide show presentation of Bill Podulka. Don asked that the board be informed when this slideshow would be given in the future. Discussion on best way to inform the community to generate a larger attendance.

Elisa Evett, Bald Hill Rd, agrees bills would strengthen the town's ability to protect against the adverse effects that PA is currently experiencing from waste disposal. Feels that industry is not addressing the issue, and is only in the research stages and preplanning. She believes that the bill proposed currently would address that problem. Would like board to inform Albany to readdress the problem issues. She stated that information is in constant flux and it is urged that the board would provide some type of uniform understanding of the procedures, and details. Is grateful for Bill Podulka talk given recently, and is pleased that the community has access to this resource.

Pat Bhrel, Slaterville Road: Very worried about the issues of road maintenance. Alaska resident, described what happened in that state regarding the clean ups, road maintenance, and detriments to the environment as a whole. She is concerned about the effect on future generations regarding these chemicals and its effect on the local water table.

Don Barber discussed gas industry is conducting a Statewide experiment as it develops High Volume Slick Water Hydro Fracing on a large scale in PA. Unfortunately the procedures are not fixed, and the systems put in place are constantly evolving into a more comprehensive plan. The board will be considering the present bill of A10633 currently later in the meeting.

Department, Committee, & Liaison Reports

Frank Proto, County Legislator

Marcellus Drilling- Frank is chairman for water resources for Tompkins County also. Submitted to DEC and environmental committee which is handling some of the issues that were brought up. Letter to governor agrees with what points the legislator had brought up with the concerns. County endorses the Barbra Lifton bill to strengthen the ability for town to decide how roads, land, ditches, etc. would be used.

Waste: from PA to be brought into NY: wastewater plants have decided to reconsider their previous decision. Frank stated that it is difficult for the state/county to think of all the scenarios that might occur.

Gas Drilling- Resolution in with planning committee to address concerns with information that the

Gas/companies may get their information is under concern. Chemung and Tioga County made the Water & Soil District responsible for providing this information as a impartial responding point. Tompkins County is currently pursuing the idea to assign the same. TC is researching the cost that would come from assigning one person from Water & Soil to represent the county. Would like to see that the Gas and Mining Co's were to contribute to a fund which would pay for this service. And this would directly affect the Marcellus Drilling.

Affect on Great Lakes Basin, the majority of Tompkins County is in this basin—as part of the legislation it is put in front of the State to address the issue of this. The GLB committee does not have the same authority.

NYS Breeders- NYS Breeders regarding horses—the State has DOT contracts to oversee the racetracks and video machines; Unethical practices downstate caused the DOT to withdraw the contract. A loss of between 2.4-2.5 billion over the past five years from horses contributes to the State: over 35,000 people employed indirectly or directly with this; Trickle down affect to suppliers. Concern is that money is not going where it is intended to go. NJ, PA and Canada are drawing these people away from NY—discussion is nonproductive. (Sheldon Silver) Downstate has a huge adverse effect on the proceedings in Upstate. County legislation to pose a talk with the NYS legislation. June closing of Sartoga, and third leg at Belmont is at risk. Industry has comprehensive analysis of how procedures work. Ag & Farm board is behind project also; 80 responders for position; count is down to 3 and plan is to decide by June. Alice Cole is retiring officially end of June—most respondents hold an MD—this would be a positive addition to the program.

Budget Retreat- budget is at a 5% levied increase--\$6.32 per \$1,000—numbers were considered. Peter Stein: \$.80 per \$1,000—affordability is in question. Discussed cost of putting the budget together and stress this imposes onto the staff. 10.2% tax levy did not pass: Frank chair of Health & Human Services committee—worst year he's seen in some time; over 20% of TC budget is going for the pension increase and the county has no control over this allocation. Study group formed to meet with community to establish what can be done to ease the burden here. Due to economy restrictions there is an inordinate number of individuals taking advantage of the Health & Human Services programs causes DSS increase. (Sales tax decrease) Sales tax has been effectual on the entire county, increased slightly yet not enough to offset.

Highway Funding- Salaries are at a freeze: County Sheriff contract still on table—current county budget is estimated at \$140 mil about 60% is mandated, 35% is uncontrolled allocation. Most monies allocated to Highways come from local money as opposed to county money. Boicieville and Besamer roads are to receive funds this year. Highway funds are always targeted to increase.

State has delayed payments on food pantry costs.

Cindy Whittaker, Highway Superintendent

Highway department is currently working on truck maintenance and repairs, cutting trees and brush, and cleaning ditches. A new pickup truck is ordered, on April 19 State Contract was awarded, bill out date was April 26, monitoring progress on this. Highway Superintendent has money in budget, truck cost is \$500 less than the one purchased in 2006. All employees attended Violence in the Workplace training, attended protective safety training, and hearing tests were done to ensure compliance. Solid waste took 19.93 tons of clean-up from yearly cleanup in town, which was almost double last years. *[See Attachment II]*

Don Barber, Town Supervisor

Health Insurance Consortium- Creating adequate reserves: need sense of Board of willingness to put up \$100K for reserves in addition to premium. Don has asked NYS Insurance Department to possible allow putting up these reserves over 5 years. As chair of the Consortium Board of Directors, Don has also asked unions and other sources of revenue. Union Voting: City of Ithaca PBA has stated in writing and Ithaca Fire Fighters have stated verbally they will not sign anything that commits them to the Consortium. CSEA largest union has met with other unions and consensus wants 4 seats on the Board. BOD meeting 5/13 at 3:30.

Board discussed ramifications and actions by other Consortium members in regards to establishing the minimum reserving required by NYS.

Barille II - Working on developing and signing vegetation grubbing contract for implementation in May. Working on easements from property owners—For grubbing contract, projects needs to develop an RFP of two bidders with third a possibility;

Easements- Easements- 10 families have sign plus the Slaterville Fire & Rescue Company; 3 families have serious questions—One adjacent property owner has concern pertaining to Buffalo Tributary and its affects; Soil & Water engineers can show that there will be potential benefit. Weather permitting; would like project to begin June 1st.

Open House for Office Building May 1st from 10-2 huge success –in conjunction with fire company Brooktondale Community Center- lots of citizens with questions and generally favorable comments –regarding aesthetics of building and atmosphere of new Town Office building;

Landscape Advisory Committee - volunteers were found- John Reed, Mary Alice Koblwer, Irene Lekstutis, Veronique Domaratsky, Donna Havens, and Molly Adams- along with Nicole Scott, Penny Boynton and Caroline Youth Group Many donations of plants and compost to offset cost. Dan Klien need be contacted to establish how much funding is available. General idea of landscape mapping has been provided. Plans are still on the table to finalize what the end results of the landscaping will be.

Bond Anticipation Note was signed- didn't pay down principle- because the 15K we had available doesn't meet the minimum requirements for any pay down schedule authorized by law. We will have the options available at budget season and can make a plan. Can roll-over BAN for 5 years. Not enough to make required payment schedule, stated that follow up in fall discussion will be a more appropriate time to discuss plans to enact a payment schedule. Interest Rate was estimated at 2.3%.

All paperwork has been processed for NYSEDA grant for geothermal and lighting of Office bldg—check will be sent within the next month-June.

Internet survey, which is posted at the Town Clerk's office, is available for public input. Looking for specific community needs and desire for high-speed internet in the town. Response from community is that the access to use computers from home is an inconvenience at the current time.

Correspondence of Note:

1. Memorandum from TC Finance – Caroline's potion of Sales Tax \$120K, Mortgage Tax \$19,885
2. Interconnect Contract with NYSEG for solar system
3. Easement proposal from NY Land and Lakes (Currently working on language for proposal)
Permanent easement granted by the developer for the town.

Toby McDonald, Town Board

Violence in the work place issues are resolved. Toby has accepted appointment of contact person for this, until a new representative has been established in the future.

Dominic Frongillo, Town Board

Community input from open house; Cayuga Country Homes to compile some fact sheets.

Toby and Dominic will agree to work on updates for Manufactured/modular home park law. Reasoning is to establish how language can be edited to conform more to what the Town is in need of. There will be a meeting to decide on editing changes Monday, May 17 at 10:00 a.m.

Broad band survey- Chuck Bartosch—has developed a Broad band survey, available through Town website, a survey to gain knowledge of what types of current services the community has. This gives opportunity to collect more data on this topic.

Transfers

A motion was made by: Don Barber; and seconded by Linda Adams to make the following transfers:

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

\$ 300.00 from General Fund Account A 1410.2 Clerk EQ to General Fund Account A 1410.4 Clerk CE

\$ 1900.00 from Highway Fund Account DA 5142.4 Snow and Ice CE to Highway Fund Account DA 5680.4 Other Transportation CE

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

Approval of Abstracts

General Fund Abstract

A motion was made by Don Barber and seconded by Dominic Frongillo to approve payment for the General Fund voucher numbers 169 through 210 in the amount of \$40,823.36.

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

Highway Fund Abstract

A motion was made by Don Barber and seconded by Toby McDonald to approve payment for the Highway Fund voucher numbers 89 through 112 in the amount of \$107,949.52.

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

Streetlight Fund Abstract

A motion was made by Don and seconded by Linda to approve payment for the Streetlight Fund voucher number 10 and 11 in the amount of \$597.62.

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

Town Business

Dog Enumeration- No new news on dog enumeration letter it is still in draft stage. Input needed from Board to offset cost of licensing—undecided whether local law needs to be updated to correspond with decision. Talk regarding whether adjustment of fees for the license will be made during the census time frame as a way to generate a more positive response from the community to comply. This provides a marketing tool for the town to generate a larger compliance from the public. Caroline currently charges a lesser amount than some of the neighboring towns. Tabled the decision of how much cost will be until June's meeting. Stressed that rabies compliance is most important; future decision to be made to stress compliance as important as opposed to a means to generate more revenue for the town. Database updates to be made by clerk's office to have figure for SPCA representative for the dog enumeration. Board is waiting to take action until June after compiling more detailed information for the dog census.

Road Construction Local Law- Don distributed proposed application form for new culvert installation for new homes and lots. Under proposed law, Building department would issue permits, but Highway Superintendent approves the size; and approves contractor to work in the public right-of-way. Clauses pertinent to Caroline need to be added application. Updates to current Policy to cover industrial application. Objective is to keep costs at a minimum. Using Madison County as an example to implement policy updates or changes for Town of Caroline. Follow up with Cindy and John Daniels to get her input in decision making. This topic will be revisited at the June Town Board meetings.

Current Culvert Policy- Highway may remove/install piping in culvert; Policy states what requirements for placing new culvert. Pricing for culvert pipes to be determined based on current costs with a minimum length of 30 feet required.

Resolutions

Resolution 1-5 of 2010

In Support of Assembly Bill A.10633 - Amending State Environmental Conservation Law to Allow Local Governments to Enact or Enforce Certain Laws and Ordinances

Motioned by: Don Barber; seconded: Dominic Frongillo

RESOLVED, WHEREAS, the slickwater hydrofracturing process used for accessing and utilizing Marcellus shale gas reserves requires/includes use of heavy trucks to transport water, chemicals, and other materials to extraction and processing sites, thereby posing potential damage to local roads that are not designed for heavy-duty truck usage, and

WHEREAS, not all locations are equally appropriate for industrial development, and

WHEREAS, New York State reserves to itself the regulation of oil, gas, and solution mining activities, and

WHEREAS, in New York State land-use authority, such as adoption of zoning ordinances, is in the hands of

WHEREAS, clarifying the relationship between these two regulatory authorities, with respect to gas drilling and extraction, is in the best interests of all residents and communities in New York State, and

WHEREAS, on April 13, 2010, A.10633, which clarifies the role of municipalities in governing oil, gas, and solution mining development within their local jurisdictions, was introduced by Member of Assembly Barbara Lifton, (and as of April 14 had 17 co-sponsors), and

WHEREAS, A10633 makes clear that local governments can enact and enforce certain laws and ordinances that regulate the location, construction, and use of buildings and land within municipalities, as delegated to local governments by Article IX of the New York State Constitution,

Now therefore be it RESOLVED, That the Caroline Town Board, endorses and supports A. 10633, urges Senator Seward to sponsor similar legislation in the New York State Senate, and urges New York State Association of Towns to champion passage of this important legislation.

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

Resolution 2-5 of 2010

Appointment of the Violence In The Workplace Liaison

Motioned by: Don Barber; seconded: Dominic Frongillo

RESOLVED, WHEREAS, Toby McDonald is appointed as contact person for Town of Caroline Violence in the Workplace policy and whereas reviews of incidences will be discussed on an on-going basis

Motioned by: Don Barber; Seconded by: Dominic Frongillo

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

Resolution 3-5 of 2010

Appointment of Cindy Whittaker to be Caroline's representative to the ITCTYC Planning Committee

Motioned by Don Barber; Seconded: by Board

RESOLVED WHEREAS, Cindy Whittaker will be the Town of Caroline ITCTYC representative.

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

Adjourn

On a motion by Toby McDonald and seconded by Pete Hoyt, the meeting adjourned at 9: 27 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk Sandie Baker, Deputy Town Clerk