

Caroline Town Board Meeting Minutes of November 4, 2010

The Town Board Public Hearing for Preliminary Budget and Agenda meeting held on November 4, 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-absent
Pete Hoyt, Councilman

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Bev Liddington, Andy Tavelli, Penny Boynton and Lucy Gagliardi

Privilege of the Floor

Supervisor Barber opened the meeting by welcoming the public and inviting them to discuss the Preliminary budget for 2011. Mr. Barber had informational bulletin sheets on the wall explaining the high points of the Town General and Highway Department budgets. The combined tax levy is 1.2 million dollars making the tax rate \$6.00 per thousand, which is significantly lower than the tax rate 2 years ago. See Preliminary budget (available at the Town Clerk's office.)

General Government – After reviewing the General Budget Mr. Barber opened the floor to the public and asked if anyone had questions. No questions were asked.

Highway Department- Mr. Barber continued with explaining the proposed Highway Department budget for 2011. Afterward he opened the floor to the public for questions.

Bev Liddington- Had heard that the Town Board had decided to cut the food bank monies from the general budget. Mr. Barber responded that her information was incorrect, that the Caroline the food pantry was receiving \$2000, the same as last year. The Food Pantry has seen an increase in participants so even with \$2000 from the Town of Caroline they will have to look for additional ways to get funding. It should be noted that the Town of Caroline is the only local municipality that contributes to their town Food Pantry. Pat Brhel had said (at a previous meeting) that the money they get from the Town is used as a “safety net”, that it helps them get through the last month of the year when money is tight. Volunteers run the Caroline Food Pantry. Every penny they raise goes into the purchase of food and household supplies.

With no more questions about the general budget the public hearing was closed at 7:14pm

Caroline Fire Protection District- There is a decrease in the proposed budget because the cost of Workers' Compensation insurance has gone down from last year. The tax rate is \$1.48 per \$1000. Which is comparable to the Brooktondale and Slaterville Fire districts, which are \$1.40 per thousand. Mr. Barber noted that if we didn't have such great volunteers in our fire districts and had to pay for fire protection that the tax rate would be more like \$7.00-\$8.00 per \$1000. Having volunteers help keep the cost down for taxpayers. With no questions or comments from the public, the hearing about the Caroline Fire Protection District closed at 7:18p.m.

Lighting District Budget- Not all the lights at intersections within the Town are part of the lighting district. It costs Town less than \$8000 a year, which is a tax rate of 3.8 cents per thousand. Bev Liddington stated that she had a problem having to paying for lighting when the light district does not extend to where she lives White church Rd. She said she believed the people who had the lighting should be paying for the service and not the other residents of the Town as well. Don explained because there was a few of the lights in different areas; Berkshire, Slaterville, and Brooktondale that are in the Lighting District that a previous Town board set it up to share the cost. He also mentioned that the lighting district does not get any Agricultural exemptions or does it qualify for any other exemptions, so even though the cost is minimal it is paid fully by the taxpayers. To set it up now with different districts would be costly but in hindsight it probably should have been set up differently. Lucy Gagliardi stated that it was nice to have lighting in Brooktondale for safety reasons at intersections and pedestrians. Don mentioned that the Energy Committee is researching purchasing our own lights to see if there is

ways to save money. The hearing closed about the Lighting District at 7:22p.m

Lucy Gagliardi asked according to the preliminary budget the percentage of how much of our taxes will increase. Mr. Barber answered the total assessed valuation in the town is 1.88 percent and the tax levy is 3.71 percent. The difference in the percentage is the property increase in our town. Lucy said as a town taxpayer that she was comfortable approving this budget. The Town's Youth program is asking \$11,210. The Recreation Partnership and Teen program (A7310.4) is \$7,800 and the Town Youth Program was asking \$11,210 (total \$19,010). Don said the proposed budget is for a little less, \$ 18,436. Lucy stated that she was pleased with the amount. Mr. Hoyt mentioned that the board would be discussing the amount for future funding this spring. Mr. Barber said he would be talking to TCOG about the County plans and the youth commission about long term funding. Lucy said she was thankful to have this year to rework the program. Mr. Hoyt suggested fundraising.

Penny Boyton- Will continue with their service community plan. The kids in the program feel connected to the community and the work they are doing and will continue to do.

Pete Hoyt- speaking as a member of the public was happy with the results of the Barrille II project on his property

Reports

Toby McDonald, Town Board- Absent

Dominic Frongillo, Town Board

Energy Independent Caroline- The EIC celebrated its 5-year anniversary this past month.

NYSERDA Grant- (Report given by Mr. Barber) NYSERDA is asking for a lot of detailed information, for example where are the town's light bulbs purchased? Are they purchased in the USA? There was a list of 15 items that needed to be done for the grant but there is only two left at this time. We have to show purchases and our energy savings. Mr. Frongillo explained that this is their way of stopping waste, fraud and abuse by documenting every minute detail.

Teamsters Union-Mr. McDonald and Mr. Frongillo met with a Teamsters Union negotiation representative and a representative from the Caroline highway department. They all shared information about proposed insurance changes. The Union representative was very professional and straightforward about the mutual understandings of the insurance policies.

Planning Board- The Planning Board is interested in having an unbiased speaker come to speak to the community about gas drilling. Since many of the forums in the area seem to be one-sided they are looking at having someone speak, who doesn't have an objective either for or against gas drilling. They had thought about asking a Professor from Cornell, or Bill Kappell, from USGS to speak. The Planning Board is also working on the Industrial Site Plan review. They recently had a representative from the County come and walk through and answer questions about the industrial site plan review process. The Planning Board is now going into more depth and working with sub-committees in various areas. The Planning board is also working on the critical environmental areas. Joan Jurkowich from the County Planning Board came to speak and give feedback. Many items on the citizens committee had put together a list of recommendations had already been covered. Joan had expressed that many of these items had already been covered by State wetlands. The important ones were areas that were missed like aquifer recharge lands. The aquifer recharge areas are throughout the Town of Caroline. Don would like to get Todd Miller to talk with the town board or planning board

Peter Hoyt, Town Board

No report

Linda Adams, Town Board

EPA Chesapeake Bay Clean-up- (See attachment 1) The Watershed Committee spoke about the total maximum load that the EPA is working on to clean up the Chesapeake Bay. The document (proposed resolution) has not been vetted by the watershed committee. This Monday is the deadline for EPA taking comments/resolutions on their clean-up proposal. Ms. Adams is asking the board to review the proposed resolution. She explained its

importance, as the New York State's intention is to bring the Chesapeake Bay up to swimming and fishing threshold. The water discharged from NYS (which we are 10% of the watershed) that goes into the Chesapeake is what is being discussed. The water in NYS that goes into the Chesapeake already meets the NYS swimming and fishing threshold. This was confirmed by Soil and Water. What is troubling is 3 billion dollars (on the low end) to meet these requirements that EPA are putting on NYS. In essence, they are trying to get us to clean up what is already clean. Other States do not meet the same standards as NYS. Ms. Adams said there is a lot of documentation and the government used a computer modeling system to come up with their information. From their standpoint, in essence all humans and animals would have to be removed to meet the threshold they are requiring. The land area is 76% forest with natural nitrogen run off. The agriculture in the area is 21 percent. It is a goal that can't be met. If the other states had the same water quality as NYS then there wouldn't be a problem. This is phase one of the program and phase 2 will hold all the counties liable and not just the State as a whole. Ms. Adams is asking the board to pass a resolution expressing opposition to the Chesapeake Bay total Maximum, See resolution 11-5 of 2010

Mr. Barber mentioned that Chemung County had asked the County to work together in collaboration against this Chesapeake Bay requirement. Tompkins County will discuss it with them in the near future

Cornell Sustainability team- has put together a paper on energy transition; one in particular is addressing Marcellus shale. This is leading up to Cornell partnering with Penn State. They have identified a pilot community in Pennsylvania and they are considering another community, which could be the Town of Caroline. They would have to apply the expertise with volunteers as Caroline would not be able to budget such a project. It would be house-to-house surveys and input from the Town people. Ms. Adams is asking the Town Board to support it with not putting funds into the study. Mr. Frongillo said what would make Caroline a favorable community for this project is because we have been thing about energy efficiency for a long time. Energy Independent Caroline has data we can offer. Mr. Frongillo energy transitions data and surveys in the past. With many diverse people in the community it will offer various opinions. They will offer options and recommendations. Ms. Adams said they are putting together a draft. Mr. Hoyt has concerns about the political implications if the board looks like we endorse the project. Mr. Frongillo agreed we should be sensitive on how this project presented. Mr. Frongillo said he doesn't feel they are asking for an endorsement but guidance.

Town Business

Subject

Planning Board/ Subdivision Law- The planning board has not made any recommendations about the subdivision law to the Town Board. Mr. Barber spoke with Orson Ledger who questioned the progress and Mr. Barber said the Town Board would be working on it at the first of the year. Mr. Barber is currently working on the language of the law with the Town attorney, Guy Krogh, and it will be presented to the Town Board for their review and input in the near future. Mr. Frongillo will ask the Planning board if they want to look at how the language

Ekroos Road – To fix the culvert and end of the roadway would be a cost to the town of \$40-50 thousand dollars with an additional \$13 thousand dollars of flood hazard money put in by the County. The culvert should good for another 15-20 years and does not need to be replaced at this time. We have a number of culverts that are about the same age that will have to be replaced/fixed at some point over the next couple of decades. Cindy Whittaker will do an evaluation of the culverts and estimate the cost of future repairs. It was originally identified as a project because of the erosion in the area. Part of the erosion is people throwing rocks in the creek to make a swimming hole. Ms. Adams said she relies on Soil and Water, Barry Goodrich and the highway department team for their input the necessity of the proposed projects. The board reviewed the Ekroos road erosion problem and the board is not interested in pursuing it at this time.

Dog Licensing Law-Mr. Barber is working on the 14-page law that Groton's Town Clerk, April Scheffeler had sent from Groton with information from the Association of Town and the Town attorney Guy Krogh. Mr. Barber is working on streamlining the law.

Justice Department Grant- The Justice department is applying for another grant to do additional work in the building and records management. They are asking the town board for their approval.

Ag and Markets Article 7- Mr. Barber explained about the \$5 enumeration fee required by NYS. The Town will

charge spay/neutered dog's \$7.50 plus \$5.00 enumeration, and unspayed/unneutered \$20.50 plus \$5.00. Senior citizens get a discount and will pay \$2.50 for sprayed/neutered dogs plus \$5.00 enumeration fee, and \$10.50 plus \$5.00 enumeration fee for unspayed/unneutered dogs. The NYS enumeration fee is required by law and will apply to all previously unlicensed dogs. Town's people who have licensed dogs or dogs that are due to be licensed will not be charged the enumeration fees.

Boyscout Troop– The local troop of Boy Scout's of America are donating a 6ft oak tree to the Town of Caroline Town Hall. Mr. Barber will ask Caleb and Nicole Scott (from Scott Land and Yard Services) if they have any thoughts on where the tree should be planted.

Minutes- Mr. Hoyt wanted it made part of the record that he felt minutes produced by on October 5th and October 7th were lacking. Ms. Adams said the meeting on October 7th meeting was budget that was gone through line by line and was uneventful. Mr. Hoyt said he would abstain from voting on the October 7th meeting because he wasn't there but that he would vote "nay" on the October 5th meeting, because he was there and he felt that the information was lacking with the conversation with John Carson. The town clerk explained that the Deputy clerk took minutes they way she was instructed to, and by what was required by the Town Clerk's Association, the minutes contain more information then what either the clerk or deputy clerk are required to do by law. Mr. Hoyt requested to be quoted that he disagreed with the philosophy of minutes as expressed by the Town Clerk.

Approval of Minutes

Resolution 11-1 of 2010

Minutes of Agenda Meeting

A motion was made by Mr. Barber and seconded by Mr. Dominic to accept the minutes as amended of October 5, 2010 as submitted by the Deputy Town Clerk.

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

Resolution 11-2 of 2010

Minutes of Budget Meetings

A motion was made by Mr. Barber and seconded by Ms. Adams to accept the minutes of October 7, 2010 as submitted by the Deputy Town Clerk.

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

Resolution 11-3 of 2010

Minutes of Business Meeting

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes as amended of October 12, 2010 as submitted by the Town Clerk.

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

Resolution 11-4 of 2010

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes of October 14, 2010 as amended by the Town Clerk.

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

Resolution 11-5 of 2010

Authorize Justice Court Assistance Program Grant application

By Mr. Barber; Seconded by Ms. Adams

RESOLVED, the Town Board authorizes the supervisor to sign the grant application for the Justice Court Assistance Program.

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

Resolution 11- 06 of 2010

Chesapeake Bay Regulatory Proposal

By Mr. Barber; Seconded by Mr. Hoyt

RESOLVED, the Caroline Town Board expresses opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) regulatory proposal by the United States Environmental Protection Agency (EPA).

Whereas, clean water and healthy watersheds are a priority for the Town of Caroline, which plays a critical role in proven and successful local efforts to conserve and protect New York's natural resources; and

Whereas, the U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area; and

Whereas, New York's water discharge current already meets swimming and fishing quality thresholds; and

Whereas, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed with agriculture (21%) being the dominant business sector; and

Whereas, the federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is going to use New York State public funds without being able to satisfy EPA's regulatory goal; and

Whereas, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area; and

Whereas, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program; and

Whereas, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation; and

Whereas, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed; and

Whereas, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns; and

Whereas, we support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal; and

Now, therefore, be it resolved that the Town of Caroline objects to the unattainable mandate and lack of parity represented in the Chesapeake Bay TMDL allocations for the State of New York compared to other Bay states and watershed jurisdiction; and

Be it further resolved, that the Caroline Town Board urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.

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

Resolution 11-07 of 2010

Contract Negotiation for the Highway Department

By Mr. Frongillo; Seconded by Mr. Hoyt

RESOLVED, the Town Board moved to executive session.

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

Agenda Items for 11/9/2010

Discussion and Action Topics

- Transfers
- Approval of the Budget
- Dog Licensing Law
- Level Green Road Minimum Maintenance Road Public Hearing

Adjourn

On a motion by Don Barber and seconded by Linda Adams, the meeting adjourned at 09:45 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk