

## **Caroline Town Board Meeting Minutes of April 5, 2011**

The Town Board Agenda meeting held on April 5, 2011 at the Caroline Town Hall was called to order at 7:02 p.m. by Supervisor Don Barber.

### **Attendance:**

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

### **Recording**

**Secretary:** Jo Ann Reinhardt, Deputy Town Clerk

**Also present:** Bruce Murray, Mrs. Raynor & child

---

### **Privilege of the Floor**

No reports

---

### **Reports**

#### **Toby McDonald, Town Board**

**Highway Department is scheduling a Spring Clean Up for this May.**

#### **Dominic Frongillo, Town Board**

**Mr. Frongillo reported on the updates of the Planning Committee. Mr. Hoyt also was at the meeting. Barry Goodrich had reported, in his assessment of the storm water regulation will cover any gas leasing operations happenings in Caroline.**

The committee talked about trainings here with the New York Planning Federation. There was a Discussion with Darby Kiley, TC Planning and Pat Snyder; that they were not convinced that the crucial environmental would regulate gas drillers.

The Town Board discussed the goals of the planning committee: site plan review process (law). Attachment from Dominic Frongillo.

Cornell had several panel discussions of the gas-leasing coming to common grounds. CD is available for anyone who is interested. CARDI and Association of Towns is sponsoring the Tool Box for elected officials on gas drilling event on June 24, 2011.

The Brooktondale Community Center (Old Fire Hall) is the location of the Energy Independent meeting sponsored by Energy Independent Caroline, TC Cooperative Extension, and CARDI that will be held on Tuesday, April 26<sup>th</sup> from 6:30 – 8:30 pm.

The Town of Caroline's Community Service Awards was given to the following people: Elaine Crispell Genung, Carla Gray, and Jan Schick. There was a reception given in their honor tonight at the Town's Historic Town Hall building.

The Town Board discussed sub-division review law. Mr. Hoyt questioned the regulation of the law. Mr. Barber explained the definition of the sub-division review law and how it pertained to all the residents of Caroline.

#### **Peter Hoyt, Town Board**

Mr. Hoyt, reported that he had attended a Recreation Partnership event. He had received a Recreation Partnership Overview CD. It highlights all of the accomplishments of the organization. A copy of the CD was given to the Deputy Clerk to file. Also, reported was that more funding is needed to support the Recreation Partnership. It is

a not-for-profit organization which is independent from any government agencies. The Friends of the Ithaca Youth Bureau is one of the ways the funds are received for support.

**Linda Adams, Town Board**

A MS4 Storm Water Community Management Plan is required to be in place. The watershed committee has been working on this plan for the last three meetings. The draft was sent via email to all board members of a two-year outlook for what the committee would like to tackle. In addition, most importantly it is within the budget goal.

Water Shed Committee talked about testing of the water out in front of the Town Hall buildings. There will be a report to use as a base line from the results.

ECOS Project regarding the erosion of the two culverts that need to be replaced is going to be involving the highway department. We may be using some resources from the County for they are involved in some work in that area.

In regards to the gauging station, the committee received correspondence about the Federal funding. There is Federal Real Time Monitoring System in place. If the Federal government shuts down, the committee needs to identify another person to be assigned to receive the down load from a computer server. Roxanne Johnston volunteered to provide that role.

---

**Town Business**

**Subject**

Mr. Hoyt discussed the topic of fireworks permit with the other Town Board members. Peter was concerned that the Town of Caroline Board was “over the top” on the wording in the fireworks display permit. After a lengthy discussion of what other towns are requiring for the regulation of fireworks, it was agreed that the Town of Caroline Board need to wait to receive the Attorney General wording on this matter. Don mentioned the new wording in the “Paragraph K” is the only change in the updating the fireworks display permit. Guy Krogh, Town’s Attorney is in favor of new wording in the document. New York State is requiring the municipalities to follow the regulation of fireworks permits in the community. New York State is making the towns be responsible of making a resolution to be adopted for the fireworks display permit. It is not a Town Local Law (as of now), but it is a resolution. The application for the permit (with amendment to paragraph “K”) follows:

**TOWN OF CAROLINE**

**APPLICATION FOR PERMIT FOR PUBLIC DISPLAY OF FIREWORKS PURSUANT TO SECTION 405.00 OF NYS PENAL LAW**

Application Date: \_\_\_\_\_

(A) Sponsor of the show

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Display Company

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

NYS Dept. of Labor Explosives License # \_\_\_\_\_ Expires: \_\_\_\_\_

Certified Pyrotechnician(s)

Name(s) of Certified Pyrotechnician(s) who will be in charge of the display and authorized assistants that will be working on the show (*for additional attach a separate sheet*).

Certified Pyrotechnicians

Name: \_\_\_\_\_ Certificate #: \_\_\_\_\_ Expires: \_\_\_\_\_

Name: \_\_\_\_\_ Certificate #: \_\_\_\_\_ Expires: \_\_\_\_\_

Authorized Assistants:

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Phone: \_\_\_\_\_

(B) Display Date/ start Time: \_\_\_\_\_ Expected Duration: \_\_\_\_\_

(C) Display Location (Identify all properties to be used directly, indirectly or incidental to the proposed display):

\_\_\_\_\_

(D) Display Content: attach a statement in affidavit form, detailing the program and plans for the display with particular emphasis in the information required to be disclosed pursuant to section 405.00 of the Penal Law of the State of New York.

---

This affidavit must demonstrate compliance with the DOL Regulations and the requirements of NFPA (National Fire Protection Association) 1123 “Code for Fireworks Displays” and NFPA 1126 “Standard for the Use of Pyrotechnics Before a Proximate Audience.”

---

(E) How will fireworks be stored prior to display: \_\_\_\_\_

(F) Rain Date for display: \_\_\_\_\_

(G) If rained out how will fireworks be stored: \_\_\_\_\_

(H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to: all the buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.

(I) Proof of Insurance or Bond (Minimum One Million Dollars). Please attach a copy of the Bond or insurance policy certificate naming Town of Caroline as “additional insured”.

(J) For Indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:

- In addition to the State Licenses and Certificates already included in this application, proof of Federal ATF Licenses if required,
- Proof of experience of the pyrotechnician in charge,
- Proof of experience with the types of devices being used and a description of duties of any authorized assistants,
- Point of assembly of the pyrotechnic devices,
- Manner and place of storage of the pyrotechnic materials and devices,
- Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used,
- Certification that set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy,
- Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame-retardant or have been treated to achieve flame retardancy,
- For indoor displays attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used,
- A copy of the approved permit and plan shall be kept on site and available for review,
- Any significant changes to the plan shall be approved prior to the performance.

(K) “By signing below, the applicant agrees to indemnify, defend, and hold the Town of Caroline, and it’s

officers, employees, and agents, harmless from any and all claims for injuries or damages to property or person or death arising as a result of the operation of the fireworks display and/or storage and the transportation of the fireworks to the site.

The Applicant to whom a permit is issued shall sign this permit application to indicate (i) their assent to the indemnity, hold harmless, and reimbursement obligations set forth herein, and (ii) their representation, covenant, and acknowledgement that all information and documents submitted upon or in connection with such application are true in all respects, do not omit any material fact, and do not contain information that is, in context, misleading in any material respect. No application shall be deemed complete, and no permits shall issue, until each such signature is placed upon the application”

(L) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the NYS Penal Law.

---

Signature of Applicant

Date

**Resolution 60 - 2011** A motion was made by Mr. Hoyt of a resolution to approve the amended language of “Paragraph K”(for this particular event with Celebrations) in the fireworks display permit. Mr. Barber seconded the motion.

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

Original paragraph “K” (Below is the original wording of section K of fireworks display permit.)  
(K) “By signing below, the applicant assumes sole responsibility for the display site and all related or adjacent areas and lands, and all injuries to persons and damages to property arising from or in relation to the permit or the transportation, storage, use, or firing of explosives or pyrotechnics, together with the assumption of liability for any injuries or damages caused by the proximate audience of any such display, or any construction or clean up activities undertaken in relation to the site. The applicant shall defend, indemnify and hold the Town of Caroline, and its Officers, employees, and agents, harmless from and against any, each, and all losses, actions, causes of action, suits, and claims, including, but not limited to, reimbursement to the Town of Caroline for any amount expended for any and all experts’, consultants’, attorneys’ and engineering fees and expenses arising from or in relation to any Claim. The Applicant to whom a permit is issued shall sign this permit application to indicate (i) their assent to the indemnity, hold harmless, and reimbursement obligations set forth herein, and (ii) their representation, covenant, and acknowledgement that all information and documents submitted upon or in connection with such application are true in all respects, do not omit any material fact, and do not contain information that is, in context, misleading in any material respect. No application shall be deemed complete, and no permits shall issue, until each such signature is placed upon the application”

**Agenda Items:**

Door Pull - to fix Historic building door will cost \$250 (estimate from Ace Security.)

Elevator – it was discussed about what the possible cost might be for getting it installed and running in the historic town hall.

Energy Conservation – TCA court renovation has approved.

Fireworks – discussion earlier in the meeting

Lawn mowing – John Carson is willing to maintain the monument in Brooktondale ( 8 times a year) and the care of the landscape & lawn area at the Town Hall building, Annex ( twenty-one times a year), four cemeteries also will be mowed. The Town Board is currently receiving bids for lawn work.

Appeals Board for flood plains law. The Town Board needs to appoint people to the Review Board (could do so by resolution)or Town of Caroline needs to create a local law. The Town Board will invite Guy Krogh to discuss the details at the business Board meeting.

Assessment Review- Cal Snow and Len Pogorzala. The committee will hold meeting with public on May 18, 2011.

Conflicts with Board meetings are September 13 and November 11 (the primary and election dates conflict with future board meeting dates)

Site Plan review- Response to Planning board

Road Use Agreements: As G. Krogh to discuss advantages of Road Use Regulation and Road Use Agreement approaches to Road Preservation. The Town may need engineering on specific Caroline roads.

**Announcements:**

4/14 /11 at the Candor High School - Forest Management Plans - Shindagin Hollow Road

4/18/11 2 PM TCCOG Road Preservation Committee Meeting

---

**Approval of Minutes**

**Resolution 61 Of 2011 Minutes of Agenda Meeting March 1, 2011**

A motion was made by Mr. Barber seconded by Mrs. Adams to accept the amended minutes, March 1, 2011 as submitted by the Deputy Town Clerk.

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

**Resolution 62 Of 2011 Minutes of Business Meeting March 8, 2011**

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes as amended of March 8, 2011 as submitted by the Town Clerk.

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

A motion was made by Mr. Adams and seconded by Mr. Barber to go into executive session to discuss Collective Bargaining Agreement.

Adjourned on a motion made by Mr. Toby and seconded by Mr. Dominic the meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Jo Ann Reinhardt, Deputy Town Clerk