

Caroline Town Board Meeting Minutes of July 3, 2012

The Town Board Business meeting held on July 3, 2012 at the Historic Town Hall was called to order at 7:00 p.m. by Supervisor Donald Barber.

Attendance:

Donald Barber, Supervisor
Dominic Frongillo, Councilmember
Linda Adams, Councilmember
Aaron Snow, Councilmember
Irene Weiser, Councilmember

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Cyrus Umriger and Mark Witmer

Reports

Don Barber, Supervisor:

Comments regarding an anonymous letter received by the Caroline Town Board Members- micro-managing Highway Superintendent:

Unsigned, undated letter criticizing Highway Superintendent Hiring decisions which are sole hers to make and not the Town Board. The Town Board cannot act on a petition on this subject.

The author(s) have several pieces of information incorrect.

1. When the Board was approached about Mr. Whittaker's request for the Town to enact a Local Law to allow him and anyone else who qualified to participate in an early retirement, there were several parts of the discussion. They are:
 - a. The HS agreed that she would not hire a full time person to replace Mr. Whittaker, but
 - b. She would hire part time help to plow snow in emergency situations and help with road construction.
 - c. There have been a number of persons hired during the time since his retirement. The goal was to reduce costs from where they were and develop a pool of person that can be called upon during emergencies and when short of staff due to medical leave or vacation.
2. Hiring part time is much less cost than full time
 - a. No Health Insurance
 - b. No retirement contribution
 - c. PT wage rate is \$17.91, HMEO \$19.15 (fulltime minimum)

3. If Board members want to find hours work, payroll records are on file with Clerk.
4. As the Town Supervisor and previous employer, I applaud the HS decision: to increase pool of persons the Town can call upon, and in the case of Mr. Whittaker, the Town is getting a very skilled worker at a reduced rate and no overhead except employer's contribution to Social Security and Medicare. She is saving the Town and its taxpayers money while maintaining a similar level of service.

Councilmember Adams and Supervisor Barber: there are 5 part-time workers that fill in and not just Scott Whittaker. He is also paid part-time wage as opposed to full-time employees.

Aaron Snow, Town Board:

Recreation Partnership – Budget increase 2 % (overall) for all municipalities. This would mean for the Town of Caroline would have an increase to the town budget from \$7888 to \$8151. This would take effect in 2013. New programs for girls and boys have been introduced such as lacrosse, summer arts; which includes expressive arts such as theater. There has been significant savings in the Stewart Park Day Camp. There will be a new camp model introduced in 2013 which will reduce the amount of senior camp counselors needed. A question was asked by Supervisor Barber about collaboration with other towns (Lansing? Dryden?). If other Towns are already running these programs it might be helpful to work together with them. Councilmember Snow will check at the next meeting.

Youth Commission – There was a meeting at the end of June. Councilmember Snow is concerned that a lot of the members are no longer present that use to be present. Next month will be asking the Town Board for an increase in the program. Should we reevaluate the program? Redesign the program for more youths that are in need? More efficiency? Penny Boynton is a key person in keeping the program running. If Penny leaves in the future will the program be able to find someone to take over and work with the group to the extent that she does? Should the Town work at reinventing the program in 2013 and then go ahead with it in 2014? Tried to work in conjunction with Enfield and Danby but it didn't work well. The Youth Commission is making pleas for volunteers. How do we want to move forward? Councilmember Snow to talk with Lucy Gagliardo about the progression of the program. A suggestion by Councilmember Weiser to get information out to the public is to talk with Pat Brhel about doing an article for the Tompkins Weekly about the Youth Commission. (She mentioned that at this point suggesting cutting the program until a later date [as mentioned as a possibility for "reinventing" the program by Councilmember Snow] isn't something she feels comfortable with putting forth to the public at this point.) Supervisor Barber suggested talking with the public and letting them know about the lack of volunteers and the budget constraint; ask for public help in looking at constructive programming. Councilmember Adams said it is also important to be able to identify new kids for the program. That Penny Boynton's "ask risk" kids program is vital. She has done a phenomenal job working with the kids.

Highway Report- Highway Superintendent Cindy Whittaker said more diesel fuel being stolen from the Town Barns. Locks are being cut-off of the pump and the thieves are stealing barrels full of fuel. The Town Highway Department had surveillance cameras that were stolen too. Highway Superintendent Cindy Whittaker to work with the Sheriffs department.

Dominic Frongillo, Town Board:

Councilmember Frongillo sent to the other Town Board members a draft the planning board sent of the site plan review law. Councilmember Adams said the substance of the site plan review is very similar to what other committees have passed as early as 2003 or 2004. It is a tool to be interpreted and applied in any given township is dependent on who is sitting on the Town board. It seems to be a well thought out

document. Whoever is sitting on the board needs to realize that there is a great deal of influence that goes along with the site plan review document. Councilmember Snow asked if the site plan review was drafted from scratch or taken from other sources. Councilmember Frongillo answered that the draft was built on iterations, at least 2 previous iterations the committee was working from and now a 3rd they were working with with John Kantor. The committee will review the site plan review at next meeting. Councilmember Frongillo will ask Chad Novelli and/or John Kantor to speak at the next Town Board meeting. Supervisor Barber said the last e-mail he had from Chad Novelli was he and the committee was looking for some direction from the Town Board. He also suggested having the proposed local law reviewed by town attorney before the next meeting and then at a later date take it to the public for their input and review.

Council of Governments- TCat is looking for advisory committee members that had 25 members but are now down to 8. They are looking for community members to give feed-back on the bus service. Supervisor Barber said we need a Town representative. Councilmember Snow talked about posting a request at the bus stop looking for someone to serve on the committee. Town Board members agreed that was an excellent idea.

Cleaner Greener Southern Tier regional sustainability plan is an 8 County, 8 month planning process. Tompkins County is a lead agency of 3 counties in the Southern tier. They are looking at energy use, transportation, recycling and waste. They have an interactive website available to the public. see attachment1

Notice for 40 million dollars for competitive funding energy upgrades. It is retroactive so that municipalities can apply for funding for energy, planning; a wide variety of government efficiency upgrades that have already been done. They will give up to \$25.00 dollars (to the Town) per resident. The Town could receive as much as \$7520 based on residents. Is there something we can apply for the Town of Caroline?

Irene Weiser, Town Board:

Watershed Committee –

The DNG contractor awarded the grant to do work on 600 Road had a severe motorcycle accident and more than likely will not be able to fulfill his contract. Consulting with attorney with replacing with the contractor who submitted the 2nd lowest bid for the project. The contractor with the 2nd lowest bid was contacted by Soil and Water and is holding the dates open for the project.

The Six Mile Creek project on Banks road as been okayed by DEC and the Army Corp and has gone out to bid. Only 2 easements are ready to come in and be notarized out of 5 easements. The hope is to start work on the Six Mile Creek/ Banks Road in mid July of 2012.

Barry Goodrich has found woody debris projects in the Town and the hope is to do cost sharing between the residents and the Town. There is money from last year budget to use. Supervisor Barber said the money can only be used for certain reasons. It can't be used for private property unless there is a public hazard that is being addressed. Councilmember Adams continued (with the money) could be used for protecting a bridge, road, culvert, etc. Supervisor Barber suggested asking the town attorney for any clarification questions regarding the use of the funds.

About the Schickel development project, Councilmember Weiser heard from Angel Divis, Soil and Water that there are new Stormwater management protocols in place since 2010. Supervisor Barber said the developer is working on the new protocols.

Agenda item for board approval next week. NYS Stormwater Needs Survey looking to find out the kinds of projects the town will be working on in the next 20-30 years. Initially they asked for a response by the end of May but Councilmember Weiser spoke with them and they were looking for a response by the end of summer. Councilmember Weiser is working with Highway Superintendent Cindy Whittaker and Barry Goodrich about issues to be addressed like culverts and ditches. How do we estimate our needs over the next 20-30 years?

Communication Information Technology Committee- The committee has separated into two groups one is working on tech issues and communication and the other on programmatic issues for outreach. Working on considerations on what is needed and what to request for the 2013 budget. Leo Tohill talked about priority areas that need to be addressed. He is interviewing town employees about their wants and needs in the workplace. Communication outreach plan is how the town can reach the public? Possible town newsletter and updating the website. Looking to make Town Board meeting more assessable by maybe adding a sound system and get an LCD projector for committee and board presentations. The County Broadband Committee RFP (request for proposal) to look at a consultant.

Councilmember Weiser reported on Time Warner Cable. The Communication Information Technology (CIT) Committee is looking at scheduling some meetings this fall with area residents to discuss Time Warner Cable services. The CIT committee has a member that will review the franchise agreements with Time Warner. The committee is inviting Jay Franklin or David Squires to their August 6th meeting to talk about the franchise values in the various communities. Bert Cooley has resigned from the CIT Committee.

Emergency Preparedness Committee- There is concerns from one of the local Fire chiefs about coordinating with the Caroline Building Code officer. There are issues about building permits and management of vacant properties and being notified when new structures are being built. Councilmember Weiser to schedule meeting with the 3 local Town of Caroline fire departments to discuss any concerns.

Aquifer Protection Committee- The committee had their first meeting in June. Todd Miller gave an overview of the lower six mile creek aquifer (Flat Iron Rd.continuing to Brooktondale). Todd Miller and John Anderson will talk at the next meeting about how do you protect an aquifer in a residential area being developed? They will be educating about septic and leach fields, etc., and how these areas affect the aquifer. There will be a discussion at the July 11th Aquifer Protection Committee meeting at 7pm.

Linda Adams, Town Board: Councilmember Adams attended a Planning Board meeting in preparation of the draft site plan to be presented to the Town Board. Another item that was brought up was a research point about flood damage prevention local law. She believes that Caroline does have such a law. There was a Caroline local law referenced that may or may not be the exact law for which they were looking. Two of the Planning Board members will investigate. She gave them a couple of references to look at to verify the law. The Flood Damage local law has been on the books longer than the Stormwater local law. Councilmember Adams is very impressed with the work they have done and been working on for 5 years. Late this summer a final draft of the site plan review is expected to be presented to the Town Board.

Discussion about changing the wording of the proposed Ban local law: See the following Resolutions 117 through 127 of 2012.

Public Hearing on Preliminary Plat and SEQR on July 16th, 2012 at 7 p.m.

Bruno Schickel, developer of the Boiceville development project would like the Aquifer Protection Committee to review the Environmental Assessment Form (EAF) along with the preliminary plat as an educational opportunity. Councilmember Adams said that Bruno Schickel has proved from past developments that he is a very responsible developer. Councilmember Weiser asked about the septic systems and wells were set up on his current housing development. Supervisor Barber answered that each section of houses (on each side of the road) has one septic system and one well.

Road Preservation Committee- The committee met with Tompkins County and the Town of Danby to discuss road use agreement. Danby has an agreement that is very similar to Tompkins County. Tompkins County and Town of Danby will notify all municipalities the haul route they are taking. All municipalities will be notified.

Correspondence file- There is information about two property owners would like to move fire district lines by changing the boundaries. One issue is to consolidate properties while the other is concern over the response time of the Fire Dept. in the property's district.

Approval of Minutes

Resolution 115 of 2012 Minutes of Agenda Meeting held June 5, 2012:

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes as submitted by the Deputy Clerk for June 5, 2012.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 116 of 2012 Minutes of Business Meeting held June 12, 2012:

A motion was made by Mr. Barber and seconded by Mr. Frongillo to accept the minutes as submitted by the Town Clerk for June 12, 2012.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolutions

All of the following revisions to the proposed local law "Prohibition within the Town of Caroline of Natural Gas And Petroleum Exploration And Extraction Activities, the Underground Storage Of Natural Gas, and the Disposal Of Natural Or Petroleum Extraction, Exploration, And Production Wastes," are shown by line ~~through~~ for deleted words and words **highlighted yellow** are added words.

Resolution 117 of 2012:

A motion was made by Mr. Barber and seconded by Ms. Weiser

Pg. 2. B. 1.- Caroline is a community in the southeastern part of Tompkins County that takes great pride in and assigns great value to its rural residential character, small-town atmosphere, high quality agricultural and forestry land, and scenic and other natural resources.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Abstain; Snow: Aye; Weiser: Aye

Resolution 118 of 2012

A motion was made by Mr. Barber and seconded by Mr. Frongillo

Pg. 2. B. 3.- Preservation of the Town's irreplaceable scenic sites, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 119 of 2012

A motion was made by Ms. Weiser and seconded by Mr. Frongillo

Pg. 3. 5.- Allowing the activities described in Section 6 of this Local Law would could impair the existing character of the Town because, by their very nature, such activities have the potential to produce a combination of negative impacts upon the environment and people living in, or in proximity to, the areas or communities in which such activities are located.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 120 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser

Pg. 4. 11.- Pipelines under 125 psi and less than 6" diameter are presently not regulated by the federal or New York state governments; yet such pipelines may pose many of the same dangers as larger or regulated lines when ruptured or impaired.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 121 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser

Pg. 4. 12. - The Town has not been the home of limited heavy industrial activity in the past. The Town Board believes it is appropriate to ensure that any industrial activity contemplated for the Town take place only if compatible with present land uses and with the Town's Comprehensive Plan.

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 122 of 2012

A motion was made by Mr. Barber and seconded by Mr. Frongillo

Pg. 6. Section 5 paragraph 3 - Gathering Line, Or Production Line - Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment) used

to move oil, gas, or liquids from a point of production, a treatment facility, or a storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, and which does not meet the definition of a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 123 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser

Pg. 16. 11. - Fire Prevention, Equipment Failure and Emergency Response Report. A report containing: (a) a description of the potential fire, equipment failures, and emergency scenarios associated the proposed project that may require a response from fire, emergency ~~medical~~ **medical** services, police, or other emergency responders if the Hardship Exemption is granted;

Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

A motion was made by Mr. Snow and seconded by Mr. Frongillo

Resolution 124 of 2012

Pg. 17 Section 11. C.- The Town Board shall ~~schedule~~ **hold** a hearing on all applications for a Hardship Exemption within 62 days of the filing of a complete application therefor. Said 62 day period may be extended by mutual agreement of the Town Board and the applicant, or whenever required by law, including but not limited to the completion of any required SEQRA procedures. Public notice of the hearing shall be.....

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 125 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser

Pg. 18 Section 11. C. –given at least ~~five~~ **ten** days prior to the date thereof by publication in the Town's official newspaper. The Town Board may adjourn or continue such public hearing from time-to-time. The cost of sending or publishing any notices relating to any application shall be borne by the applicant, and shall be paid to the Town Board prior to the hearing. At least ~~five~~ **ten** days before any hearing upon any application, the Town Board

Resolution 126 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser

Pg. 18 Section 11. C. – shall mail ~~all~~ notices **to all adjacent property owners and all** that the Attorney for the Town may advise are necessary or advisable (such as, ~~for example, notices to abutters~~ notices that may be required by Sections 239-l, 239-m, and/or 239-n of the NYS General Municipal Law).

Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye

Resolution 127 of 2012

A motion was made by Mr. Frongillo and seconded by Ms. Weiser (to delete the parentheses in the

following sentence).

Pg. 18 Section 11. C. –.....(such as,notices that may be required by Sections 239-l, 239-m, and/or 239-n of the NYS General Municipal Law).

Adjourn

On a motion by Councilmember Frongillo and seconded by Councilmember Snow, the meeting adjourned at 10:08 P.M.

Respectfully Submitted,

Marilou Harrington, Town Clerk