

On May 7, 2013 at 6:30 PM, the **Annual Community Service Award** presentation was held. Approximately 20 members of the public were on hand to witness the award presentation. Supervisor Barber gave the history of the award and explained that it is intended to recognize individuals or groups of individuals who make significant and lasting contributions in multiple ways that foster the well-being of citizens of the Town of Caroline. This year, the award is being presented to two individuals in recognition of volunteerism and giving back to the community. Board Member Dominic Frongillo made the presentations.

The first goes to Tom Whittaker, who was nominated by Cindy Whittaker and James Dean for his work with the Brooktondale Fire Dept., where he has received numerous citations, he is a long time donor to blood drives, he provides homemade goodies and cookies at various community events, just to name a few of his contributions. Mr. Whittaker had a previous engagement and was not able to attend this ceremony.

The second award goes to Samantha Smith, who was nominated Rita Rosenberg Barber and Don Barber for being an active and dedicated community volunteer. Her contributions to the food pantry, community garden, Brooktondale Community Center, and many more activities in organizing classes, food preservation, all provide a positive force all around town. Everyone thanked Samantha for her service.

The Town Board Agenda meeting held on May 7, 2013 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

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

Recording

Secretary: Christine Wilbur, Deputy Town Clerk

Also present: Len Pogorzola, John Fracchia, and Mr. & Mrs. Lychalk

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Supervisor Barber led the Pledge Allegiance to the Flag.

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Privilege of the Floor

- Len Pogorzola reported there is a fire hydrant near his property that does not appear to be regularly maintained. It is very muddy and should have a driveway installed to it, so emergency vehicles can have easier access when it is needed. It is believed to have been installed by the Speedsville Fire Department.

Mr. Pogorzola also inquired of the Town Clerk as to the advertised time for the County Assessment Reviews that are taking place on May 22<sup>nd</sup>. The Town Announcement said it was being held from 3-5 PM; but the Assessment notice shows 3-6 PM. 3-6 PM is the correct time and Ms. Weiser will have the Town Announcement corrected.

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At 7:30 PM, the Board meeting briefly adjourned to accommodate a short court proceeding. The meeting resumed at 8:00 PM.

Reports:

**Aaron Snow, Town Board:**

- Youth Commission – Mr. Snow and Mr. Barber attended a meeting at the Tompkins County Youth Bureau to discuss possibilities for consolidation of several towns' youth development programs. Nothing specific was decided and another meeting was set.
- Recreation Partnership – no report
- Watershed Committee – Christopher Payne met with the group and reported on removing trees along a creek bank. Mr. Snow inquired of the Board if the Town might have an interest in a matching funds arrangement for residents who live along the creek that want to make improvements along their creek bank properties.

Mr. Barber reported that the Town has done work in the past on private property and described the funding arrangements that were made. However, when using Town funds in this manner, it requires that the project be identified that it is for the public good, as well as engineering studies. This is not an easy task. Mr. Barber suggested that interested residents be encouraged to attend the Watershed Committee meetings and committee members can give suggestions of resources they might utilize to help solve their problems.

Ms. Weiser reported the next meeting will be on Wednesday, June 5 at 7:00 PM with speakers from the Community Science Institute, Tompkins County, City of Ithaca and Town of Caroline that will speak on topics such as creek monitoring, storm water conservation, erosion prevention for homeowners, and other topics.

**Dominic Frongillo, Town Board:**

- Planning Board – Meets this Thursday to review the Town's comprehensive plan. They will invite previous board members who were involved in development of the plan in 2006 to share their experience and help shape the revision.
- Energy Independent Caroline – assisting to provide outreach for the Solarize group. Currently there are 37 enrollments and 100 people have expressed interest.
- Community Service Awards for 2013 were presented to two recipients this evening!

**Irene Weiser, Town Board:**

- Watershed Committee – Ms. Weiser tied up loose ends she had with this committee and the MS4 report has been turned in to the Water Conservation District. There will be a public hearing on the report (hosted by Tompkins County) – she will send out a notice if anyone is interested in attending.
- Aquifer Protection Committee continues to meet – met today with Todd Miller regarding septic systems, nitrates and (naturally occurring) arsenic in the water around the town.
- CIT Committee – hired Michael Ludgate as the Communications Support Specialist, and is doing a great job. He will also assist with the mailing to all town residents; Brightworks (computer consultants) will be coming on May 16<sup>th</sup> to begin a survey of Town computers and programs. They will be providing technical support. New York State will be providing new computers to the Court this week.

Broadband Committee – met with Pat Pryor (County Board) about basic thoughts on how to move forward since the Town of Caroline was taken out of the Clarity Connect grant proposal. There may be potential funding coming in late July – need to survey interest and needs to determine if it is economically feasible. Ms. Weiser asked to get a copy of the grant proposal from Clarity Connect through a FOIL request – to assist with application information. Clarity has indicated they probably would not be available to assist in our application, as they will be busy with installation for the towns that were awarded. A proposal and possible action regarding the broadband situation can be discussed further under committee reports at a future meeting.

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**Linda Adams, Town Board:** no report

**Don Barber, Supervisor:**

- An RFP was sent to six contractors for repair work on the fire escape on the back of town hall. One proposal was received from Chad Novelli in the amount of \$425. Two contractors declined to submit a proposal, and three were not heard from. A resolution will be presented next week to enter into a contract with Chad Novelli.
- A reply from Computel indicated that we could request a return of some franchise fees that were paid to Time Warner Cable. The town attorney has written a response for board members to consider. If we recoup these fees, ½ would come to us, and ½ would go to Computel. This item will be on the agenda for next week's meeting for Board consideration.
- 2 Board members are needed to be on the negotiation team for the Teamster's contract with highway employees. Please let Mr. Barber know if anyone is interested. Negotiations begin in July.
- The Town has learned from the Health Department last month that they (Health Dept.)

no longer get funding from State to test outdoor water sources (i.e. in front of the Caroline Town Hall). Since so many people get water from there, the town attorney was consulted on how to handle the situation. He advised that we should put a sign out to notify the public that the water is not tested. Previously it was only tested for e-coli. A copy of the attorney's e-mail will be sent to Board members, and discussion of this topic will continue at next week's business meeting.

- Proposal and action (maybe) regarding broadband situation – can be discussed further – maybe under committee reports at a future meeting.

The Board then had a length discussion regarding Local Law Number 1 of 2006: A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Mr. Barber reported that the Town had been made aware that the local law does not provide due process for property owners when a property has been cited as being hazardous or unsafe. Guy Krogh, the Town Attorney, was consulted and he recommended changes and additions that will be proposed and discussed at this meeting. The next step will be to incorporate the changes that are agreed upon and then hold a public hearing. Mr. Barber displayed the law on an overhead projector – changes and additions are noted in red (**see Attachment #1**). He indicated that many of the changes are only a matter clarifying definitions and using consistent terms and titles. He proceeded to read and note all changes and modifications proposed in the 25-page document.

Board members and members of the public – mostly Joseph Lychalk, Barbara Lychalk and Len Porgozola – discussed the changes and asked questions. Mr. Barber, and other Board members, emphasized on several occasions that the Local Law has been on the books since 2006, and that it is derived from State Law. The only new, additional items in the law (other than clarifications), are to protect the property owner's interest in terms of appeal for citations.

The route for appeals is through the Town of Caroline, Sub-Division Review Board. This Board is comprised of five members with staggered 5-year terms, who have expressed an interest in the subject matter, are not political appointments, and have no political attachment to the process. Their job is to ensure that the terms of the law are met – there is no way for them to deviate from the letter of the law.

It was also noted that agricultural buildings are exempt from this law.

A member of the public felt that this law gives the Code Enforcement Officer a high degree of power to enter properties and make citations. Again, it was noted that this is not a new law, and that the CEO generally is acting upon permits and complaints.

Councilmember Weiser added that local fire chiefs are concerned about the safety and security of their responsibilities as it relates to abandoned and unsafe structures.

A concern was raised and asked if the law made any provisions for emergency situations or handicapped individuals. It is not known at this time, but the question will be asked of

the town attorney.

Another concern was raised about the section that talks about the “character of the neighborhood”. All agreed that this notion is very subjective and the section will be reviewed for possible changes.

During the discussions of various parts of the law, Ms. Adams expressed disagreement with some of Mr. Barber’s descriptions and explanations of how the law is interpreted.

Hearing no other concerns or questions, Mr. Barber asked Board members to get any changes or additions to him by Thursday, and then the Board will consider setting a date for the public hearing.

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### **Town Business**

Agenda items for the May 14, 2013 Business Meeting are as follows:

- An audit of the Supervisor’s books (with the accountant) will take place at 6:15 PM;
- Transfers;
- Approve abstracts;
- Authorize supervisor to sign contract for fire escape repairs;
- Authorize Computel to seek unpaid franchise fee from Time Warner Cable;
- Establish Public Hearing for Amended Building Code Enforcement Local Law;
- Discuss action plan for public notice of Town Hall spring water potability;
- Discussion of developing Universal broadband in Caroline;
- Discussion of changes to Caroline Lighting District.

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### **Approval of Minutes –**

Resolution XXX of 2013 – Minutes of Agenda Meeting held on April 2, 2013:

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve the minutes as submitted by the Town Clerk, noting the following corrections.

- Under Supervisor’s Report: District 1 polling place is in Caroline Center (not Speedsville);
- Under Mr. Snow’s report: The Watershed Committee had an audit by NYS DEC with Ellen Hahn (not Janice Johnson);
- Under Mr. Frongillo’s report: Should say: Tompkins County Council (not Office) of Government (TCCOG);
- Ms. Weiser requested clarifications, additions and corrections to Mr. Snow’s report of the Watershed Committee – see Attachment #1.
- Ms. Weiser offered corrections to the last page, ...Time Warner Cable draft ~~has been~~

~~written along with a new~~ franchise agreement has been written. Also corrected (same paragraph) ...2 towns inn ~~Tioga~~Cayuga. The comment that Tompkins County would like to see it go forward was not clarified.

Hearing no other corrections, the vote was as follows:

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

Resolution XXX of 2013 - Minutes of Business Meeting held on April 9, 2013:

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve the minutes as submitted by the Town Clerk.

Mr. Snow corrected that on the bottom of Page 4 – he voted Nay regarding the “Welcome” Tourism Sign on Route 79.

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

At this point in the meeting, Mr. Barber made a statement that the only way to have a productive meeting is to discuss the issues in front of us and not make personal attacks. He believes some of the discussion this evening was uncomfortable and creates tension that isn't necessary to have a respectful conversation. He asked that Board members indicate their feelings in the matter.

Ms. Adams responded that because she disagrees with the nature of the discussion, it should not be perceived as a personal attack or that she is questioning Mr. Barber's judgment or integrity.

Mr. Snow responded that he did not think that what was discussed tonight included personal attacks.

Ms. Weiser spoke at length about the need to be respectful of each other and not make personal attacks, and believes that we can all question and challenge opinions in respectful ways in order to hold each other accountable for being honest and truthful about what we are reporting to the public. She shares Mr. Barber's request for respect even when we disagree – make a concerted effort to not make it personal.

Mr. Frongillo agrees with Ms. Weiser's statement and urged Board members to keep personal issues out of deliberations and keep focused on the task at hand.

Ms. Adams added that the thought that we all don't come to the same judgment might be more of an issue (for Mr. Barber) due to the political make-up of the board.

Mr. Barber concluded the discussion by asking Board members to think about this issue and consider how we communicate with each other during discussions and deliberations at Board meetings.

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Adjourn

Hearing no further business, Mr. Barber made a motion to adjourn the meeting.

Seconded by Ms. Weiser. The meeting adjourned at 9:55 PM.

Respectfully Submitted,

Christine Wilbur, Deputy Town Clerk

## ATTACHMENT #1: May 7, 2013

- Under Mr. Snow's report of the Watershed Committee meeting, Ms. Weiser requested to delete the section of the report that she gave, and replace it with the following to clarify the report. (additions are underlined, deleted text is striked)

Belle School Road repair: Following Hurricane Irene and Tropical Storm Lee in 2010, there was significant erosion of Chris Payne's property on Belle School Rd., on the East side of the culvert/creek outflow. The County has determined that the culvert does not need to be replaced, but rather that the wings of the culvert expanded and some creek restoration/remodeling done to create flood plans along the sides, rebuild where erosion has occurred and slow the flow of the creek as it exits the culvert. Coddington Rd. (near where it intersects with Belle School Rd., and Deputron Hollow Rd, in addition, because the Belle school Rd. /Coddington Rd. intersection is dangerous. Tompkins County Highway Department will "raise" the road so the "hump" in the road will be lessened and visibility improved. The County was addressing an issue of soil erosion where a culver that goes under the road. Because of heavy rain, and in climate weather and the soil has started to erode around this culvert and has pushed sediment into the surrounding property. However since they are raising the road there will be less work needed to be done onBecause the County does not need to replace...(the rest of Mr. Snow's report is not altered).



