

## **Caroline Town Board Meeting Minutes of April 10, 2012**

The Town Board Business meeting held on April 10, 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:** 12 Citizens of the town of Caroline

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## **Interviews**

### **Sub-division Review Committee Interview**

**Sue Pearce- Kelling** lives in the town of Caroline with her family at the intersection of Yapple and Old 76 Rd. She said she is interested in serving on Subdivision Review Committee to offer volunteer services to help out the Town. She has experience in the EMC (Environmental Management Council) as a general representative. She is familiar with small businesses and how they run as she is part owner of a small business (Opt-Gen LLC) in Ithaca. She has experience working within small towns and small businesses.

Councilmember Adams asked her about the yearly mandatory training required to be on the committee and if she would be available to take the training. She answered that the small business takes priority but she would be able to fit the training and meetings around her schedule. Councilmember Frongillo said one thing the committee does is review periodically the subdivisions review law learning terminology and he asked Susan if she had a chance to review the law at all. She answered in the affirmative that she had been reviewing it. What are most relevant are environmental impact regulations. Councilmember Weiser asked: Are you used to working in this community with diversity? She answered that what she loves is the different ideology of the town residents and she respects different viewpoint. Supervisor Barber explained that if there is ever conflict of interest in the role of the Planning Board member that they would then excuse themselves from the decision making process and that the “alternate” member of the board would fill in for that member. Councilmember Snow asked how long she had been a resident of Caroline and Susan answered for 31 years ago.

### **Planning Board Interviews**

**Bruce Murray** has lived in the Town of Caroline for his whole life. He is interested in helping out town board and having input in the direction the Town is heading. He said he believes not everyone fits under the same category so making decisions on Planning Board will take a lot of thought and will not be easy. He gets along with all walks of life. He will look at all situations (the Planning Board will review) individually and weigh the pros and cons. He said that he realizes that whatever is presented to the board will not be “one blanket” that covers everyone in the town because there are always different circumstances that will affect each individual differently.

Councilmember Weiser asked if he was aware that the position could possibly be a 4 year term and would he be able to try and commit to making monthly meeting. Bruce answered in the affirmative. Councilmember Frongillo said since you have had a chance to see the Planning Board in action what are your reflections on the industrial site plan review process and where do you see you will be able to contribute? Bruce answered that he had attended a few meetings and was able to contribute ideas that he thought may have helped the process. It is truly a big job and you want to make sure you get it as right as you can; knowing the town and the comprehensive plan is very important to the process. Supervisor Barber asked what planning meant to him and Bruce answered that

planning that there needed to be a standard set of directions that the town needed to head in for the future and having an outline to follow. Councilmember Adams asked how do you balance landowner's rights with planning concepts with the landowner rights people have or felt they did have? How would you balance changes? Bruce answered if someone owned their own business that there might be a "grandfather clause" to keep someone from coming in and saying "You can't do this anymore." Depending on the situation you are going to have to way the situation both ways and do what is best for the landowner along with what is best for the Town.

Councilmember Snow asked where were would you like to see the Town go in the future? Bruce said he would like to see the small businesses of the town grow, see more use of "green energy" and to follow the comprehensive plan.

**Jerry Kinchey** He is new to the town of Caroline moving here from Bradford, County, PA. He found the town of Caroline as an appealing as a place to live. He has been connected with Ithaca for many years and has served Chairman on the Ithaca Kendal Retirement home for 6 years and served as a board member for many years. He also served on the board of directors for the "parent" organization of Kendal which served all the Kendal retirement homes, which is one of the largest non-profit companies in the country. He said he has a good grasp on how to government works and the varying points of views those members of the community have. He said he is comfortable with situations in government and non-profit companies. He is a lawyer by profession. He has represented clients in real estate before planning board and zoning boards so he has municipal experience in PA. He said he likes to be involved in boards where people have a vision. He can offer to help make a difference on to the planning board because of his experiences with gas drilling in Bradford County, Pa. He is interested in how the citizens can be protected from the gas drilling in the Town of Caroline and he realizes that the board will be making important decisions that will affect the citizens in the Town of Caroline.

Councilmember Frongillo asked, have you read the comprehensive plan? Jerry said he had and was shocked by the lack of farms (19 listed in the plan) in the community. He encourages small agriculture. He said he thought overall that the comprehensive plan was well done, by people with vision. He said he didn't see a lot of room for improvement as it represents values worth preserving.

Councilmember Adams asked did you pass the NYS bar? NYS has a reciprocal arrangement that passed the bar in neighboring states. The only screening they do is to be and "ethical" NY lawyer. The type of law he practices is litigation, commercial litigation, divorces, custody cases, criminal defense work and appellate court.

Councilmember Weiser asked being on the Planning Board is potentially 4 year appointment will you be able to a participate in the monthly meetings. Jerry answered in the affirmative. Councilmember Weiser said it came through that your personal experiences in Bradford County that you have a very strong opinion about gas drilling, that not every person in the town of Caroline shares your view. How would you moderate your position on the Planning Board? Jerry answered that he used to working on committees and boards with diverse points of view and citizens that are affected by that. He said that he just feels that there are certain things that communities need to be protected from and one of those is gas drilling. Councilmember asked if people came before him with different points of view on gas drilling would they be heard. He answered in the affirmative but said people change their minds and that as far as how much damage gas drilling could cause in the Town of Caroline that he would not change is advocacy

Councilmember Adams asked did you have any experience with land-owner organizations etc., in Bradford County? Jerry answered "No, that it (gas drilling) hit Bradford County so quickly that nobody had a chance to organize, everyone was approached by the land men .....with the promise of wealth...then the gas drilling and pipeline companies came in....by the time people realized that it was a big mistake they made....by then it was too late to do anything".

Councilmember Snow what he saw as the difference between agri-business and small agriculture? Jerry answered in magnitude of size and business. That agri-business is run by businesses, corporate owners whose investors are shareholders which is unlike agriculture where landowners are invested directly in the products they produce.

Councilmember Frongillo asked about Jerry's experience with engaging public participation and community outreach. Jerry said that wasn't his strong point in his experience, that he had avoided politics all of his life, and he didn't have a problem with it he just didn't think he was especially skilled at it.

Councilmember Adams commented that that was interesting, as much of the projects have been completed in the town has been done through outreach and not imminent domain. She used the Stream bank Stabilization project

as an example. Jerry agreed that through outreach is better than having to go through the courts.

Councilmember Frongillo commented that Jerry said he was the comprehensive plan was very well written and that much of the writing had come through community outreach and working groups of citizens and not the planning board. The role of the planning board is to facilitate community input. Jerry agreed that community input was important and was comfortable facilitating.

**Ed Wurtz** has lived in Caroline for about 1 year. He owned a house in the Town of Caroline for 4 years and fell in love with Caroline. His children and grandchildren live here. He used to live in Philadelphia, PA before coming to Caroline. He wants to be part of the community and be part of the local government. He understands that people have different views on issues and that it can be tough subjects to address. His experience is he has set on a board for non-profit educational organization in N. Philadelphia where they were trying to help really poor children through a charter school. They also helped young adult men and woman who didn't graduate or juveniles at risk who were coming out of juvenile homes. He understands the side of working with the poor. He grew up working class family and understands difficulty people have just making a living. He was fortunate to have a good education and to be doing very well. He said what he has to offer is experience with review with regulatory type issues and environmental and safety regulation. He has worked with communities. He has before been on the corporate side where he went to meetings about zoning where there were people picket signs. He said he can see the kind of emotions this brought for the people. He said he was not a "black and white type of person", he views things more "on the one hand but on the other hand....." The issues won't be easy to resolve but what is important is what is best for the community. He said he can provide help with the Planning Board, help with project management and setting an action plan.

Councilmember Adams was MERC an International Standard Organization (ISO)? He said there was discussion about it but as far he remembered they hadn't made that decision.

Councilmember Snow What is your favorite kind of energy? He answered nuclear energy because it doesn't produce CO<sub>2</sub> and he believes it can be done safely. It is unfortunate that there was the accident at 3 mile island but though it was costly to the company it didn't pose any health risk in the area

Councilmember Frongillo Have you read the comprehensive plan? He said he had and he thought it was very good but that it lacked specificity in terms of the actions and how those actions would be carried out. It had targets to work on but that wasn't much structure there, not to be critical as I know we would just be getting into the work of the site plan review.

Councilmember Weiser asked about the time commitment of being on the committee, if there would be any problems attending monthly meetings? Ed said he was retired and can meet the time commitment required. She asked what is your sense of the future of Caroline? Ed said the town needs to focus on growth and how the Town wants to handle growth of industrial and a larger "bedroom" community. How growth will take place and not "gobble up all the farm land." He said that is one thing the Planning Board should be looking at is how we maintain what we have without saying people can't move here. He has seen farmland in Philadelphia made into subdivisions without any idea of how you plan that.

Councilmember Frongillo asked about Ed's experience with engaging public participation and community outreach. Ed said he feels he would be good at public outreach because of his role working in the scientific body and administration; listening to people with a lot of negotiations. "You do have to listen to people and give them a fair shake".

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### **Privilege of the Floor**

Ann Boehm – She said she had a question- "We think we will be fully protected by the moratorium from permitting if the governor moves to allow drilling elsewhere, but I wonder if he could issue an executive order specifying once permitting begins anywhere in the State that no new bans could be enforced unless they are already on the books?" She also submitted a letter asking the board to respond to her questions either in writing or at a Town "question and answer" meeting. See attachment 1

Becky Dewitt- Addressed the issue of a resolution regarding taxation for natural gas drilling. She wanted to express concerns she had with the wording. She would like some of the wording changed better to reflect the sentiment of the Town of Caroline's view on fracking (which was shown by the petition submitted against fracking and the results of the town board election.) She said she feels that the 3<sup>rd</sup> whereas is ambiguous; she

asked “If Caroline was to be carved up into sections where fracking was allowed and other areas where it is not allowed? Water and polluted air does not know boundaries.” She asked about compulsory integration, how does that work? She asked if someone leased their property in Tioga County and it was compulsory integrated into Caroline how would that work? She said that the resolution language needs to strengthen to reflect the sentiment about fracking.

Pete Hoyt- He said he implored the board (at a previous board meeting) to study the moratorium. He asked the board please take the time to study all of the ramifications in case drilling does come to the Town of Caroline. He said we don't know what the courts will do at this time. Whether there is going to be drilling in Caroline in the future or not and whether you pass the ban or not to please take the time to study the moratorium.

Cyrus Uminger- He thanked the board for starting the process to enact a ban and to urge the to do this as quickly as possible. He said he also said the board should continue doing other things like looking into road use agreements. He suggested one public “question and answer” meeting and one public hearing about the ban as he doesn't feel the process should be dragged out.

Mark Witmer- A decision about gas drilling could be made at any time by the state. He thinks the board is doing great work and he appreciates the board moving ahead on the ban. The moratorium gives protection. We don't know when NYS will make a decision about hydraulic fracturing. The Town of Caroline has sent a message to the town board that they want a ban on hydrofracking by the 1146 signatures on the petition to ban hydrofracking and the results of the November 2011 election supporting a ban 2 to 1. He asked the board to move forward with the ban on hydraulic fracturing.

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## Reports

### **Cindy Whitaker, Highway Superintendents Report**

Clean-up week for the Town of Caroline-April 30- May 5<sup>th</sup>.

### **Supervisor Don Barber**

Correspondence of Note:

1. CU with TCCOG hosting a Resource sharing event 4/20 9-noon at Armory
2. Historian- B Kone on one year sabbatical- Deputy Historian Pat Bhrel is covering
3. Letter from TC Highway of 2012 projects
4. NYMIR needs our vote on Board of Directors (Andrews, Bondi, Cherry, MacDonald, Stead
5. 3 Planning Board Applications, 1 Subdivision Review Board application

Report:

1. FEMA, received FEMA approval packages for Boice Creek and 600 Retaining Wall
2. Held first meeting with 3 of 5 property owners on SMC for Stream stabilization (2 are out of town, but we have been in communication)
3. Attended Watershed's Committee- reported last week- after communicating with Ms. Adams that Committee Structure Resolution was no longer on the table- asked her to consider re-assuming chair of Watershed com., she stated she will not seek that

position. I have asked Ms. Weiser who agreed. I have asked Ms. Adams to assume role as chair of Building and grounds committee specifically developing plans and specs for roof replacement on Historic Town hall and develop plans for replacement of Town Barn. She agreed. We also need an electrician to move load off one circuit in the Town hall.

4. Road preservation Forum 5/8 at Cortland Grange 7:45 to noon- encouraging Town Board members and committee to attend- next comm mtg 4/25
5. HSBC has stated they do not want to hold Bond Anticipation Note (BAN) for next year in amount of \$125K, will ask Dryden and TTC to bid, closing end of month
6. Assessment Review board resolution
7. Cooperative Extension for Youth Services resolution

**County Representative, Frank Proto**

absent

**Councilmember Linda Adams**

No report

**Councilmember Irene Weiser**

Speedsville Fire Dept. Doug Keife spoke with Councilmember about a fire tax refund from insurance that was held on houses by (what the State calls) “foreign or alien” insurance companies. Councilmember Weiser spoke with the Town accountant and found that the town gets about \$250 per year which 20% goes to Brooktondale Fire District and the other 80% goes to Speedsville Fire District.

They are doing well with fundraising efforts.

They are working on getting radios that work better as while in transit communication isn't always possible. They are looking at Verizon to connect to a cell Tower on Taft rd.

They are having issues with Amerigas about billing for their propane

**Councilmember Dominic Frongillo**

No report

**Councilmember Aaron Snow**

No report

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**Transfers**

**Resolution 80 of 2012**

Motion was made by Don Barber: 2<sup>nd</sup> by Dominic Frongillo

**Be It Resolved the Caroline Town board makes the following 2012 Fund Transfers**

\$ 252.50 from General Fund Account Contingency A1990.4 to General Fund Account A 1010.4 Legislature CE

\$ 440.00 from General Fund Account A1460.4 Records Management CE to General Fund Account A1460.1 Records Management PS \$1,000.00

\$1,000.00 from General Fund Account A8020.1 Planning PS to General Fund Account A8020.4 Planning CE

\$6,000.00 from Highway Fund Account DA 5142.1 Snow and Ice PS to Highway Fund Account DA 5130.1 Machinery PS

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

## **Approval of abstracts**

### **Resolution 81 of 2012**

#### **Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Streetlight Fund voucher numbers 7 and 8 for \$576.61.

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

### **Resolution 82 of 2012**

#### **Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Highway Fund voucher numbers 70 through 83 for \$ 27,512.22

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

### **Resolution 83 of 2012**

#### **General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the General Fund voucher numbers 115 through 146 for \$ 10,049.06.

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

## **Town Business**

Questions and answer meeting at Speedsville, Wednesday April 25<sup>th</sup> at 7:00pm for a proposed local law to effect a Prohibition within the Town of Caroline Natural Gas and Petroleum Exploration and Extraction Activities.

Councilmember Weiser- Suggested following the same procedure that the board followed for the moratorium by providing a question and answer session for the public and having the Town attorney available to answer questions.

Councilmember Frongillo- Though many people would like to see this ban go forward that he feels that this is one of the largest decisions the Town board has to make from the land use agreement to the comprehensive plan. He thinks the process is very important for the community to have the opportunity to hear all the information and he is advocating for providing this opportunity to the public. He thought having the Town attorney available was important.

Councilmember Adams- There is 2 pieces to this proposed law; the law piece to the ban and the content piece; is it a total ban or a partial ban? Does it ban the techniques, the process, etc., ? It is a big scope to look at so she thinks people are going to want and need time to review the ban and ask questions. She said she thought the Town attorney, would say it is a town decision on whether the ban was total or partial. The town attorney could be at both meetings to answer questions.

Supervisor Barber- Speaking about the process, and why we are in a different place with this local law is the moratorium was a fairly standard local law which we were not creating something new. The town attorney could answer questions about the moratorium because it was defensible at that point in time, and there weren't a lot of policy decisions to be made. He can envision the community has more questions then the Town attorney can answer, and that the board will have to answer them. It this point in time the board may not have all the answers.

Councilmember Adams- The town of Caroline will be the first Town, if it enacts a total ban to do so without land use zoning in the State.

Supervisor Barber to put together a frequently asked questions list and set up a "question and answer" with the community, then the board will discuss and set a public hearing.

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## **Resolutions**

### **Resolution 84 of 2012**

#### **Planning Board Committee**

Motion was made by Mr. Barber; seconded by Mr. Frongillo

Resolved, the Caroline Town Board hereby appoints the following people as members of the Planning Board Committee; Bruce Murray to a 4 year term ending 12/31/2016 and Ed Wurtz to a 3 year term ending 12/31/2015.

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

( The town board voted by secret ballot and the Town Clerk tallied the votes for each candidate; Bruce Murray, Ed Wurtz and Jerry Kinchey. After a tally of the votes Bruce Murray and Ed Wurtz were appointed as new members to Planning Board; Bruce Murray to a 4 year term and Ed Wurtz to a 3 year term.)

### **Resolution 85 of 2012**

#### **Sub- Division Review Committee**

Motion was made by Mr. Barber; seconded by Ms. Adams

Resolved, the Caroline Town Board hereby appoints Sue Pearce-Kelling as a member of the Sub-Division Review Committee to finish a 2 year term ending 12/31/2014.

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

### **Resolution 86 of 2012**

#### **Question and Answer Meeting**

Motion was made by Mr. Snow; seconded by Mr. Frongillo

Resolved, the Caroline Town Board hereby sets a questions and answer meeting at Speedsville Community Center, Wednesday April 25<sup>th</sup> at 7:00pm, (or if unavailable the Brooktondale Community Center) to discuss the proposed local law to effect a Prohibition within the Town of Caroline Natural Gas and Petroleum Exploration and Extraction Activities and be it further resolved the Town Supervisor will post the FAQ's (Frequently Asked Questions) to the town website by April 17<sup>th</sup> 2012.

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

**Resolution 87 of 2012****Lawn Mowing of Town Properties**

Motion was made by Mr. Barber; seconded by Mr. Snow

Resolved, the Caroline Town Board hereby authorizes the Town Supervisor to sign the proposed contract with Scott Land and Yard for \$2,775 for lawn mowing of town property and Town cemeteries for 2012

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

**Resolution 88 of 2012**

Motion was made by Mr. Barber; seconded by Mr. Frongillo

**Road Preservation Policy Committee**

Resolved the Caroline Town Board hereby appoints Zan Gerrity of Yaple Road to the Road Preservation Policy Committee.

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

**Resolution 89 of 2012**

Motion was made by Mr. Barber; seconded by Mr. Frongillo

**Professional services in support of Planning Board**

Resolved the Caroline Town Board hereby authorizes the Supervisor to sign an Agreement with Jonathan Kantor for Professional services in support of Planning Board activities and

Be It Further Resolved, that the amount of expenditure under this contract cannot exceed \$1500 without Town Board prior approval.

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

**Resolution 90 of 2012****Planning Board Minute Taker**

Motion was made by Mr. Barber ; seconded by Mr. Frongillo

Resolved the Caroline Town Board hereby authorizes the Supervisor to sign an Agreement with Jacob McNally for Professional services for minute taking and Correspondence of Planning Board activities and

Be It Further Resolved, that the amount of expenditure under this contract cannot exceed \$1000 without Town Board prior approval.



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

**Resolution 91 of 2012**

**Assessment Review Committee**

Motion was made by Mr. Barber; seconded by Mr. Snow

Resolved the Caroline Town Board appoints Len Porgozala, Bob Spaulding, and Frank Proto to the Assessment Review Committee, and

Be It Further Resolved that this Committee will meet on May 16, 2012 from 3-6 PM at the Historic Town Hall to hear comments and concerns about individual property assessments

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

**Resolution 92 of 2012**

Motion was made by Ms. Weiser; seconded by Mr. Barber

**Communication, Information and Technology Committee**

Resolved that the Town Board hereby appoints the following residents to the Communication, Information and Technology Committee: Gvozden Doric of Midline Road, Gary Reinbolt of Elm Street, and Dorrie Lisle of Bailor Road.

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

**Resolution 93 of 2012**

Motion was made by Mr. Barber; seconded by Mr. Snow

**284 Agreement for Town Roads**

Resolved that the Town Board hereby signs the 284 agreement for Lackawanna Road, Speedhill Road, Bailor Road, and Belle School Road.

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

**Resolution 94 of 2012**

Motion was made by Mr. Barber; seconded by Mr. Snow

**Youth Services Programming**

Resolved, the town board hereby authorizes the Town supervisor to sign the proposed contract with Cornell Cooperative Extension of Tompkins County for Youth programming Services for 2012.

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

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**Adjourn**

On a motion by councilmember Weiser and seconded by Councilmember Frongillo, the meeting adjourned at 9:57 P.M.

Respectfully Submitted,

Marilou Harrington, Town Clerk