

Caroline Town Board Business Meeting Minutes of May 15, 2019

The Town Board Business meeting held on May 15, 2019 at the Caroline Town Hall was called to order at 7:02 p.m. by Supervisor Mark Witmer.

Attendance: Mark Witmer, Supervisor
John Fracchia, Councilmember
Irene Weiser, Councilmember
Cal Snow, Councilmember
Tim Murray, Councilmember

Recording Secretary: Becky Jordan, Deputy Clerk

Also Present: 10 Members of the public

Supervisor Mark Witmer led the Pledge Allegiance to the Flag.

Privilege-of -the-Floor:

Pete Hoyt – Commented on proposed electrical inspector resolution. Having such a list of inspectors who have met training, certification, and insurance requirements is reasonable. Such qualifications should be those mandated by the state or those generally accepted in the trade. Does a local CEO, and ours in particular, possess the expertise to second guess the qualifications or performance of such a duly trained and certified inspector? The language granting the Caroline CEO discretion in approving or removing electrical inspectors should be stricken from this resolution.

Brooke answer – goal to expand number of inspectors available to citizens. List demonstrates quality inspectors. Qualifications required by code. There doesn't seem to be anything proving there is such a thing as a NYS certified electrical inspector.

Inquired about his FOIL request for Audit of the Clerk's office. A draft report has been submitted to the town but I have been told by the supervisor that this draft is not covered by FOIL and that I need to wait for the final draft. This raises the questions of why a draft report was submitted. Whatever the reason for the draft, the supervisor is wrong in not making the draft report available to me under FOIL. See NYS Dept of State Committee on Open Government: FOIL-AO_18120 dated May 24, 2010. For further information you may google "Draft reports subject to FOIL"

Kelly/Kate Mckenzie – Residents of Old Brooktondale Rd requested help with parking issues, no parking along the "back street" in place by summer with permit parking in place for residents. Hoping the TB can move quickly before swimming season. Does not see the need for another community meeting.

Wil Lawrence – What are the TB intentions with the Swift 911 system?

Ellen Harrison – "Back street" parking issue. Brookton's Market parking contributes to the street parking. What is currently legal as far as parking? Consulted the county. Right of way 15 feet where a car

can pull over so a vehicle can legally park off the white line. Towns have a right to pass parking restrictions local law in relation to county roads. Parking prohibited/permit parking only for residence. The sheriff would need to be informed and requested to respond to citizen complaints regarding parking violations.

Witmer response: engaged in this issue. Provided information/local laws from town attorney. A town creating parking restrictions is not unheard of. The reason behind the community meeting is to allow the public to be engaged and contribute.

Steve Crispell -Issue with Code Enforcement last Wednesday involving trespassing. Erected a Tent & Caroline does not have a tent permit. Greenhouse frame clear plastic cover. Can have it down in an hour. Given a temporary building permit under the pretense of a garage. Forced into. NYS hemp research project. Code Enforcement walking to the back of my property and into greenhouse is reckless, disrespectful, and illegal.

Witmer – called back & discussed situation. Spoke with Brooke who provided information for a path to move forward. If public is going to enter then it is subject to permitting due to public safety reasons.

Mike Collins -evidently it doesn't matter what the residence of the back street have to say.

Additions or Deletions from Agenda - None

Mark Witmer, Town Supervisor – The Supervisor's Report is as follows:

Met with highway superintendent, T.G. Miller, and DEC on 24 April to discuss project revisions to Ekroos Road in order to meet WQIP grant goals.

Bids for Historic Town Hall geothermal received. Vetted with EIC and Code Officers. Recommendation.

Attended two day OSC training Fiscal Oversight in Saratoga Springs: multi-year planning

Computers for highway department ordered

Computing Center: NAS for town hall recommended for on-site backup

Final checkout of Buffalo Road Creek II Project with DHSES

Successful Caroline Clean Up Day on Saturday, April 27. Thanks to Watershed Committee, Highway, Brooktondale Community Center, Cayuga Lake Watershed Network.

Requested purchase of Streetlight facilities

Brooke Greenhouse, Code Officer – <attach handout> Highway facility extremely dangerous.

Logging best practices. Minimal registration/permit via code or highway superintendent. Bonding provisions?

Marilou Harrington-Lawson, Town Clerk – None

Cindy Whittaker, Highway Superintendent – \$1104.69 in scrap from clean up. 53.15 tons to solid waste including approximately 60 televisions.

Ekroos Rd – residents want the road part done. Rain. Grant money coming hoping to use it on stream work. That stream is not protected. 2014 – that stream was not a protected stream. Was not on the map as protected. Protected would restrict. Need to finish road section. How to move forward to get this completed for both highway and residents? Temporary bypass. Need to get a permanent bypass in now but having to wait for decision to be made about grant funds.

Witmer – capacity of pipe is not what grant calls for. They want more flow. Thoughts of a companion pipe. Pipes in place not in compliance with grant due to capacity of stream flow for protection against erosion. Witmer advocated for not removing the work already done & for a work around. DEC performed a walk around, took measurements. Concern for capacity.

Committee Reports:

Irene Weiser, Councilmember – No updates

Tim Murray, Councilmember – No Updates

John Fracchia, Councilmember – No Updates

Cal Snow, Councilmember – No Updates

Dan Klein, County Representative Discussion and Action Topics

County has started budget process for 2020. Snapshot of where at now, 4 months budget process work. 2.7% levy increase equates to a \$10 increase per house average house assessed at 190k. Sales tax revenue up 3% from last year. Reflects good economy.

County handles foreclosures – look at each parcel that comes through to see if any needs attention – 2 properties were storm water parcels that developers ceased paying taxes! 2 in Newfield and 1 Danby! Low assessments parcels. All towns should be looking at this. Strategies to deal towns buying parcels maybe set up storm water district. Loss of tax revenue on wetlands (abandoned). Happens in subdivision. Something site plan review and stormwater can get ahead of.

County highway projects in Caroline: Brooktondale Rd paving happening, Brooktondale Rd stabilization put off for many years should be happening this year! Central Chapel Rd bridge culvert replacement, Valley Rd, Coddington Rd, Lounsberry Rd are on schedule for this year.

*Addendum: The Central Chapel Rd. bridge (over Boice Creek) is not going to be replaced this year. The design process will begin soon, but construction will probably be in 2021.

The Brooktondale Rd. stabilization project is being withdrawn because the road appears stable.

Age-Friendly Communities Update by Wil Lawrence:

Tomorrow annual luncheon where Beth Harrington will be recognized. Bus of people to Albany spoke to senator Seward, Barbara Lifton. Talked about senior living facilities, possibility of relieving shortages of Home health aides and nurses. Problems in enhanced STAR status for seniors in Tompkins County that seniors who don't make enough money to file income taxes may not realize that they must then make additional filings with the county assessment office. 2 more age friendly workshops coming up one about fostering & informed healthy community. Internet of things for Ithaca The Thing network low frequency internet. Opportunity to thank Senator Seward for all his help to the Town of Caroline with the broadband internet.

Resolution 99 of 2019. Resolution to Authorize Signing of an Agreement to Proceed with a Town LED Streetlight Project with the New York Power Authority

A motion was made by Mr. Witmer and seconded by Councilmember Weiser

Whereas, the Town and the County have identified LED streetlight conversion as a ready opportunity to reduce energy use and expenses; and

Whereas, Tompkins County governments have been working collaboratively for the past two years to learn about the process of municipal streetlight conversion; and

Whereas, the New York Power Authority (NYPA) has presented information about municipal LED streetlight conversion that shows compelling reasons to make this change without delay; and

Whereas, purchase of streetlight facilities from the utility offers the Town and its residents the greatest value; and

Whereas, NYPA has provided the Town with a proposal that is very cost effective with a payback period of 3.88 years; and

Whereas, NYPA offers a comprehensive project plan that includes design, bidding for materials and labor, construction management, and final commission of the project; therefore be it

Resolved, the Caroline Town Board hereby authorizes the Supervisor to sign an Agreement to Proceed with a Town LED Streetlight Project with the New York Power Authority.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 100 of 2019. Proposed changes to draft Employee Handbook

A motion was made by Mr. Witmer and seconded by Councilmember Fracchia

201: Full-time employees. Definition be changed to a minimum of 30 hours/week.

202: Part-time employees...should read, "...less than 30 hours/week"

401: Add: New York State Town Law stipulates that failure to take the Oath of Office within 30 days of the beginning of the term results in disqualification of a newly elected official from that position.

501: Replace "Arriving at work before..." paragraph: Flex-Time – An employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Town Supervisor and the Town Board reserve the right to approve all "flex-time" schedules.

608: FMLA - Modify last paragraph to indicate that the Town now offers FMLA coverage.

700: Holidays: Propose to add a list of holidays for which eligible employees would receive pay. Propose to follow holidays set by Ulysses and Tompkins County (12): New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples' Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day. One additional floating holiday.

Health Insurance Proposal. Add the following classes:

1 (Class A) Employees working 30+ hours/week eligible for the Town's health insurance, including Vision and Dental, with a 15% employee contribution. This is the Town's Gold Plan through the Health Consortium plus Vision and Dental coverage. Dental and Vision would be new and included in the total employee health and welfare offering, with 15% employee contribution.

2 (Class B) Employees working > 20 hrs/week and < less than 30 hrs/week eligible for the Town's health insurance, including Vision and Dental, with a 50% employee contribution

3 (Class C) Employees working < 20 hours/week would be eligible for the Town's health insurance, including Vision and Dental, with 100% employee contribution

Added language: The employee contributions shall be pre-tax as payroll deductions, prior to calculation of federal, state, and social security taxes.

Add: Any elected official not taking the Town's health and welfare package is eligible for Vision and Dental coverage, regardless of hours worked. The Town would pay 50% of the premium for Class A and B employees. Class C employees would be responsible for 100% of the premium.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Use of Approved Third Party Electrical Inspectors for Code Enforcement

RESOLUTION # 101 of 2019 THIRD PARTY ELECTRICAL INSPECTOR LIST TO BE MAINTAINED BY CODE ENFORCEMENT OFFICER

A motion was made by Mr. Witmer and seconded by Councilmember Fracchia

WHEREAS The administration and enforcement of the New York State Uniform Fire Prevention and Building Code is the responsibility of local government in New York., and

WHEREAS Most municipal code enforcement agencies rely on third-party inspection agencies to determine code compliance regarding electrical installations, and

WHEREAS the use of third-party electrical inspectors assists in the efficient and cost-effective administration of the New York State Uniform Fire Prevention and Building Code, and

WHEREAS Town of Caroline Code Enforcement Officer is responsible for code compliance and enforcement, and

WHEREAS the Town of Caroline Code Enforcement Officer is qualified to determine the appropriate qualifications and competency of such third-party inspectors, therefore be it,

RESOLVED that it is hereby the Policy of the Town of Caroline that the Code Enforcement Officer shall maintain a list of approved third-party electrical inspectors, and

RESOLVED that the Code Enforcement Officer shall require all approved third-party electrical inspectors to provide evidence of General Liability Insurance naming the Town of Caroline as a Certificate Holder, and

RESOLVED that the Code Enforcement Officer shall require a demonstration of qualifications and continuing education based on generally accepted standards, and

RESOLVED that the Code Enforcement Officer, with Town Board Approval, may remove any third-party inspector who does not maintain adequate insurance, qualifications, is unresponsive to requests related to Code Enforcement and/or otherwise provides good cause for the Code Enforcement Officer, in their sole discretion to remove the inspector from the list of approved inspectors.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 102 of 2019 Credit Card Use Policy

A motion was made by Mr. Witmer and seconded by Councilmember Weiser

Whereas, credit cards are useful in offering a convenient way to make small one-time purchases; and

Whereas, credit cards are the most common form of electronic purchasing; and

Whereas, this convenience carries a tradeoff in increasing risk; therefore be it

Resolved, the Caroline Town Board hereby establishes the following Credit Card Use Policy after guidelines recommended by the Office of the State Comptroller:

- Each town credit card shall be authorized by the Town Board
- Credit cards shall be issued in the name of the town employee or official requesting them

- A master list of town credit cards shall be reviewed and updated annually
- A log shall be maintained for the use of credit cards shared by more than one staff member
- Purchases of capital assets shall be pre-approved by the Town Board
- Town credit cards shall not be used for personal purchases
- All purchases and payments of claims shall require documentation; receipts shall be itemized in order to facilitate documentation
- Receipt of items purchased shall be verified
- Inappropriate charges shall be rectified or paid by the staff member making the charge
- Nothing in this resolution supersedes the Town's Procurement Policy

And Further be it Resolved, the Town of Caroline Credit Card Use Policy shall be added to the Town's annual Organizational Resolutions.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 103 of 2019 Update of the Living Wage Rate to \$15.37/hr

Whereas, On May 3 Alternatives Federal Credit Union updated the Tompkins County Living Wage Rate to \$15.37/hr for employees not receiving health insurance benefits; and

Whereas, the Town of Caroline has committed to being a Living Wage Employer; therefore be it

Resolved, the Town of Caroline hereby increases its minimum wage rate for employees not receiving health insurance benefits to \$15.37/hr, effective May 10, 2019.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 104 of 2019 Contract for Engineering Services for Review of Telecommunications Application

A motion was made by Mr. Witmer and seconded by Councilmember Fracchia

The Town Board authorizes the Supervisor to sign contract with Taitem Engineering for review of telecommunications proposal.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 105 of 2019 General Fund Abstract

A motion was made by Mr. Witmer and seconded by Councilmember Snow to approve payment for the General Fund voucher numbers 102 through 140 for \$39,335.91

The Town Board requests documentation and explanation from the Town Clerk for purchase from Walmart of 2 voice recorders on March 10th (voucher 138)

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 106 of 2019 Highway Fund Abstract

A motion was made by Mr. Witmer and seconded by Councilmember Snow to approve payment for the Highway Fund Voucher numbers 65 through 81 for \$104,200.81

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 107 of 2019 Streetlight Fund Abstract

A motion was made by Mr. Witmer and seconded by Councilmember Fracchia to approve payment for the Streetlight Fund Voucher numbers 7 through 8 for \$570.59.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Murray: Aye

Resolution 108 of 2019 Authorizing Bid Award for Town Hal Geothermal Project

Whereas, two proposals were received in response to the Town's RFP for installation of geothermal heating and cooling at the Historic Town Hall; and

Whereas, the proposals have been reviewed by the Code Officer and Energy Independent Caroline; therefore be it

Resolved, the Town authorizes the Supervisor to award the contract to Halco, pending satisfactory clarifications.

A motion to move to executive session at 10:43 PM to discuss personnel and legal matters offered by Mr. Witmer and seconded by John Fracchia.

The meeting adjourned on a motion by Mark Witmer and seconded by Councilmember at 11:35 p.m.

----Adjourn----

Respectfully Submitted,

Becky Jordan, Deputy Clerk