

Caroline Town Board Meeting Minutes of May 10, 2011

The Town Board Business meeting held on May 10, 2011 at the Caroline Town Hall was called to order at 7:10 p.m. by Supervisor Don Barber.

Attendance:

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

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Mary Kobler, Jonathon Comstock, Bruce Murray, Barry Goodrich and Aaron Snow

Privilege of the Floor

Jonathon Comstock 114 Bald Hill School Rd. Brooktondale, NY - Addressed the board about hydraulic fracturing. He said that he was sure the board was aware of the activity in other towns: Ulysses, Danby and Ithaca. All of the aforementioned towns have activity going on in terms of trying to formulate town level legislation that would ban hydraulic fracturing. Jonathon asked the Caroline town board to join in this effort to keep the Caroline lands free of extreme industrial activity. He stated that he believed “the practice to be unsafe, fraught with accidents, which will cause localized pollution, long-term pollution of water, ground water in general. It is also associated with very intense air pollution, which is very predictable.” He also said that in addition to legislation that would affect the Town of Caroline, the Dept of Environmental Conservation is accepting public input up until this Saturday (May 14th) on the draft plan for the “Rapid Waters Management Unit” which covers both Danby and Shinndagin Hollow State Forest. “It is a beautiful plan for the first 100 pages talking about the integrity of the forest; leaving it in better shape for future generations. There is other ecological sentiments that talk about how they are going to do that and then it talks about windmills and how unsightly they are and why they should not be allowed because they could fragment and cause ecological harm. They talk about hydraulic fracturing wells with a platform that goes up to 8 acres. It is not a leasing agreement built into the plan but more of statement that they are hoping to do this type of leasing into the future.” Jonathon submitted a letter to the DEC signed by 200 residents (which most signatures were from Caroline (see attachment 1),) asking the DEC to remove the option of leasing of State Forest lands from their final draft. He gave the Town Board contact information for the DEC and urged them to send a notice asking the DEC to not allow hydraulic fracturing in the forest in Caroline

Mary Alice Kobler, 114 Bald Hill School Rd. Brooktondale, NY – Addressed the board about hydraulic fracturing. She said she was sure everyone is aware of the petition circulating against unsafe shale extraction in the Town of Caroline. She stated that she lived in a quiet residential area of Caroline, she had a large engaging job, and she also has extensive gardens so she is at home a lot. The industrializing of our neighborhood had her “very stirred.” She does not believe there is a safe way to “hydraulically fracture” our countryside as well as the high scale industrialization that will happen so she asked the board to honor the wishes of their constituents because in “giving up her Saturdays and going from door to door” that she found it is an issue that unites all of Caroline. “It cuts through all socio-economic, ideological boundaries,” is what she hears from people, and what feels the Town board will hear soon from their constituents that they don’t want the industrialization of the countryside; of the beautiful rural landscapes. “We don’t want the truck traffic or air pollution. People know about it now and they don’t want it. Some people stand to gain financially from this, and for some people our land is not for sale. Some people have leased and didn’t know what they were getting into, but the vast majority of Caroline say ‘no.’ We are asking the Town board to be on board and back us on that position.” She said she was here today to ask the Town board to please back them on this issue.

Bruce Murray – Bald Hill Rd. Brooktondale, NY – He inquired if anyone had asked about getting a permit for the proposed cell tower on Ball Hill Rd. Don Barber answered that no one had inquired about getting a permit application. Bruce said he had gone on-line and researched about the health hazards if you lived in an area within a ½ a mile from a cell tower. He asked if it comes time for the application process for a cell tower that the board look at some of the studies about these health hazards. He also said that the hydraulic fracturing on State lands

he is against too. He said “the land belongs to the people” and he doesn’t understand how the State can think about leasing it for this project. He said the State law prohibits the use of 4-wheelers on State land as they are too “intrusive” to be used on State land, but drilling is okay, which makes no sense to him. “If 4-wheelers are that intrusive then what do they think truck traffic will be like?” He said the petition he was aware of against the drilling collected over 1000 names and he was wondering what the Town could or should do in support of this petition. He is in hopes that the board will look at this issue “long and hard” and take into consideration how many people signed the petition; the number of people in the town vs. how many people have signed it.

Dave Buckner, from Dewitt Middle School, Ithaca, NY.- He is the Technology Engineering teacher at Dewitt Middle School and he and his students are looking for a community service project. They were here to give a presentation to the Town board on replacing the front steps and landing/deck (for the 2nd front door) on the Historic Town Hall. Dave works with Penny Boynton who gave them the idea of replacing the front steps that had been in such bad shape that they were removed.

Esther, Diego, Lindsey, Ashta (sp?) are part of the Technology Student Association (TSA) which participate in State and National events where they are judged on the work projects they complete. The group is in competitions across the country. They based their design (CAD drawing) for the steps and deck from the design of the other front door steps and deck. The material they use will match the other steps and deck (that are in front of the other front door at the Historic Town Hall.) They will use pressure treated lumber, (5’x5’ for the deck) to match the design that is already there on the other doorsteps and railings. The materials will cost ~\$875.00 (quote from Cayuga Lumber) and they will need to rent an auger for drilling the holes for the posts; 8 inch holes 4.5 feet down. (Mr. Aaron Snow offered that he has a 6 inch auger that the group could possibly use if that size would work for their project.). The TSA group is also looking for funding for the materials. They plan to start the project near the end of May.

Reports

Mr. Donald Barber, Town Supervisor

Correspondence of Note:

1. Notice of Forum: Home Rule in regards to Natural Gas June 24th in Binghamton
2. CU – POST- application: Aug. 15,16, and 18 10-11 CU students
3. TCCOG resolution requesting DEC to require 90 day comment period on SGEIS for shale gas extraction
4. Energy Grant Workshop 5/16 TCPL
5. TC Finance 1st qtr report; sales tax up 1.76% (Caroline will receive greater share due to census figures) and Mortgage tax @ \$37,382; 88% increase over 2010
6. NYS DOT approved request to reduce speed limit for short stretch of road in Speedsville

Report:

1. Local handyman: Peter DeBoer has installed Bilco door, reworking east entrance sill and door threshold, will point up foundation in that corner and level floor in meeting room
2. Youth Commission Inner Ring meeting 5/12 5:30 PM HSB
3. Some discussion with County on an RFP for engineering to determine bond amount for RUA; and determine actual road repair cost at end of project to complete RUA

Minutes and Meeting Structure

- My personal philosophy has been to keep Board meetings free flowing to allow for adequate discussion – fully recognizing that it is my responsibility to maintain orderly process
- Clerk has found the amount of time to produce minutes is negatively affects by this meeting management style. The length of time to prepare minutes could be shortened by having a predictable, orderly structure

to meetings. Also they found it hard to get the gist of comments made to Board when the speaker rambles for many minutes.

- I need your input on the following:
 - Time limit for persons addressing the Board with initial statement- could be extended for clarification questions- but need to keep concise.
 - Request summary of any presentation to board in writing including Board member reports
 - If discussion develops during committee report that looks like it deserves more time, I will ask to move it to the end of the meeting as a new business item -- same for ancillary items that arise in other parts of agenda

Mrs. Cindy Whittaker, Highway Superintendent (given by Toby McDonald)

The cleanup week for the Town had a huge response. There was more material dropped off then in previous years.

Toby McDonald, Town Board

No report

Dominic Frongillo, Town Board

No report

Peter Hoyt, Town Board

Peter Hoyt is waiting to get the confirmed number from the Youth Bureau for the youth participation in the recreation partnership programs.

Linda Adams, Town Board

Barry Goodrich and Jon Negley performed a water issues field reconnaissance May 4th.

-Tom Whittaker case: backyard stream bank erosion; Barry & Jon showed Tom where and how to plant willow stakes ~3" in diameter; for best results this must be done in the next 8 weeks so the plants can take root stabilizing the bank; the sooner the better, Tom is willing to do so & pleased with the fix

-Cindy & Scott Whittaker case: erosion issues water contributed from Lenard Road run off is a factor; Tompkins Soil & Water will draw up a mitigation plan, details were agreed upon with a walk about with the property owners, main solution will be a small wall - back fill to the wall - plantings, work that the property owner can do themselves, they are pleased with the plan

-Joe Lychalk, Phil & Mary Terwilliger case: bank erosion near Boiceville Bridge; the County will take care of this area since it is impacting the bridge, Soil & Water will report the field situation to the County with several tips from Barry on how to fix the stream reach for a lasting result, firstly remove some debris piles

-Evie Weinstein case: bank erosion threatening her driveway bridge; Soil & Water and Barry have been to this area several times, Barry will make recommendations for an excavator to carefully & precisely relocate some large trees now fallen in the stream, these will act as natural structures diverting the stream flow through the exact middle of the bridge thus eliminating the current "taking" of soil from the banks, Barry will make an appointment to go over the details with Evie.

Ron Jones case: Barry spotted a good location for a french drain which will divert much of the water problems away from both homes but still keep the water to that property's boundaries, Soil & Water will draw up the design and share the concept with Ron at a future date (Ron was not home), Barry spoke with the next door neighbor who has lived there for 2 decades knows of only one or two occasions when the cross pipe on South Rd had its carrying capacity exceeded, that pipe is doing a great job do not mess with what is working.

Town Business

Sub division review committee

Interview- Cordell Geissinger

Cordell was born and raised on a farm in PA. He came to Caroline in 1967, in 1972 he built his house in Caroline had lived there ever since. He worked at Cornell University and retired 15-16 years ago. He worked in research as a technician in plant pathology 5 and ½ years. Has been an alternate for the sub-division review committee so he has never has “sat in” on the meetings. He said having been raised and living in the country he doesn’t want to see country disappear or the farmland.

Discussion and Action Topics:

- The board discussed that to comply with the DEC that there needed to be an appeals process in place for the Flood Plain law.
- There was a discussion with the Town Board and the Town Clerk about the minutes and working to streamline the process.
- Collective bargaining unit- Toby McDonald gave an update on talking with the teamsters representative and the highway dept employees about the new contract that will run from 1/1/2011 to 12/31/2013. The teamsters produced the contract using language from the previous highway employee contract with changes in pay schedules, creation of a new tier (which includes changes in vacation pay, sick leave, and a contribution of 10 percent toward health insurance)- (this new tier includes anyone hired after 1/1/2011.) Other changes in the contract is health insurance, which is now through the TC Health Care Consortium.
- Supervisor Don Barber talked to the board and explained the process of the Road Excavation and Construction Permit fees schedule (before proposing the resolution to adopt the permit fees schedule.) Dominic Frongillo asked if the resolution could be updated (as needed or required to meet the needs of the Town.) Don answered that the resolution could be updated at anytime. Highway Supt, Cindy Whittaker and the Code Officer, John Daniels are working closely together to insure the process runs smoothly.
- State Forest leasing for Gas drilling- The board discussed the pro and cons, and decided as individual Caroline citizens if they felt so compelled should address this matter, but not as a part of the Town Board as a member or as a whole. Their function as a board to was not to take sides in these types of matters.

Transfers

Resolution 73 of 2011

Motion by Don Barber, Seconded by Dominic Frongillo

Resolved, the Caroline Town Board hereby authorizes the Supervisor to transfer 2011 funds as follows:

\$ 1,067.00 from General Fund Account A 1620.4 Town Hall CE to
General Fund Account A 1620.1 Town Hall PS

\$4,350.00 from A 1990.4 Contingency to V1001 Real Property Tax

Further, the Caroline Town Board makes the following budget adjustments Increase budget line V9730.6 BAN Principal by \$5,000 to \$67,500 and decrease V9730.7 BAN Interest by \$650 to \$6,100

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

Approval of Abstracts

Resolution 74 of 2011 General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 140 through 179 for \$22,503.85.

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

Resolution 75 of 2011 Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the Highway Fund voucher numbers 74 through 89 for \$ 8,424.77.

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

Resolution 76 of 2011 Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Streetlight Fund voucher numbers 8 and 9 for \$504.80.

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

Bond Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the Bond Fund voucher numbers 1 for \$ 73,600.00 .

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

Approval of Minutes

Resolution 77 of 2011 Minutes of Agenda Meeting

A motion was made by Mr. Barber seconded by Ms. Adams to accept the minutes, April 5, 2011 as submitted by the Deputy Town Clerk.

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

Resolution 78 of 2011 Minutes of Business Meeting

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes as amended of April 12, 2011 as submitted by the Deputy Town Clerk. **Tabled**

A motion made by Don Barber to table minutes until addition added in regards to a discussion with Town Attorney Guy Krogh; 2nd by Dominic Frongillo- All in favor

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

Resolution 79 of 2011

Motion made by Mr. Barber: Seconded by Mr. Hoyt

Resolved, the Caroline Town Board hereby appoints Cordell Geissinger to the Subdivision Review Board for a five-year term

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

Resolution 80 of 2011

Motion made by Ms. Adams: Seconded by Mr. Frongillo

Resolved, that the Caroline Town Board hereby adopts the Storm Water Management Plan.

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

Resolution 81 of 2011

Motion made by Mr. McDonald: Seconded by Ms. Adams

Resolved, the Caroline Town Board hereby adopts the Collective Bargaining agreement for the Town of Caroline Highway Department.

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

Resolution 82 of 2011

Motion made by Mr. Barber: Seconded by Mr. Frongillo

Resolved, the Caroline Town Board hereby adopts Road Excavation and Construction Permit fees schedule.

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

Resolution 83 of 2011

Motion made by Mr. Barber: Seconded by Mr. Hoyt

Resolved, the Caroline Town Board hereby authorizes construction of the front steps in the Historic Town Hall by the Technology Student Association (TSA).

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

Adjourned on a motion by Mr. Barber and seconded by Mr. Hoyt the meeting adjourned at 9:19 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk