

Caroline Town Board Meeting Minutes of June 14, 2011

The Town Board Business meeting held on June 14, 2011 at the Caroline Town Hall was called to order at 7:00 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: Over 250 Caroline residents along with some attendees from other local municipalities and residents from areas of Tompkins County attended the meeting.

Privilege of the Floor

The Caroline Youth Commission report was given by Lucy Gagliardo. She talked about raising funds and mentioned that Penny Boyton was awarded two grants for the program. One grant for \$4698 is to cover youth salaries for the 2011 summer program with which she plans to hire 5 Caroline youth. The 2nd grant for \$1000 is to supply vegetable plants and materials for the Caroline food pantry. The youth this summer will work managing the farmer's market on Friday afternoons. The youth will use this opportunity to fundraise by selling lemonade and other drinks at the farmer's market. All funds raised will go into the teen program. On December 13, 2012 a fundraiser will be held with Doug's Fish fry to raise funds for the youth program. The hours spent in the program in the past year has totaled 5138.

Janice Burton, Caroline resident, asked the Town Board to support the Home Rule resolution. Supervisor Don Barber thanked her for her comment and said that later on in the meeting the "Home Rule" resolution would be open for public comment.

Bruce Murray, Bald Hill Rd asked if there had been any application for a cell tower permit in the town of Caroline. The Town Clerk answered that had not been any requests.

Ann Treichler, Bald Hill School Rd asked about the reason behind tabling the minutes of April 12th, and why the board did not have 6 members rather than the current 5 members. Supervisor Don Barber answered both questions; that the April 12th minutes would be addressed a little later in the meeting and that the amount of members on the Town Board are set by State law and that the local population was too small to warrant any change.

Reports

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

The highway department has been trimming and cutting brush, cleaning up trees and limbs from some of the heavy rain storms that have been in the area lately. They also have been working on culvert pipes and next month will work on paving and sealing roads. The May clean up a big success taking in 37 tons of debris, this was more than last year. Out of the debris, metal and tin was taken in and the town received \$4825. 19. The tipping fees to dispose of the debris were \$2546.70. (see attachment A.)

Toby McDonald, Town Board

No report

Mr. Donald Barber, Town Supervisor

Correspondence of Note:

1. 4 emails stating position of in favor of Role Clarification Resolution and 1 email opposed

2. Warranty Claim letter to SDM Contracting about spalling concrete- no response to date
3. Received executed Collective Bargaining agreement from Teamsters
4. Letter from NYMIR that Capital distribution program will continue in 2012 and all of our capital investment will have been returned at that time

Report:

1. DeWitt Technology Class has finished front steps to Town Hall
2. TCCOG Mapping subgroup is finishing up maps that show, based on current dSGEIS criteria and gas lease info, the magnitude of impact from Marcellus Gas extraction. Rolling out first of several meetings tomorrow at 7 Pm Racker Center on Wilkins Rd- Ulysses
3. Expect 1st draft budget for Health Consortium to be presented at June meeting

Dominic Frongillo, Town Board

No report

Peter Hoyt, Town Board

No report

Linda Adams, Town Board

The annual MS4 (Municipal Separate Storm Sewer Systems) report will be available to the public at the Town of Caroline clerk's office in the near future. This is an annual report required by NYS, to track Stormwater management in Caroline.

Soil and Water has some willow saplings to plant if anyone is interested to have any on their property.

Transfers

Resolution 86 of 2011

Motion by Don Barber, Seconded by Linda Adams

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

\$ 1,233.00 from General Fund Account A 8710.4 Conservation CE to
General Fund Account A 3620.4 Safety Inspection CE

Further, the Caroline Town Board makes the following budget adjustments Increase Revenue line A3065 by \$29,696.80 and increase Appropriation Line A 1620.4 by \$29,696.80 to \$59,629.80

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

Approval of Abstracts

Resolution 87 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 180 through 211 for \$37,374.81.

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

Resolution 88 of 2011**Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Mc Donald to approve payment for the Highway Fund voucher numbers 90 through 111 for \$ 40,354.08.

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

Resolution 89 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 10 and 11 for \$495.05.

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

Approval of Minutes**Resolution 90 of 2011 Minutes of Business Meeting**

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

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

Discussion: The reason the minutes had not been previously approved is that the Attorney Guy Krogh for the Town of Caroline had spoke on a matter to do with gas drilling and hydro-fracking and the Town board members asked that it be included in the minutes.

Resolutions**Resolution 91 of 2011****Tompkins County Youth Services**

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

Resolved, the Caroline Town Board authorizes the Town Supervisor, Don Barber to sign the contract with Tompkins County for Youth Services.

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

Resolution 92 of 2011**Asking the New York State Department of Environmental Conservation to Extend to 90 Days the Comment Period for the Supplemental Generic Environmental Impact Statement on Oil, Gas, and Solution Mining Regulations for Shale Gas Drilling**

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

Whereas according to the Executive Order No. 41 (*Requiring Further Environmental Review*), signed by Governor David A. Paterson on December 13, 2010, the Department of Environmental Conservation was ordered to publish a Revised Draft Supplemental Generic Environmental Impact Statement (sGEIS) on or about June 1, 2011 and

Whereas that Executive Order also called for the Department to accept public comments on the Revised Draft for at least thirty (30) days, and

Whereas we understand the tremendous effort required by the NYS DEC to address the complex technical and regulatory concepts that must be included in the Revised Draft sGEIS, and

Whereas due to the extent of the complexity of the Revised Draft sGEIS, we are concerned with the time and effort it will take for the public and for agencies to review the revised document upon its release, and

Whereas the public is entitled to have adequate time to review this important document. Therefore

Be it resolved we are requesting that the NYS DEC establish a ninety day public comment period following the promulgation of the Revised Draft sGEIS.

Be it also resolved this resolution be sent by U.S. mail to Commissioner Joe Martens; Governor Andrew Cuomo; NYS Senators Dean Skelos, Brian Kolb, Thomas O'Mara, James Seward, and Michael Nozzolio; Speaker Sheldon Silver; Assemblywoman Barbara Lifton; Chair of Senate Committee on Environmental Conservation Mark Grisanti; Chair of Assembly Committee on Environmental Conservation Robert Sweeney; Attorney General Erik Schneiderman; U.S. Senators Charles Schumer and Kirsten Gillibrand; Representatives Diane DeGette, Secretary of the Interior Ken Salazar, Representative Richard Hanna and Representative Maurice Hinchey; EPA Administrator Lisa Jackson, EPA Region 2 Administrator Judith Enck; New York State Association of Counties; New York State Association of County Health Officials (NYASCHO); the Tompkins County Board of Health; Chair of Tompkins County Legislature;

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

Town Business

Discussion and Action Topics:

Over 250 people from Caroline and other municipalities in the Tompkins County area attended the business meeting at the Brooktondale Community Center to hear the discussion in regards to the proposed resolution (Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law) brought forth by two of the Caroline Town Board members.

After Linda Adams spoke about the rationale behind the proposed resolution, (see attachment 1) Bill Podulka from ROUSE (Residents Against Unsafe shale-Gas Extraction), spoke about his concerns of the proposed resolution (see attachment 2) and asked to have entered into the record a ROUSE letter to the

Town Board and Caroline residents (see attachment 3). Then attorney David Slottje spoke on behalf of ROUSE and respectfully asked that the proposed resolution not be passed, (see attachment 4) and Attorney Guy Krogh spoke about TOC and Gas Mining Overview of Legal Issues and Unanswered questions (see attachment 5.). The meeting then moved forward and was open to public for comment. There were 42 speakers (see attachment 6) who gave their opinion to the proposed resolution with the majority opposed to it. Judy Saul was the moderator for the speakers; allowing everyone 3 minutes to declare their point and make any comments they had about the resolution.

Resolution 93 of 2011

Resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law

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

WHEREAS ECL 23-0303, section 2 states, "The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law"; and

WHEREAS it is the opinion of our municipal attorney that the State clearly, with intent and purpose, set this scope; therefore be it

RESOLVED that the Town will not attempt to either encourage or limit gas drilling in the Town of Caroline; and further

RESOLVED that the Town will exercise its fiduciary responsibility to protect its investments in local roads, primarily through road use agreements; and further

RESOLVED that the Town through its authority under the Stormwater Law will protect local water supplies from any damaging effects of surface runoff due to gas drilling or any other large scale industrial activity.

Motion made by Mr. McDonald and seconded by Mr. Frongillo

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

Resolution 94 of 2011

Home Rule Legislation

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

Resolved the Caroline Town Board supports Home Rule legislation Assembly Bill A03245 and Senate Bill S03472, and

Be It Further Resolved, the Caroline Town Board expresses it's gratitude to Assemblywoman Lifton and Senator Seward for their sponsoring of this legislation and encourages them to use the power of their offices to move this legislation to an affirmative vote this session, and

Be It Further Resolved, that the Caroline Town Board urges Governor Cuomo to sign this legislation when it comes to his desk

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

Adjourned on a motion by Mr. Barber and seconded by Mr. Frongillo the meeting adjourned at 10:55 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk