

Caroline Town Board Meeting Minutes of September 15, 2011

The Town Board Business meeting held on September 15, 2011 at the Caroline Town Hall was called to order at 7:06 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor, absent
Dominic Frongillo, Councilmember
Linda Adams, Councilmember
Toby McDonald, Councilmember
Pete Hoyt, Councilmember

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Milt Taam, Jim Raponi, Bev Liddington, Tony Tavelli, Paul Grennell, Liz Evett, Aaron Snow, Cal Snow, Irene Weiser, Chris Payne, Bill Crispell and Kathleen Barden

Privilege of the Floor

Milt Taam talked about hydrofracking . He believes a productive study on the pros and cons of hydrofracking would benefit everyone. He would like to form a study group with people from within the Town of Caroline. He spoke with Barry Goodrich and Cal Snow who would be willing to offer their time and factual input into the process. He had contact with Bill Podulka from ROUSE and is encouraging him and any of their members to also join the study group. Councilmember Pete Hoyt said he would like a committee that would offer facts and credibility to both sides of the issue. Milt asked the Town board to be a part of the committee selection process. Councilmember Linda Adams does not think it should go through the town board because it is very political. Councilmember Toby McDonald agreed with Linda that there should be a distance between the board and a study group. He did suggest that the committee should consist of a very diverse group of participants. Councilmember Dominic Frongillo said that the board is just starting to talk about this issue.

Honorable Paul Grennell offered his retirement as of 12/31/2011. He has been as the Town Justice for 26 years and has enjoyed the position. He said he appreciates the support of the board throughout the years that he has been the Town Justice. He is in hopes that someone would be elected to the position in the upcoming November election so that he will be able to offer them training for the position.

Chris Payne-168 Belle School Rd. There is erosion along the creek behind his house and along the road. Sections were stabilized in areas between Coddington road and Belle School road by the County but areas where trees have been cut down the erosion has increased. Though the problem has been going on for years there has been a definite increase in the problem after the flood the Town had recently. Chris was concerned about future problems for his house and his neighbors and was requesting help; to be advised about how to handle the issue. Councilmember Linda Adams invited Chris to the Watershed Committee meeting next week (Tuesday, September 20, 2011) to discuss the problem and look for a possible solution.

Tony Tavelli-Tony thinks the tax cap should be kept in place at 2%. Councilmember's Toby McDonald and Peter Hoyt agreed that the tax cap should stay at 2 percent. Tony doesn't want "fixing" Town's problems to raise the taxes when in past years problematic areas were addressed and handled within the budget.

Kathleen Barden-Asked where the Town of Caroline stood on hydrofracking? Councilmember Dominic Frongillo answered that the Town had no official position on hydrofracking at this time. Councilmember Toby McDonald invited Kathleen to the October 4th meeting where the hydrofracking discussion would continue.

Reports

Don Barber, Town Supervisor –absent (report given by Deputy Supervisor Dominic Frongillo)

Correspondence of Note:

1. Notice from TC Assessment that for our tax cap calculation, the brick and mortar growth in total assessment is: 5.7% (I don't know how this number is calculated)
2. Notice from NYMIR that some rates for lines of casualty insurance are decreasing in 2012. Expect net 0% increase when factored against growth in building value
3. Very timely- notice of Multi-Jurisdictional All Hazard Mitigation Plan Review- 9/20
4. Caroline Seniors will not be using their funding to take any trips as there is no one to organize them.

Report:

1. SDM did repair sidewalk surface
2. Tropical Storm Lee dumped lots of water on Town hall property. Water in both basements entering faster than sumps could handle. Thanks to vigilance of Greg Harrington and Johnny-on-the-spot Brooke Greenhouse damage was minor. Alterations in Town hall back-up sump outflow and permanent trash pump connection at Office Building should make responding to next event smoother. Question for Toby on fire/smoke alarm system monitoring, it would be advantageous to have high water alarms installed in both buildings. Can you look into this?
3. Health Insurance financial performance and budget info available. On target- planning for 9.5% rate increase for 2012. (still need to build reserves- if we stay on target expect to receive capitalization investment back in 2014 plus interest)
4. Attended NYCOM tax levy cap forum. Sent out email to Board members urging putting a local override law up for public hearing- philosophical- State is putting us in tighter box and override resists being put into that box and technical we have fiduciary responsibilities that we may not be able to carry out if we are constrained by 2% tax cap (take Banks Road for example or fact that State is still developing guidelines for tax cap and Town must make up that error with property taxes)
5. Working with Town and City of Ithaca, Newfield, Enfield, Ulysses, Danby on Dog Control agreement for 2012 and beyond. The group feels that weighting human population, dog population, and number of dog control calls equally (1/3rd each) provides the fairest formula for sharing cost. Tompkins County Animal Control (SPCA) is keeping costs flat for next year. However, the formula requires that all muni's except Town and City of Ithaca will shoulder additional costs while the first two who have paid more than their share will see a decrease in fee. There is much discussion about the pace of making this transition. Next meeting tomorrow (9/16)
6. Large table in old library space is too big and cannot be cut down enough to make it usable. Looking for someone to buy it. Resolution passed
7. Youth- working with Danby and Enfield to find any efficiencies in delivery of Youth programming

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

Cleaning out culverts and ditches from flood damage

Soil and Water will be holding a tire collection on October 15th or 22nd

Tompkins County is holding a rabies clinic on October 12th from 7-9p.m. at the Town Barns

See attachment 1

Toby McDonald, Town Board

Two FEMA representatives toured three areas that were most affected by the flooding in the Town of Caroline. There will be a lot involved with repairing Banks Rd in Brooktondale.

Currently the monitoring device for both Town Hall buildings is set up to go to the department of Emergency Response for the County, but as of the end of December this service will no longer be available. Councilmember Toby McDonald spoke with Mike Shultz at Pleasant Valley Electric to set up a device to connect to Rapid Response (based out of Syracuse). The cost is approximately \$300 annually. It will take about an hour to do the switch over to the new monitoring.

There was a question about whether the Town has or could have a “high water” alarm in both buildings. Toby will look into whether the cost could be added in to the Rapid Response annual fee. There was also a question as to whether there is fire alarms monitored by an outside company. The fire alarms for both buildings are connected to outside monitoring through Pleasant Valley. Toby will look into all the monitoring of both the building.

Dominic Frongillo, Town Board

The Planning Board had a presentation by Debbie Teeter from Cooperative Extension.

There was continued discussion on the Industrial Site Plan Review.

The Planning Board members are required to have 4 hours training every year, so there was a discussion about bringing someone in to do the training for everyone at once.

Peter Hoyt, Town Board

no report

Linda Adams, Town Board

Watershed Committee meeting next week on Tuesday September 20, 2011. Councilmember Linda Adams thanked Chris Payne for bringing forward information in detail concerning the erosion on Six Mile Creek and 7 properties affected along the creek on Belle School Rd near Coddington Rd.

Barrille I and II (report from John Negley) that everything held up good during the flood, and they are still stabilized. Councilmember Peter Hoyt added that he noted minimal damage.

Central Chapel near the Coon Club had some dramatic bank loss. The area already has a permit to have work done in 2012. The County will be conducting work on the Boiceville Bridge and will be able to at that time use the excavator in other areas that are County funded.

Town residents with erosion or water issues can contact Soil and Water.

Town Business

Discussion and Action Topics

- Transfers (8:00)
- Approve Abstracts: Highway, General, Lighting (8:05)
- Six Mile Creek Gauge Station funding plan (8:10)
- Burns Road Speed Limit Resolution (8:20)
- Discuss Flood Plain Local Law text and set public hearing date (8:35)
- Set dates for Budget Workshops (8:50)
- Set date for Budget Public Hearing (8:55)
- Note: October 4th Town Board meeting will include a discussion of the Hydrofracking Ban resolution

Transfers

Resolution 113 of 2011

Dominic Frongillo; Seconded Linda Adams

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

\$ 1,500.00 from General Fund Account A 1460.4 Records Mgmt CE to
General Fund Account A 1410.4 Clerk CE

\$ 1,000.00 from General Fund Account A 8020.1 Planning PS to
General Fund Account A 1410.11 Deputy Clerk PS

\$ 1,400.00 from General Fund Account A 1620.2 Town Hall EQ to
General Fund Account A 1620.4 Town Hall CE

\$ 10,000.00 from General Fund Account A 1620.41 Town Annex CE to
General Fund Account A 1620.4 Town Hall CE

\$ 10,000.00 from Highway Fund Account DA 5130.2 Machinery EQ to
Highway Fund Account DA 5140.4 Misc CE

\$ 10,000.00 from Highway Fund Account DA 5130.2 Machinery EQ to
Highway Fund Account DA 5142.4 Snow and Ice CE

\$ 1,110.00 from Highway Fund Account DA 5864.4 Other (Drug Testing) CE to
Highway Fund Account DA 9050.8 Unemployment

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

Approval of Abstracts

Resolution 114 of 2011 General Fund Abstract

A motion was made by Mr. Frongillo and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 273 through 311 for \$21,544.72.

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

Resolution 115 of 2011 Highway Fund Abstract

A motion was made by Mr. Frongillo and seconded by Mr. McDonald to approve payment for the Highway Fund voucher numbers 145 through 169 for \$ 76,832.61.

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

**Resolution 116 of 2011
Streetlight Fund Abstract**

A motion was made by Mr. Frongillo and seconded by Mr. Hoyt to approve payment for the Streetlight Fund voucher numbers 16 and 17 for \$431.31.

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

Business

Six Mile Creek gauge station funding plan, see attachment 2. The funding is a partnership where 30% comes from the USDS, with the 70% coming from the Town of Caroline and various partners such as Soil and Water, the Town of Ithaca and Dryden. On occasion, we receive funding from Triad group. This information is used in applying for grants and matching funds. For example FEMA can use this information in the current emergency situation caused by the flood. The Brooktondale gauge station is the most stable in Tompkins County. The total cost for the gauge station for 2012 is approximately \$21,000.

Councilmember Peter Hoyt spoke with residents of Burns Rd and is in favor of asking the NYS DOT to place a 40MPH speed limit on Burns Road in Brooktondale. Councilmember Linda Adams said the bottom line is that the residents asked for this change in the speed limit and as a service, we should have the DOT look at it. Councilman Toby McDonald agreed. More than 40 people signed the petition and Peter spoke with about 10 who verbally reiterated their desire to lower the speed limit.

Councilmember Dominic Frongillo introduced a proposed local law (**A local law to override the tax levy limit established in General Municipal Law Section 3-c**) and to discuss a resolution to a set public hearing to override the 2% tax cap.

The proposed local law and Town Board discussion follows:

A local law to override the tax levy limit established in General Municipal Law Section 3-c**Section 1. Legislative Intent**

It is the intent of this local law to allow the Town of _____ to adopt a budget for the fiscal year commencing January 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent of said governing body.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or its application to the person, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Discussion:

Councilmember Toby McDonald does not see the positive impact of trying to override the 2% tax cap. He said all of us share the same frustration by having to follow these mandates, but he is convinced that the Town Board can come up with a budget (again) that stays under the 2% and provide the services that are needed to provide for the Town. The Town Board has done it in years past. He said he is not interested in battling the State just to send them a message. Our job, as board members is to supply services to the Town. If something comes up that is not planned for then that is why the Town has a contingency fund to access.

Councilmember Dominic Frongillo said, basically, if we keep the tax cap at 2% we would be putting ourselves in a "box" if an incidence came up that required we needed to pay more money. He said it would jeopardize our ability to carry out our fiducial obligations to tax payers in the Town of Caroline. For example if other emergency situations came up, (like the Banks road flooding and erosion issues), it would require that the Town have access to more than the 2% tax cap would allow. The Town has been very disciplined in the past about keeping the tax levy low, and having a very low increase from year to year and that process would continue. It would give us the opportunity to meet needs as they arise.

Councilmember Linda Adams said she does not see the reason behind pushing this law through when it can be brought up anytime in the future. There are many residents on fixed incomes in the Town of Caroline and we owe it to the community to keep this budget fiscally responsible. There is no doubt that Don Barber and the boards he has sat on has done a phenomenal job in keeping the budget low. But at this time raising the tax cap does not seem to be what is warranted. She wants to support the Governor in saying "enough is enough" as we are one of the highest taxed States. This is an option this board or another will have in the future if we or they choose to take it.

Councilmember Peter Hoyt agrees with what Toby had to say. He does not believe there is a business argument to be made. What the budget is set at is what we (the board) works with for the following year and it can't be changed mid-year because something comes up. Maybe once in a while the Town will have to do without something, and if there is something major that has to be attended to then we can work with what we have or turn to the contingency fund.

Councilmember Peter Hoyt wanted to go on the record that he wanted to take a vote at that time on whether or not to schedule a public hearing. If something is introduced then it should be up for vote. Councilmember's Linda Adams and Toby McDonald wanted to hear what Supervisor Don Barber had to contribute to the discussion.

Resolutions**Resolution 117 of 2011**

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

Resolved, the Caroline Town Board authorizes Councilmember Dominic Frongillo to list the Historic Town Hall library table for sale on Craig's List.

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

Resolution 118 of 2011

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

3 Year Funding of the Brooktondale Gage Station

Whereas the Gage Station provides valuable data for the monitoring and management of Six Mile Creek measuring the water flow and sediment load

Whereas there are currently 8 years of data recorded, this next 3 year block would get the project closer to the goal of +10 years of data which is the threshold necessary for scientific worth per the USGS

Whereas this data has been useful to Caroline gaining funding from local, State, and Federal sources for many of the past watershed projects and those pending

Whereas this is a jointly funded project between USGS, Town of Caroline, Town of Dryden, City of Ithaca Water & Sewer Division, Tompkins County Soil & Water, and IO (Cayuga Lake Watershed Intermunicipal Organization)

Be it resolved that the Caroline Town Board approves the next three year term 2012, 2013, 2014 Gage Station operation.

	2012	2013	2014
USGS	\$6,300	\$6,330	\$6,520
Caroline	\$14,690	\$14,780	\$15,230
Total	\$20,990	\$21,110	\$21,750

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

Resolution 119 of 2011

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

Resolved, the Caroline Town Board urges the Tompkins County Highway Manager to petition the NYS DOT to place a 40MPH speed limit for the entire length of Burn Road in Brooktondale.

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

Resolution 120 of 2011

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

Resolved, the Caroline Town Board sets a public hearing for October 11th at 7:00pm to discuss the Flood Plain local law.

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

Resolution 121 of 2011

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

Resolved, the Caroline Town Board establishes the following dates and times for budget workshops: Monday October 24th, Tuesday October 25th at 7:00pm, Monday October 31st at 7:00pm

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

Resolution 122 of 2011

Dominic Frongillo; Seconded by Peter Hoyt

Resolved, the Town Board amends resolution 117, and changes the budget workshop meetings from Monday October 24th, Tuesday October 25th and Monday October 31st at 7:00pm to Thursday October 6th, Monday October 24th, and Tuesday October 25th at 7:00pm.

Resolution 123 of 2011

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

Resolved, the Caroline Town Board will hold a public hearing on the 2012 Town, Fire Protection, and Lighting District budgets on November 1, 2011 at 7 PM at Caroline Town Hall

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

Resolution 124 of 2011

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

Resolved, the Caroline Town Board authorizes the Supervisor to send a letter of support for the County Broadband initiative.

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

Adjourned on a motion by Mr. Hoyt and seconded by Mr. Frongillo the meeting adjourned at 9:59 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk