

## **Caroline Town Board Meeting of August 10, 2016**

The Town Board Business meeting held on July 13, 2016 at the Caroline Town Hall was called to order at 7:05 p.m. by Supervisor Mark Witmer.

### **Attendance:**

Mark Witmer, Supervisor  
John Fracchia, Councilmember  
Irene Weiser, Councilmember  
Cal Snow, Councilmember  
Gary Reinbolt, Councilmember

### **Recording**

**Secretary:** Debra DeAugustine

### **Also present:**

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### **Salute to the Flag:**

### **Privilege of the Floor**

Crystal VanGaasbeck wanted to touch base about the proposed extension of the Recreation Way. She said that the feasibility study done by the county is available online. See her comments in Attachment 1.

Dan Klein said he just sent the VanGaasbeck a letter. He got a letter from Mr. VanGaasbeck, making the same points that were made tonight, so he contacted the county planning department and was told that this is a project going on in several towns, and it will be up to the town whether it goes forward, because it will be town-owned and town-maintained. The town would need to be the interface with the landowners. The ownership of the property it is in dispute. NYSEG has been paying the taxes on the property for 65ish years, but eventually a judge will decide who owns it. If the owner ends up being NYSEG, they will transfer ownership to the town.

Peter Hoyt said he was on the town board in 2008. It seemed to him that NYSEG's position was that they weren't opposed to a trail, but that all landowners would have to be okay with it. Originally, the trail was going to go to White Church Road, which is the Tioga County line. Some trail proponents announced that they were only going to go up to Middaugh Road, where the VanGaasbecks live. There are seven properties that border the trail on that segment. When the trail planners said that all the landowners were aware of the plan, Mr. Hoyt contacted them. Four of them were opposed, two were in favor, and one wasn't reached. The issue got heated in 2008, and he would urge the town board not to pursue it.

Mr. Witmer said the board is concerned also. The ownership is something to be resolved.

To a question from Ms. Weiser regarding broadband, Ms. VanGaasbeck said they were able to persuade Time Warner to run cable up their driveway. Service was already on their road, but Time Warner didn't want to run the cable up their driveway, but the VanGaaasbecks were eventually able to persuade them to. They wanted the houses to be right on the road.

Kathleen Boyd, 149 Middaugh Road, spoke regarding broadband. She said she looked at the RFP and wanted clarification of the boundaries, particularly the Danby town line to the Dryden town line on the north-south axis. She wasn't sure what area that covers. She wanted the board to understand that the access Ms. VanGaasbeck has to Time Warner is not in an underserved or

unserved area: Time Warner already ran right past the property. There was service on their street, but none from the street to their house. They had a right to get service. The service stops right before Ms. Boyd's house.

Mr. Snow pointed out that the building code is the problem. If you own a property and the utilities serving that property, but you decide to build a mile back in because you own a lot of property, you don't say it's the utilities problem for not providing you service.

Mr. Reinbolt agreed that running the line back is part of the construction cost.

### **Highway Superintendent's Report**

No report.

### **Supervisor's Report**

1. Town Hall Roof "Submittals" Meeting this afternoon at Town Hall. Update on project planning: chimney removal, roof-leveling, guttering? Still need quotes for Change-Orders from First General.
2. Budget Proposal requests for 2017 have been sent. Please note that current rate of inflation is 0.6%.
3. I will offer Tax Cap Override Local Law at September 14 Town Board Business Meeting.
4. Working with Superintendent Whittaker on PAVE NY budget adjustment.
5. Received report from Comp Alliance on review of town buildings and offices. Reviewing with departments to address concerns.
6. Attended LED Streetlight presentation by Chris Kalwara of Johnson Controls at Berkshire Town Hall on August 4. Berkshire, Richford, Newark Valley, and other rural towns are considering a group project. Need 1000 streetlights. Immediate savings, but requires that town finance the project. Discussed with Nick Goldsmith and will bring to TCCOG energy planning group for information and consideration.
7. Attended JYC meeting on August 9 with Karyn Scott:

They are reviewing proposals for youth programs for 2017 from CCE (Learning Web career exploration, Camp Coddington CIT Program, Rural Youth Services Youth Works, Rural Youth Services Youth Development), and two new programs - Ithaca Youth Bureau (JobNet Youth Employment Service), and Center for Transformative Action (Youth Farm Project). IYB and CTA will be invited to September meeting for half-hour presentation and discussion of their proposals.

Requesting continuation of funding from Caroline at present level + 2% (15,600 from 15,300).

Proposed John as our Caroline town board liaison and mentioned that Nancy now works for IYB. They approved, noting that liaison is not a voting member of JYC board. I will note that we still have a vacant rep position.

Dan Klein said re lighting dist. He's on the county env management council. Someone said there are different types of LEDs, might be good to check with Steve Nicholson.

He noted that TCAT fall service will be back to normal. They are more or less fully staffed again.

Sheriff: county is considering the idea to change sherrif from elected to appointed. It would be on the ballot as a proposition. He doesn't think it will get that far. Sheriff is not running again so he was hoping it would get on the ballot.

Ms. Weiser said it would be interesting to identify where the streetlights are in town and find out which ones are needed for safety, and for the ones that aren't, figure out why they are there. A couple years ago a resident on Brooktondale Road was questioning why a light was needed.

Mr. Hoyt said there are two set of lights: the ones at intersections are DOT lights, and the others are more or less options. Someone must have requested them at some point.

Mr. Klein said he's on the county's environmental management council and they had a presentation three months ago about streetlights. The presenter was talking about the different types of LEDs, and Steve Nicholson was there. It might be worthwhile to talk to him. Mr. Klein reported that TCAT will be back to fall service by tomorrow. They are more or less fully staffed after a big recruitment campaign. He also mentioned that the county is considering the idea of changing the sheriff from an elected to an appointed position. If that were to happen, the county legislature wouldn't make the decision; it would be put on the ballot as a popular referendum. However, he's pretty sure that won't happen; there was not enough support in the county to bring it to that level.

### **Department, Committee & Liaison Reports**

Ms. Weiser did not have a committee report. She recently talked to Bob Kenyon about the Cooper cemetery situation. He said there's some confusing stuff going on with the state and that they're not allowing him to incorporate. He's had Guy Krogh involved in the negotiations. The state is saying he doesn't have enough money, and yet he has to turn people away, because he doesn't have the certification yet to have full burials. He has been able to do cremations. She thought it might be worth having a meeting with members of the town board, the cemetery rep from the state, our attorney, and Mr. Kenyon to get it ironed out.

Mr. Witmer said there was a communication with Mr. Krogh's office, and we were apprised that there was a catch-22. The state would give funding to make the cemetery viable, but it's not viable, so they're not going to do it. He asked whether the board wanted to step up and advocate, so the state is working on it. The message he got was to wait and see what the decision is.

Ms. Weiser said that Mr. Kenyon is feeling frustrated because there are people who want to do full burials, which would be a source of revenue for him, but he has to turn them away because the state hasn't allowed them to incorporate yet because they don't have enough money, and yet the only way they'll have money is by providing service. Meanwhile, they're mowing and maintaining the grounds for free. The intent was that this was going to save the town money by having them maintain it.

Mr. Witmer will follow up with Mr. Krogh and Mr. Kenyon.

## **Discussion and Action Topics**

### **Update and Discussion of Broadband Planning**

#### **Opening of Proposals**

Mr. Witmer opened the two proposals at the meeting. The results follow:

Haefeli: \$420,975 total project cost, with a \$336, 575 contribution from the town.

M&A Technology Incorporated: \$4,875,000 one-time project fees, plus monthly fees of \$62,000.

#### **Discussion**

Mr. Reinbolt said there is a set of language in the bid process that allows for special expertise for these high-end technology issues, where, while price is a consideration, it's not mandated to be the sole consideration. Mr. Reinbolt said that this is not a bid; it's a proposal. When we get to issuing a contract, we'll determine the terms of payment, what will be satisfactory in terms of determining when the project is finished, etc. Cash flow is determined by revenue, and while we have some of this revenue in hand, there are other aspects that are still in negotiation. Traditionally it's broken down into four payments.

Mr. Holt pointed out that the town contribution in the Haefeli proposal represents 25% of the town's yearly budget.

Ms. Weiser said the town has either in the bank, or promised, close to \$200,000 already toward the project, and the state is having other rounds of funding opportunity.

To a question from Mr. Hoyt, Mr. Reinbolt said that Chuck Bartosh was the recipient of a broadband grant from New York State; whether or not he's collected his compensation for that is beyond the board's knowledge. He was unable to complete what he proposed; he abandoned it in the end because he had to meet another grant deadline, so the Town of Caroline has not paid out any funds to Mr. Bartosh.

Mr. Reinbolt said he could have an analysis of the proposals by Monday, so there could be a committee meeting on Thursday, August 18<sup>th</sup> at 7:00. They'll put out a notice.

Ms. Boyd asked what the north-south axis is.

Mr. Reinbolt said the proposal has to cover an area from the Danby town line to the Dryden town line, then over to the Richford town line. It travels along the town line and east of it. We're not asking them to overlap Time Warner; they should take over where Time Warner ends.

Underserved and unserved are terms derived from the grants that are going out; they are predicated on the concept of a census square. Under the previous grants, if you had one person in a census square, you were served. Under those rules, everyone in the Town of Caroline was served.

Ms. Weiser added that we're trying to provide coverage to houses that don't have coverage, and we're not hung up on the definitions.

Mr. Reinbolt said that a complicating factor is that Time Warner just merged with Comcast and they have been mandated to run past 150,000 new households that are currently not served, and it

is most logical for them to start where they end and just continue to extend, which is where Ms. Boyd is. In his opinion, government money shouldn't be used to bring a competitor into an area that's already served, so we need to be careful not to specify those areas in the contract.

Mr. Witmer added that the town is aware that people on Middaugh Road are in a difficult situation, so we'll be working with whomever we pick to make sure the issue is addressed.

### **Feedback on Draft Recreation Partnership Agreement for 2018-2022**

Mr. Witmer said the agreement suggests they "periodically evaluate the performance of its providers," and he would prefer that it specify evaluation at some regular interval, like annually.

Ms. Weiser has heard that the enrollment in the Town of Caroline is fairly small.

Mr. Witmer said the enrollment in 2015 was 105; in 2009 it was 347. It may be a demographic shift.

Mr. Fracchia said the program not only serves youth, but that certain things are open to adults at a reduced rate; some community awareness is warranted. It would be helpful to talk to the committee, to see what they identify as needing to be addressed, or whether it's working well as written.

Mr. Hoyt said he was on the committee when he was on the town board, and he thought the timing of the renewals were such that it was a disincentive to bail out. You pay a year in advance. The discount available to Caroline is tiny compared to the other costs of participation, primarily transportation. The big thing for the families who don't live nearby is getting back and forth. He wasn't sold that participation in the Rec Partnership is a good buy for the town.

Mr. Witmer's recommendation is to hold off on feedback. The agreement starts in 2018.

### **Resolution Affirming Town Insurance Process**

#### **Discussion**

Mr. Witmer stated that there was an accident and there was an understandable desire to resolve it swiftly. This resolution is not a rebuke or criticism of anyone involved in the accident. We had a resolution to pay for the damages to the motorcycle, but he realized that we needed to go through the town insurance process.

#### **Resolution 2016-xxx Affirmation of Town Policy for Handling Accidents—Tabled**

Moved by Mark Witmer; seconded by Irene Weiser

Whereas the Town maintains insurance policies to provide financial coverage for accidents; and

Whereas the Town is a member of the New York Municipal Insurance Reciprocal (NYMIR) under which liability risk is managed by Wright Risk Management; and

Whereas evaluation of accidents by the insurer and risk management company provides an objective evaluation of cause and assignment of responsibility; and

Whereas objective assessment of accidents by the insurer provides constructive information for minimizing future accident risks; and

Whereas processing of accident claims through our insurer provides transparency in government

operations and maintains public confidence in town process;

Therefore be it Resolved, that any claim against the Town for accidents shall be reported by an Incident Report submitted to the Town's insurer with key details (date, time, names of involved parties, location, and a written narrative of incident with as much detail as possible), with photographs of damage and accident site, if pertinent; and;

Be it further Resolved, the accident will be immediately reported to the Town Supervisor and Insurer; and

Be it further Resolved, that personnel involved in accidents shall provide their testimony regarding the accident without assignment of responsibility; and

Be it further Resolved, that the Caroline Town Board rescinds Resolution 2016-106.

The board agreed that the attorney should look this resolution over before it's voted on, and that in the future, agendas should be sent to Mr. Krogh. Mr. Witmer moved and Mr. Fracchia seconded tabling the resolution. Unanimous.

### **Resolution Supporting Public Transportation and TCAT**

#### **Resolution 2016-112 Supporting Public Transportation and Tompkins Consolidated Area Transit, Inc. (TCAT)**

Moved by Mark Witmer; seconded by Irene Weiser

Whereas TCAT operates a public transit service in Tompkins County that provides an essential transportation means for all residents, but is especially critical for people without automobiles who are often of limited means; and

Whereas use of public transportation reduces vehicle congestion on our roadways and as a consequence, promotes livable communities that are less impacted by traffic; and

Whereas use of bus transit will only grow if it offers reliable, regular service for commuters; and

Whereas building participation by the public in bus transit and other forms of public transportation is essential to reducing carbon emissions and meeting essential greenhouse-gas-reduction goals; and

Whereas TCAT has been forced to reduce service because of fiscal constraints and a shortage of drivers; now therefore be it

Resolved, the Caroline Town Board encourages all municipalities in Tompkins County to promote use of public transportation, for instance, by insuring that Park-and-Rides meet demand; and

Further Resolved, the Caroline Town Board urges decision-makers at all levels to recognize and financially support public transit; and

Further Resolved, a copy of this resolution shall be sent to all municipalities in Tompkins County, United States Senators Gillibrand and Schumer, United States Congressman Reed, Assemblywoman Lifton, NY State Senators Seward, O'Mara, and Nozzolio, New York Governor Cuomo, and President Obama.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

**Fund Transfers****Resolution 113 of 2016**

Motion made by Mark Witmer; seconded by John

**Be It Resolved the Caroline Town Board makes the following 2016 Fund Transfers**

- \$ 1000.00 from Highway Fund Account DA5130.4 Machinery CE to General Fund Account A5132.2 Garage Equipment
  
- \$ 800.00 (2015 Encumbered Funds) from General Fund Account A1410.4 Town Clerk CE to General Fund Account A1410.101 Deputy Clerk PS
  
- \$ 675.00 from General Fund Account A7310.1 Youth Services PS to General Fund Account A7310.4 Youth Services CE
  
- \$ 10,000.00 from Highway Fund Account DA5142.1 Snow Removal PS to Highway Fund Account DA5112.1 Improvements PS

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

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**Approval of Abstracts****Resolution 114 of 2016****Streetlight Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the Streetlight Fund voucher number 142 to 160 in the amount of \$38,637.41.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

**Resolution 115 of 2016****General Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the General Fund voucher numbers 247 to 271 in the amount of 14,315.08.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

**Resolution 116 of 2016****Highway Fund Abstract**

A motion was made by Mark Witmer and seconded by Gary Reinbolt to approve payment for the

Highway Fund voucher numbers 15 and 126 in the amount 568.34.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

### **Approval of Minutes**

#### **Resolution 2016-117 Minutes of May 11, 2016**

A motion was made by Mark Witmer and seconded by John Fracchia to approve the minutes of May 11, 2016.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

#### **Resolution 2016-118 Minutes of June 7, 2016**

A motion was made by Mark Witmer and seconded by Gary Reinbolt to approve the minutes of June 7, 2016.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

#### **Resolution 2016-119 Minutes of June 15, 2016**

A motion was made by Mark Witmer and seconded by John Fracchia to approve the minutes of June 15, 2016.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

#### **Resolution 2016-120 Minutes of July 5, 2016**

A motion was made by John Fracchia and seconded by Gary Reinbolt to approve the minutes of July 5, 2016.

**Adopted** Fracchia: Aye; Snow: Aye; Weiser: Aye Reinbolt: Aye Witmer: Aye

### **Executive Session**

A motion was made by Gary Reinbolt at 8:53 p.m. and seconded by John Fracchia to enter executive session to discuss the personnel history of a particular person.

A motion was made by Mark Witmer at 10:50 to re-enter open session.

### **Adjournment**

On a motion by Mark Witmer, the meeting adjourned 10:50 p.m.

Respectfully Submitted,

Debra DeAugustine