

Caroline Town Board Business Meeting of September 13, 2017

The Town Board Business meeting held on September 13, 2017 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Mark Witmer.

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Attendance:

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

Also present: Bruce Murray, and Frank Proto were members of the public attending the meeting.

Privilege of the Floor

Frank Proto- Would like to ask for help from the Board. There is a program called the Southern Tier Agriculture Industry Enhancement Program. There is 25 million dollars allotted for the program for agricultural needs, but there are stipulations.

Owners, like Frank who lease their property to others are not eligible for this program. People, who are owners of the agricultural farm land but who are not “physically” tending the land (even if the lessee is) they are not be available for this funding. Frank is suggesting a Town Program for people who lease land that can get agricultural tax relief. Frank is also asking the Town Board to look into a program for incentives for the owners to be able to afford to keep the land open. Possibly a Town Board member team, who can look into State and Federal programming that takes into consideration special circumstances of the land being farmed, even if not by the owner. In Frank’s case if he puts in drains, etc he is not eligible for the Southern Tier Agriculture Industry Enhancement Program.

Bruce Murray- He and many others in the area are Tree Farmers. They also don’t receive any of the money through the program Frank Proto was discussing.

Councilmember Weiser spoke with Jay Franklin about giving incentives to large land owners.

Farmland in Tompkins County total - \$729,000,000 Councilmember Weiser also suggested an Agriculture Committee made up of farm land owners in the Town of Caroline.

Councilmember Snow- Spoke about bigger free scale farms and targeted issues. He said if you don’t make a certain amount of money in the farming industry then you don’t qualify for certain incentives or breaks.

Reports

Cindy Whittaker, Highway Superintendent

Roadwork

Replaced two cross pipes on South Road

24”x40’ & 24”x50’

Replaced cross pipe on Smith Rd

24" x 50'

Ditched & replaced three driveway culverts

Paved N. Landon 0.18 miles /shared services with T/O Dryden project

Besemer Hill Rd 0.12/ shared services with T/O Dryden project

Placed shoulders on Brearly Hill, Shindagin Hollow and Central Chapel Road/ s hared services with Tompkins Co., T/O Danby, T/O Lansing, T/O Groton

Removed large tree stump and graded Vandemark Road

Graded Speed Hill Rd,

Hydro seeded sections of road ways that had been previously ditched-shared services Tompkins Co. Soil & Water

Cutting Brush, mowing roadsides and filling potholes.

Finishing pipe headers on N. Landon & Landon Rd in the next few weeks

Hauled and stock piled this winter's sand and hopefully have a start on the following year.

Misc.

Have had numerous issues the past month with our phones and the internet, which the fuel pump and printer is also tied into. It just so happened yesterday when Frontier was in my office trying to figure out again what was causing the problems Joie from the computing center arrived .I'm not sure what they did besides follow wires out of the building ,plug and unplug wires, everything is working at the moment.

I 'am currently working on my budget along with gathering paperwork for the chips reimbursement. Total reimbursement for 2017 should be \$239,469.37

FYI The seasonal section of Speed Hill has become an illegal dumping site, if someone sees something they need to call Tompkins County Solid waste and speak with Paul Cowles (273-6632)

The 2012 Dodge 2500 pick-up is ready to go to auction in October.

William Case has officially retired as of September 11, 2017

Free rabies vaccination clinic for dogs, cats, and ferrets will be held at the Highway Department Wednesday, October 4th from 7pm to 9pm.

paved. Working on brush that needs to be removed.

Mark Witmer, Town Supervisor

- Tompkins County Shared Services Panel. The Panel's report (Correspondence File) was endorsed by the county legislature and unanimously approved by the panel of 16 mayors and supervisors on September 6th. The plan identified six opportunities:

- 1) creation of a TCCOG Training Academy to provide trainings for local governments,

- 2) Service Modernization Plan (Laserfiche software to facilitate records management),
- 3) creation of a purchasing pool for financial software for local governments,
- 4) development of a county-wide mass notification system,
- 5) creation of a purchasing pool to facilitate conversion of streetlights to LED fixtures, and
- 6) expansion of GTMHIC with addition of Newfield and Homer.

- Caroline was designated as a Clean Energy Community on September 5, 2017 with completion of our four High-impact Action Items: completed a community Solarize Program, established a Benchmarking Policy for town buildings, adopted New York State Unified Solar Permit, and completed Energy Code Training for new construction with Code Officer Kevin McMahon. By being among the first municipalities to accomplish designation, we have qualified for a \$100,000 NYSERDA grant. We now have 90 days to submit a proposal for the grant. Guidelines: produce greenhouse gas reductions, transferable to other towns/communities, innovative, effective. We invite ideas. I've proposed a Revolving Green Fund - an endowment that would fund energy improvements that would pay for themselves through the energy savings. Terry Carroll and I met with Carol Chernikoff at Alternative Federal Credit Union to discuss mechanisms. Energy Independent Caroline will be meeting on Thursday September 21 to discuss proposals.

- Work proceeding on review and revision of Subdivision and Site Plan Review Laws with goals of timely greenhouse gas reductions and water conservation. Two public meetings have been held. We will immediately be posting a page on the town website under Current Topics with key documents and meeting minutes. The third public meeting will soon be announced.

- Buffalo Road Creek II engineering document and RFP near completion: will bid this fall and commence work in spring.

- Additional town hall parking and ev-charge station. Permit completed with Tompkins County. Site preparation estimate from Pleasant Valley Electric.

- Visited Crispell Garage with Mr. Snow, Mr. Fracchia, and Mr. McMahon on 7 September to assess as possible site for Caroline Highway. Alton Ainsley and Dan Walker from LaBella joined us. Impressive, with opportunities for additional highway units, maintenance and repair facilities, office space, conference room with kitchen, and many bathrooms. Will require further re-search and discussion with the county and Dryden as the property is in Dryden and is over-sized for us.

Dan Klein, County Representative

Absent

Marilou Harrington-Lawson, Town Clerk

No Report

Cal Snow, Town Board

No Report

Gary Reinbolt, Town Board

No Report

Irene Weiser, Town Board

No Report

John Fracchia, Town Board

No Report

Resolutions

Override Tax Cap Local Law

A motion was made by Mark Witmer and seconded by John Fracchia

Resolution 119 of 2017

Town of Caroline, County of Tompkins

Local Law No. 2 of the year 2017

TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Town of Caroline as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Caroline, County of Tompkins pursuant to General Municipal Law §3-C, and to allow the Town of Caroline to adopt a Town budget for (a) Town purposes, and (b) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2018 and ending December 31, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes 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: Tax Levy Limit Override

The Town Board of the Town of Caroline, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-C.

Section 4. 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.

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

Discussion: The Board discussed working on the 2018 Budget and having a goal to stay under the 2 percent tax cap but also (the reason for the Law) is to allow the option, if need be, to go over it.

Resolution 120 of 2017

Joining an Article 78 Proceeding Challenging DEC Permitting for Cargill Mine Shaft #4 because of Insufficient Environmental Review.

A motion was made by Mark Witmer and seconded by Gary Reinbolt

WHEREAS, the Town of Caroline recognizes that Cayuga Lake is a natural resource of tremendous economic and social value in our area for fresh water supply, fish and wildlife habitat, and recreation; and

WHEREAS, on August 16, 2017, NYSDEC issued Cargill a permit to construct Shaft #4, without considering that it will connect to, and enable expansion of, Cargill's salt mining operations under Cayuga Lake; and

WHEREAS, in 1975 New York enacted the State Environmental Quality Review Act (SEQRA), providing a process to systematically consider environmental factors early in the planning stages of projects that are directly undertaken, funded or approved by local, regional and state agencies; and

WHEREAS, environmental review early in the planning stages allows a project to be vetted, and modified as needed, to avoid adverse impacts on the environment¹; and

WHEREAS, SEQR discourages the “segmentation” of projects, meaning that the environmental review of a single action or project should not be divided into various activities or stages as though they were independent, unrelated activities, resulting in a less complete environmental review than would be required for the single action or project²; and

WHEREAS, separate of evaluation of environmental impacts of shaft construction and mine expansion at Car-gill is segmentation;

WHEREAS, “the majority of salt mines succumb to collapse and flooding”, leading to increased lake salinity and potentially catastrophic effects at ground level^{3,4,5}; and

WHEREAS, the 1994 collapse of the Retsof salt mine in Livingston County provides an example of various adverse impacts and some of the factors implicated in a major salt-mine collapse of similar geology to the Cargill Salt Mine^{6,7}; and

WHEREAS, the “carbonate beam supporting the overlying rocks in the area north of the present mine under the Cayuga Lake has been eroded out or greatly thinned,” resulting in “a geological condition with more risk than the Retsof mine was in before it collapsed”^{6,7}; and

WHEREAS, there are unreviewed adverse impacts that involve various ways in which substantial quantities of salt would be brought into contact with local water resources, not only during current mining operations but also during the post-operational period after the mine is closed and abandoned; and

WHEREAS, these and other potential adverse impacts on the environment are clearly reasonably related to the proposed activity and have not been considered under SEQR; therefore be it

RESOLVED that the Town of Caroline shall join an Article 78 proceeding with other local stakeholders to re-request proper environmental review under SEQR of Cargill’s Mine Shaft #4 Project as part of Cargill’s salt mining operations under Cayuga Lake, and further

RESOLVED that a copy of this resolution be forwarded by the Town Clerk to Governor Andrew Cuomo, NYSDEC Commissioner Basil Seggos, Senator James Seward, Senate Leader John Flanagan, Senate Minority Leader Andrea Stewart-Cousins, Assemblywoman Barbara Lifton, Assembly Speaker Carl Heastie, Assembly Minority leader Brian Kolb, and Tompkins County Legislature Chair Michael Lane.

Literature Cited

1 6 NYCRR Part 617; SEQR Handbook, 3rd Edition, 2010, Introduction.

2 6 NYCRR617.2(ag); SEQR Handbook, 3rd Edition, 2010, Ch. 2.

3 Berest, P., Brouard, B, and B. Feuga. 2004. Dry Mine Abandonment. Solution Mining Research Institute Tech. Conference Paper. <http://www.brouard-consulting.com/sites/default/files/smri-wichita.pdf>

4 Michalski, A. 1/31/17 comment letter to DEC.

5 Vaughan, R. 12/9/16 comment letter to DEC.

6 Ferguson, A. and J.K. Warren. 8/16/17 response to Cathles' second open letter to Gov. Cuomo.

7 Kappel, W.M., Yager, R.M., and T.S. Miller. The Retsof Salt Mine Collapse. USGS. <https://pubs.usgs.gov/circ/circ1182/pdf/14Retsof.pdf>

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

Discussion- Councilmember Snow feels “we are not a dog in the fight”, that this is the business of Tompkins County that should be taking up with Lansing, etc, and not Caroline’s business.

Councilmember Reinbolt- Discussed who pays out if the mine collapses?

Councilmember Fracchia- Some of our work for the Town is aspirational and involves situations in other areas.

Councilmember Weiser- The State isn’t doing their job. The Lake effects the eco system. Under the lake is State property so they don’t pay taxes on the land under the lake. State is getting a really, good price on road salt. It is the largest private owned corporation in the State.

Supervisor Witmer- A large scope and a large magnitude.

Resolution 121 of 2017

Budget Adjustment

A motion was made by Mark Witmer and seconded by Gary Reinbolt

Whereas, New York State has increased the 2017 allocation of funding to Caroline for CHIPS, PAVE, and EWR beyond the amount of \$145,700 in the 2017 budget; therefore be it

Resolved, the Caroline Town Board makes the following 2017 Budget Amendment:

\$93,769.37 Increase Highway Fund Acct. DA5112.2 Expenditures, Capital Improvements

\$93,769.37 Increase Highway Fund Acct. DA3501 Revenue, State Aid, CHIPS

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

Resolution 122 of 2017

A motion was made by Mark Witmer and seconded by Gary Reinbolt

Supporting adoption of a local law to override the property tax cap for the 2018 budget.

Whereas, in 2012 New York State enacted the “Property Tax Cap,” limiting property tax increases to the lesser of 2% or the rate of inflation; and

Whereas, revenue-sharing (of state revenues with municipalities) has dramatically declined over the past 25 years; and

Whereas, mandates for services have steadily increased without provision of funding (go to <https://stopthetaxshift.org/mandates> for a comprehensive list with explanations); and

Whereas, the Tax Cap is arbitrary and cannot take into account unanticipated changes in local circumstances; and

Whereas, the town board’s responsibility in establishing the annual budget is to provide for services needed by the Town’s residents in a fiscally prudent manner; therefore be it

Resolved, in order to provide necessary flexibility to develop a responsible 2018 budget, the Caroline Town Board adopts Local Law #2 of 2017 to Override the Tax Levy Limit Established by General Municipal Law 3-C.

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

Resolution 123 of 2017

A motion was made by Mark Witmer and seconded by Gary Reinbolt

Authorizing Auction of 2012 Dodge Pickup Truck

Whereas, purchasing and retirement of pickups in the Highway Department’s fleet is done on a regular schedule to maintain a working fleet in a cost-effective manner that minimize expenditures on repairs and maximizes resale value; and

Whereas, the town has recently purchased a (white) 2017 Dodge Ram 2500 pickup truck (Ser. No. 3C6TR5DTXHG737306); therefore be it

Resolved, the Caroline Town Board authorizes the Highway Superintendent to sell the town’s 2012 Dodge Ram 2500 (Ser. No. 3C6LD5ATXCG299494) at auction.

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

Resolution 124 of 2017

A motion was made by Mark Witmer and seconded by Gary Reinbolt

Adjustment of 2017 Budget

Whereas, New York State has increased the 2017 allocation of funding to Caroline for CHIPS, PAVE, and EWR beyond the amount of \$145,700 in the 2017 budget; therefore be it

Resolved, the Caroline Town Board makes the following 2017 Budget Amendment:

\$93,769.37 Increase Highway Fund Acct. DA5112.2 Expenditures, Capital Improvements

\$93,769.37 Increase Highway Fund Acct. DA3501 Revenue, State Aid, CHIPS

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

Approval of Abstracts

Resolution 125 of 2016

Streetlight Fund Abstract

A motion was made by Mark Witmer and seconded by Gary Reinbolt to approve payment for the Streetlight Fund voucher number 17 through 18 for \$616.30

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

Resolution 126 of 2017

General Fund Abstract

A motion was made by Mark Witmer and seconded by Gary Reinbolt to approve payment for the General Fund voucher numbers 233 through 265 for \$42,014.70.

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

Resolution 127 of 2017

Highway Fund Abstract

A motion was made by Mark Witmer and seconded by Gary Reinbolt to approve payment for the Highway Fund voucher numbers 135 through 167 for \$ 71,961.62.

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

All in favor

----Adjourn----

Adjourned on a motion by Gary Reinbolt and seconded by John Fracchia at **9:00** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk

DRAFT

