

**Caroline Town Board Meeting**  
**Tuesday, June 11, 2013**

Board Members Present: Don Barber, Irene Weiser, Aaron Snow, Linda Adams

Don Barber called the meeting to order at 7:02 p.m.

**Privilege of the Floor**

Mark Witmer reported that the Solarize campaign is finishing; Saturday is last day for free, non-binding enrollment. At least 230 people have enrolled. He said it would be hard to say how many potential kilowatts that will be because they don't know how many enrollees will sign contracts. For electric, there are 20 contracts out and nine have been signed, for just over 50 kw. People are excited about the program.

**Highway Superintendent's Report**

Irene noted that there was no report from the highway superintendent.

**Supervisor's Report**

There was no correspondence of note.

1. Extension from NRCS for 600 Road stream bed and bank stabilization is working through their system
2. Beth Harrington is a certified Workplace Violence trainer and has offered to help Caroline with meeting training requirements

**Report from Aaron Snow**

Aaron reported on the Youth Commission. There was a meeting just before the town board meeting to talk about the intermunicipal youth development program between the towns of Caroline, Enfield, Danby, and Ithaca, and the village of Lansing. They're looking to pool resources in this time of shrinking funds and do joint programming. There will be a meeting next Wednesday evening with reps from each municipality. The program will start in 2014 and there will be a three-year commitment. Caroline would have to contribute \$15,000, which is a \$1000 increase over the current contribution.

Aaron noted that a report from Penny Boynton, manager of the Caroline youth program, is in the correspondence file.

**Report from Irene Weiser**

The Watershed Committee had a great joint meeting with CSI called What's in Your Watershed? This was an educational forum to talk about towns involved in water sampling in the creeks, especially erosion problems. Barry Goodrich talked about the creek restoration work that's been done in Caroline; Roxie Johnston from the city talk about how what we do upstream impacts them downstream, and Angel Dybas from Tompkins County Soil and Water talked about what homeowners can do on their own properties to help mitigate stormwater runoff, like using rain gardens and rain barrels. Mr. Goodrich will give a walking tour of the completed stream restoration projects this Saturday.

The Aquifer Protection Committee continues with two meetings per month. They're looking at laws from other towns. She commented that the committee is in need of a serious note taker and wondered whether there was any money in the budget to hire someone.

Don responded that if it went under stream work, there's \$1183 left in the budget. The town has spent money for CSI out of that line.

Irene wondered if the board could ask the highway superintendent for permission to transfer funds from her budget since she went the first half of the year without an assistant. Don responded that we typically don't take funds from someone else; Cindy would have to be convinced to transfer them.

Linda suggested that the board float a request to the Watershed Committee for using funds from line A8710.4, adding that they typically have a lot of input about expenditures from that budget line.

CIT Committee: Irene said that communication is still not very smooth between the town and the company hired to do IT. They have changing personnel and it has been a challenge; we don't know if it will be ongoing. With their business model, they don't have a single person who responds to calls, but rather rotating staff who just log information into our data file when problems occur. She talked with John, the director, and they will try to work out a solution.

Linda thought it was part of the original contract concept, promoted as a positive that there wouldn't be just one individual, but a whole team responding to issues.

Irene responded that there are pros and cons. It came down to a choice between this team and an individual, and the committee thought they were both very qualified. The committee would have felt comfortable, from a technical standpoint, that either one would have been able to handle the job. The town clerk made it clear that working with one individual who isn't always available is challenging. She was concerned about availability.

Linda asked how having more people was adding a wrinkle that wasn't anticipated.

Irene responded that communication within their team is poor. When Marilou calls them about something needing to be fixed, there's no follow through. Things are not well coordinated.

Broadband: Irene reported that the committee will be meeting later this week to discuss possible ideas on what might work.

Emergency preparedness: Irene reported that she was at the Speedsville fire company for their departmental meeting because of their interest in the unsafe buildings law. They are very supportive of this law for the ways it will enable them to address buildings that are in disrepair and pose a hazard. The chief wants the building code officer out there to inspect some buildings; some are old houses that are unoccupied.

## **County Legislator's Report**

Health and human services committee: Mr. Proto reported that about ten years ago when he was vice chair of the Board of Health, they started a needle exchange program (now called syringe exchange program). This brought on lots of controversy, especially from his side of the aisle. It's harm reduction. The idea was to reduce the incidence of hepatitis C; there was also a concern about HIV. In a status report given today on the program's effectiveness, the hepatitis C rate is down and HIV is more under control. They have collected 1.5 million needles and have given out 1 million needles. That's just in Tompkins County. The incidence of heroin use has gone up severely in this county. It's cheap and available. The program has worked very well because of the kits they give out with the needles. An individual is given a card when they sign on to the program that says he or she is entitled to have the syringe and liquid in the needle, but that liquid found anywhere else on their person makes them subject to arrest. The state DOH helps fund the program, along with the Centers for Disease Control. The local office is across from Wegman's. He's very supportive of it still: it has saved lives and to get in the program, you have to receive education about it. Over 300 people in any one year are taking advantage of the program. They just got funding from the state for a mobile unit, which will be delivered in 30 days. Back in the day, dumpster diving was a way of life. The incidence of needle sharing has gone way down.

Foodnet: Mr. Proto said that lots of people in Caroline and Danby take advantage of this program. They serve about 100 meals per day at each of the five sites. They were hit by the sequester, and lost about \$9000. They have to trim the budget by about \$75,000. Mr. Proto commented that this is not the time to cut back on people's food. Foodnet will have more fundraisers and try to get more community and organization sponsors. For some people, this is the only warm meal they get in a day. A meal costs \$8; no one is required to pay, but each person is encouraged to make a donation if they can. Cooperative Extension got behind these programs and the farmers' markets are starting up. The Ag and Farmland Board helped start a lot of markets around the county and they might be able to get some food from them.

Grievance day: The committee considered seven parcels, belonging to five people. They made recommendations on five of the parcels, recommending that the other two be left as is. He did not know what the final outcome was.

Broadband: Mr. Proto stated he found out that Frontier received \$71 million to do broadband. In an attempt to shake some money out of them, he dropped them a line, letting them know that the town of Caroline is short \$750,000 to finish.

Medical marijuana: The state assembly passed their version of the bill. It is fraught with problems. Both the mental health commissioner and the head of the drug and alcohol council are opposed to the bill's passage because there's no way to control the access. The county would be responsible for monitoring it.

Health exchanges: He's been pushing to make sure people understand that they have to have health insurance by January 2014 or else they'll be fined; the initial fine is \$95, plus a percentage of the individual's adjusted gross income, and the person still won't have insurance. That's the first year. DSS has been approved to be navigators for Medicaid recipients. They'll go through the training between now and August. The Chamber of Commerce, COFA, and the Human Services Coalition will also be health navigators. The concern is that if people don't know what their options are, they'll miss the boat. The problem he sees is that a lot of seniors will be confused because the information is overwhelming. If

you're employed, the employer might opt to give you a credit rather than continue providing insurance since it might be cheaper for the employer. Irene asked whether there will be community programs to inform people. Mr. Proto responded that the question is: will there be sites? Establishing a road show would be the ideal solution, and the Health Planning Council might be the best one to pull that off. He will probably be working with Betty Falco at the Health Planning Council.

**Resolution No. 2013-102: Mileage reimbursement**

Moved by Don Barber; seconded by Aaron Snow

Be it resolved that the Caroline Town Board hereby rescinds resolution No. 50 of 2013 and replaces it with a mileage reimbursement for town officials and town employees for the use of their personal vehicles for town business at the rate of \$0.565 per mile.

Vote

Ayes: Barber, Weiser, Snow, Adams

**Resolution No. 2013-103: Highway Abstract**

Moved by Don Barber; seconded by Irene Weiser

Resolved, the town board approves the highway abstract in the amount of \$20,670.24.

Vote

Ayes: Barber, Weiser, Snow, Adams

**Resolution No. 2013-104: Streetlighting Abstract**

Moved by Don Barber; seconded by Irene Weiser

Resolved, the town board approves the streetlighting abstract in the amount of \$523.20.

Vote

Ayes: Barber, Weiser, Snow, Adams

**Resolution No. 2013-105: General Abstract**

Moved by Don Barber; seconded by Irene Weiser

Resolved, the town board approves the general abstract in the amount of \$13,472.45.

Vote

Ayes: Barber, Weiser, Snow, Adams

**Resolution No. 2013-106: Snow and Ice Agreement**

Moved by Don Barber; seconded by Aaron Snow

Resolved, the town board authorizes the town supervisor to sign the Snow and Ice Agreement with Tompkins County.

Vote

Ayes: Barber, Weiser, Snow, Adams

Don explained to Aaron that it's hard to judge your winter – you might end up not doing a lot of snowplowing and making a ton of money or doing a lot of snowplowing and losing money – so many years ago, they decided to go with time and material instead of with a contract. Caroline was one of the first towns to go that way. The board revisits it every three years, but it has worked out well.

### **Discussion regarding language for the Town Hall spring signage**

A couple suggestions came from NYMIR. Don said he liked the shortest one the best; Linda and Irene agreed. Aaron prefers not to have a sign. Linda commented that the issue has come up in years past. Folks are using that water source for their potable water, and although we're not telling them to do that, a sign is a good idea from a risk management point of view and so that people understand that it's all natural. She doesn't think risk has necessarily gone up, but that it's more of a cultural change in our society in general – that people want reassurance and since we can't give them reassurance, with this sign, we are telling them that it's natural. We're not making any claims of quality or health benefits.

Don said that there are lots of risks out there that the town is involved in, many that we might not know about, and when people bring a concern to the board's attention, we need to at least consider it. People have brought a concern more than once over the years. There was a local citizen who, in all the best interest, painted the pipe because it looked kind of ugly; someone subsequently knocked on Don's door wanting to know whether the water was drinkable. With this sign, the town is letting people know that we can't take any responsibility for it, but that it is natural spring water.

Aaron stated that it's a drag that the town has to pay for the sign. He was also concerned that the sign could get damaged and wondered how to place it to prevent that from happening.

Don responded that it would have a plexiglass cover so someone couldn't get to it.

Linda added that because the spring is in a municipal parking lot, there's an informal expectation that the town of Caroline is certifying that it is like Perrier.

### **Resolution No. 2013-107: Establish Language for Town Hall Spring Signage**

Moved by Don Barber; seconded by Irene Weiser

Resolved, the sign at the spring outside the Caroline Town Hall will read: "Natural Well Water. Use at Your Own Risk."

Vote

Ayes: Barber, Weiser, Adams

Nayes: Snow

### **Discussion Regarding the Subdivision Application Fee**

Irene made a procedural point that the resolution was written on the agenda, but not provided as an attachment, so the public had not had a chance to review the resolution previous to the meeting. Irene offered a motion to table the resolution, which Don seconded. All board members voted in favor.

### **Discussion of a Local Law Regarding the Building Code**

Don stated that this has been referred to as the “unsafe building law,” but that’s not what it is. It’s the administration of the code enforcement law code and embellishment and improvement of the process that already exists. The statement about unsafe buildings has always been in the law – it’s just that the process for the code officer and then the public has been articulated and is compliant with current Supreme Court and New York State Court of Appeals rulings. That’s the change that’s been made. Other than that, we included our floodplain and stormwater regulations as something the code officer administers as part of the building code.

### **Resolution No. 2013-108: Adopting a Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code**

Moved by Don Barber; seconded by Aaron Snow

Resolved, the Caroline Town Board hereby adopts Local Law No. 1 of 2013 entitled: “A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE”. This local law supersedes all and any prior rules, regulations, Ordinances and local laws of the Town of Caroline pertaining to the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Code.

Vote

Ayes: Barber, Weiser, Snow, Adams

### **Discuss Terms for Agreement with Clarity Connect**

Don said the broadband committee is made up of volunteers; it is not an established committee. He gave an overview of the history of the topic. Last year, Chuck Bartok from Clarity Connect came with a proposal because he was applying for a grant. He’s only installing part of the system in the Town of Caroline (a broadcast signal off the Taft Road tower and two towers on White Church Road) because the state did not give him the full grant amount he asked for. The state was very specific where they did not want him to put them based on cost per subscriber conditions. Don said he thinks it’s counterproductive: if the reason for the public to get involved is because the private sector won’t go certain places, then if the same type of threshold is set for the public sector, there are certain people who will never get broadband. It will still be broadband for some. High-speed is not available everywhere in Caroline.

Don stated that the point of the discussion is that Clarity Connect will provide a service to allow some Caroline citizens to purchase internet services from them, and if there’s no agreement, there’s no advocate for the citizens – individuals will have no recourse for high fees, poor quality service, etc. The town has a telecommunications tower local law, and the proposed system would qualify under that, which means that Mr. Bartok would have to get a special use permit for every pole he wanted to put up. So there’s an interface between his needs and the town’s needs, and the discussion is about that interface. Don had samples of two agreements: one between the town of Dryden and Clarity Connect and a Time Warner franchise agreement. Dryden’s agreement provides Clarity Connect an exemption from the special use permit and a waiver of fees in exchange for a number of other things. Don has done some work with the Association of Towns and found that Caroline cannot enter into a franchise agreement with Clarity Connect, but can enter into an agreement that deals with the needs the town might have for advocating for

its citizens in exchange for the need Clarity Connect has to get around our special use permits. The town's jurisdiction is that Mr. Bartok has to go through the process to get a special use permit. If he gets one, the town has no position. The state has determined that TV can have franchise agreements, but it is mute on broadband or high-speed internet.

A list of possible topics for an agreement with Clarity Connect is attached (Attachment #1).

Linda asked if these will be sited only within the right of way. Don responded that Chuck indicated that some of the poles would not be in the right of way; that in order to get the signal to reach the houses they're trying to reach, poles might have to be off the right of way. But then easements would have to be procured. Linda said that's not a bad thing because some of the homeowners are going to want that signal; she just wanted to see some siting input on the part of those folks that want to work with Clarity to get the signal. Whoever owns the pole would be responsible for getting the easements.

Don pointed out that the telecommunications law gives the town a say in the siting of the poles, and there's a process for the citizens to be involved. Mr. Bartok got funding for two poles; one pole already exists. One pole will be on White Church and one on Middaugh. The Taft Road tower is already there. He would have to get a permit from the town to install a pole because of the telecommunications law.

Linda asked if this can be reviewed in ten years. Don responded that it would be whatever terms the town board puts in the contract. Some towns around us have no contract with him; he just puts up a pole and operates however he wants. Part of the resolution is that the board would want an agreement, but we can't have a franchise agreement. Aaron pointed out that with a franchise agreement, the town might get a cut of the profits. Linda responded that the town isn't interested in this being a moneymaker, but rather we want to make certain the entity coming in doesn't have an "into infinity" contract. Having a timeline with an endpoint is important: they know it's going to end and they have to meet certain performance criteria or we're not going to be as welcoming to them in the future. When the contract is up for renewal, Mr. Bartok can come back to the town board and point out that he negotiated in good faith in 2013 and that he met or exceeded the baseline parameters; that will set him up for a future renegotiation.

Don said that he is going to start the conversation with Mr. Bartok tomorrow.

Irene stated that she thought there were a lot of sections the board could cull from the Time Warner agreement; the Dryden agreement has too little and the Time Warner agreement too much. She thought that since Mr. Bartok is local, he would want to have a good reputation, and the town will hopefully see better responsiveness from him; however, he has fewer resources than Time Warner. Linda responded that Time Warner does have those resources and still doesn't put them to use.

## **Adjournment**

On a motion by Don Barber, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

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Debra DeAugustine, Deputy Town Clerk

