

## **Caroline Town Board Meeting: Minutes of July 9, 2013**

The Town Board Business meeting held on July 9, 2013 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

### **Attendance:**

Don Barber, Supervisor  
Dominic Frongillo, Councilmember  
Linda Adams, Councilmember  
Aaron Snow, Councilmember  
Irene Weiser, Councilmember

### **Recording**

**Secretary:** Christine Wilbur, Deputy Town Clerk

**Also present:** Approximately 20 members of the public including Una Money Penny, Barry Goodrich, John Frucchi, Pete Hoyt, Ed Wurtz, Pat Dubin, Frank Proto and others.

Supervisor Barber led the pledge allegiance to the flag.

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### **Privilege of the Floor**

- Pete Hoyt – spoke in opposition to the resolution the Board will be considering to spend \$42,000 to purchase transmitter poles for broadband service in advance of obtaining a grant. He opposed the purchase as being premature and fiscally foolish, profitable to a private company, and no guarantee that the project will be approved.
- John Fracchia – spoke in favor of the resolution to spend \$42,000 to purchase poles for broadband service in advance of obtaining a grant. He believes it's an opportunity that may not come around again. It will assist those with small businesses and children for educational purposes. He believes it's an investment in the future and the absence of broadband would have a negative impact on the growth of our community.

Mr. Fracchia also spoke in favor of the resolution that will be considered to become an Amicus Curiae for the Town of Ulysses. Small towns need to stand together on issues such as Municipal Home Rule. He also supports the resolution regarding computer backup that is being considered later in the meeting.

- Ed Wurtz – spoke in favor of the Sub-Division Review Application Fee resolution that will be considered later in the meeting. As a member of the Planning Board, he feels the fee is necessary to allow for technical expertise that members of the Board might not have when reviewing applications.
- Pat Dubin – spoke in favor of the Amicus Curiae resolution. She also spoke about the Cayuga Power Plant's proposals for converting the plant to natural gas. None of the proposals are economically feasible and are not good for the environment. She believes the resolution the Board will be considering later in the meeting should be retitled to make it perfectly clear the Town of Caroline is against their proposals.
- Una Money Penny – expressed her support of the spending plan for broadband service – it's important to her living in an outer area, and hopes the Board doesn't get bogged down with Clarity Connect issues and concentrates on the needs of our community.
- Jim Nagle – spoke as an owner of a small business and is in favor of the spending plan for broadband service – this is the road to the 21<sup>st</sup> century.

- Bill Padulka – spoke about the Cayuga Power Plant and supports the resolution before the Board with simple revisions; he also spoke in favor of improved broadband access for the community, but doesn't support the current proposal as there is no statement about the health issues surrounding the transmitters on the poles, and no information about where the poles will be located. He also does not believe it's a good policy to spend money and then try to figure out where it will come from.
- Wil Lawrence – lives on Middaugh Rd. - there are 4 businesses located nearby who need internet service, e-mail, etc. She also would like to know where the poles will be located and what information, follow-up and accountability Clarity Connect would provide for promised service. She also spoke in favor of the Amicus Curiae resolution.
- Tim Larkin – lives on Bailor Rd. – and is in support of funding for the poles, and believes the combining of public and private sector projects is a good thing; and to bring private enterprise into the town to benefit residents is totally appropriate – even if we don't know what the future brings. It might not be perfect, but there are no guarantees of a particular outcome and the Board needs to use reasonable judgment and the outcome is worth the investment.
- Frank Proto – lives on Slaterville Rd. - spoke about his financial investment on the creek frontage on his property. He recently became aware that a grant is available to assist individuals – through their municipalities, with funding from the State. He would like the Board to write a letter of support of the grant. He will talk with people on the County Soil and Water Committee, as well as Scott Doyle from County Planning.

**Cindy Whittaker, Highway Superintendent** – No report

### **Don Barber, Town Supervisor**

Supervisor Barber announced that the resolution for spending for broadband access will come early in the agenda and there will be opportunity for the public to participate in the discussion of the details in the resolution.

Supervisors Report:

Correspondence of Note:

1. See email from Charlie Stone at State Office of Emergency Management. I contact him monthly and this is the status. At this rate it could be another year before we are reimbursed for Banks Road.
2. Letter from NYS DOS need Designate for Notice of Claim. NYS Govt now has Notice of Claims coming to them rather than directly to local govt. Have asked clerk to consider being designate
3. Equalization rate for tax assessment is 100%
4. Received \$186.04 check from NYSEG for billing Town for 2 lights on a pole with one light

Report:

1. The NRCS funded project for 600 Road streambed and bank stabilization has developed a snag. Due to reduction in staff at SWCD, the project design is not complete and it has not gone out to bid. I had hoped we would be selecting contractor today. I am concerned that we will not find a qualified contractor that will be able to perform this work before the 9/15/13 deadline.
2. Bookkeeping software: After considering these differences between WLB and BAS: Cost: Software \$5,900 and \$10,800 respectively and Maintenance \$1,754 and \$2200 respectively; and

the strong endorsements from Towns of Dryden, Danby, and Lansing bookkeeping, and the software support staff lives in Danby, and the struggles in recent years with the MAPS software, I am changing to WLB. The transition is occurring and will be in effect starting 7/1. Charmagne has been supportive of the transition which has helped tremendously.

3. Assigning negotiating team for Collective Bargaining Agreement- Aaron Snow and Don Barber
4. Broadband:
  - a. Was contacted by a Caroline college graduate hoping to volunteer some time this summer and was eager to help with broadband. He is working with Ad hoc Broadband Committee (Una, Gary, Alan, Tim, and Irene) to develop a survey and begin the door-to-door legwork.
  - b. Went through a number of emotions on this issue from the State granting priorities seeming backwards from the stated mission to Clarity Connect (CC) lack of clear documentation, shifting information, and lack of consideration for local government process. Ended up with the understanding that government does have a role in providing access to high-speed broadband Internet service which is now regarded as a basic infrastructure necessity of the 21<sup>st</sup> century,
    - i. provides a means of access to information and communication for citizens and businesses.
    - ii. broadband Internet access serves the public interest in that it is increasingly a requirement for: providing government services, for small, locally-owned businesses to be able to compete,
    - iii. for sustainable economic development and commerce,
    - iv. education at all levels,
    - v. for communication with one's health care.
    - vi. And that similar to rural electric 80 years ago, persons without access are in that situation not by their choice but by the choice of business and government.
    - vii. As the advocate for the civil society, it is our job as a government and a community to correct inequities that, through no fault of their own, families are at a distinct disadvantage at school and work.
    - viii. And the potential to adversely impact property values.
  - c. The broadband topic is a little complicated and has 2 phases. Phase 1 has been funded by 20% match from local governments and 80% from the State grant. For Caroline 50% will be covered by a transmitter at Taft Road existing tower plus 2 new tower transmitters at White Church and Middaugh Roads with 2 relay transmitters as well (4 poles). Informed CC they need easements from property owners and permit from Town for Road Construction. Before transmitters are installed, CC needs to comply with Telecommunications Local law. And the original resolution requires CC to enter into a Franchise Agreement with Town. It turns out that Franchise Agreements are not allowed under NYS law, but CC has agreed to establish an agreement which deals with a number of consumer related issues. We can use the Telecommunication Special Use permit as leverage for this agreement. This agreement will also confirm the Town's 20% match of installing electric to these 4 poles (~8K)
  - d. Phase 2- is necessary because of shortfall in state funding. To cover most of the rest of Caroline's un-served and underserved will require 14 poles (70'tall- some transmitter and some relay) at a cost today of \$42K. CC has said that these 14 poles need to be set at the same time as the 4 from Phase 1 for logistic and financial reasons. Working within this argument, the ad hoc committee and County BB committee have been developing a plan to fund raise so Caroline is not faced with the brunt. Due to the timing for getting the word out and the TB to make a decision on how to proceed, this is just starting out of the gate. A committee of private sector individuals is fundraising. They have reported \$8K so

far. TCCOG has discussed fundraising as well. Village of Cayuga Heights has pledged \$6K. While this is great news, I expect much tougher sledding the rest of the way. But by no means am I less than optimistic that we will find collaborators to keep Caroline portion modest. This is all complicated in that under this scenario, the poles would be bought and set before the State grant application is filed much less announced—so it is a leap of faith. In any case, it is an investment for the remaining BB coverage which will cost ~140K to install.

- e. I have spoken with CC to better appreciate why the decision needs to be made now. The timing to order the poles is July 15<sup>th</sup>. That means a decision to buy the poles now, which is on the CTB's decision to make is this meeting. What are the consequences of postponing? FLTG does not do this type of installation very often and it is not in their list of offered services, but is engaged because the Phase 1 grant provides them with high speed Internet. They have agreed to install the additional poles at this time at the negotiated price which appears to be less than half of a competitive firm from Syracuse. To me the bottom line is that if other public money is used to complete the build-out whether emergency mgmt. or broadband funds, the Town will need to be a partner at some level. If as an advocate for the CS we will continue to pursue broadband access for all then this is an investment. If we delay, the town's portion of the investment becomes larger. That is not to say that are things we should add to the upcoming resolution to further mitigate the risk the Town would be taking. It is my hope that we will work together to identify those risks and possible ways to mitigate as part of our discussion in a few minutes.
5. Met with Town of Ithaca Supervisor who has stated that the Youth program proposal we learned about last month will not receive their support. Under Frank Proto's leadership, he has gotten County Administrator Joe Mareane to convene a meeting to discuss a broader, collective approach to Youth development than just focusing on the Inner Ring

Further discussion of broadband service:

Frank Proto asked about competition issues. It was noted that Clarity Connect could not interfere with service that people are already receiving. They cannot be in territory that is already covered by Time Warner.

Pete Hoyt spoke about negotiating franchise agreements and what leverage the Town might have if Clarity Connect does not live up to their promises. Mr. Barber indicated there are time limits with permit applications, work to be done, telecommunications laws, etc. and since Clarity is a local operation, they would not like bad publicity that could hurt their business.

Ms. Adams spoke about funding sources for the \$42,000. Mr. Barber indicated there are some donations already committed, and more may come from the other TCCOG communities. She feels the possibility exists that if not all the funds are raised, it then becomes a burden to all the landowners, taxpayers of the Town.

### **Frank Proto, County Representative**

- Mr. Proto reported on a request from Speedsville residents for road improvements on 76 Rd. which are now done;
- The County Highway Department came out during flooding last week to assist Cindy Whittaker and the Town of Caroline Highway Department for work on four roads.

- The County Health Committee passed a resolution regarding mobility management to request federal funding - \$140,000 - through Gadabout. This program assists many local residents and he will take the request to the County Legislature.
- Youth Services – a meeting with Town of Ithaca, Town of Danby and Town of Caroline regarding youth development services did not result in agreement. The group will meet again to try and resolve issues.
- Mr. Proto reported that the Town of Caroline’s participation in Recreation Partnership, with 187 kids, is pretty good! There are a total of 219 in all youth programs. Danby had 432 participants.
- The County received a big pat on the back – saving about 2.5 million dollars - through their records management program. The Town of Caroline will be participating in the second phase of the grant.
- MRT – Mortgage Recording Tax – Mr. Proto reported that the increase in the fee would be directed to TCAT for bus replacement.
- The County is working on Ethics policy revision.
- Mr. Proto reported on an amendment to County policy, that beginning in 2014, salaried employees could only accumulate 3 weeks of compensatory time. This will save the County a lot of money when employees retire and are paid for their compensatory time.
- Mr. Proto spoke briefly about meetings with the AES Cayuga people and the exorbitant costs for NYSEG to run transmission lines for natural gas.

**Dominic Frongillo, Town Board** – No report.

**Aaron Snow, Town Board** – No report.

**Irene Weiser, Town Board**

- CIT Committee –working with Brightworks to provide services for Town computers. She described work to date and have spent \$2,500 in billing so far.
- Communication with the Town Attorney regarding use of personal e-mail for town business – not a good idea and will work on a proposal to bring to the Board.
- Emergency Preparedness – meeting with the Greg and Beth Harrington.

**Linda Adams, Town Board** – No report.

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**Resolution 111 of 2013: Fund Transfer:**

Motion by Mr. Barber and seconded by Ms. Weiser:

Be It Resolved the Caroline Town Board makes the following 2013 Budget Adjustment:

- \$ 54.33 from General Fund Account A1620.40 Town Hall CE to General Fund Account A8810.4 Cemetery CE
- \$ 6,000.00 from Highway Fund Account DA5140.1 Machine PS to Highway Fund Account DA5112.1 Capital Improvement PS.

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

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### **Approval of Abstracts**

#### **Resolution 112 of 2013 General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the General Fund voucher numbers 182 through 219 for \$25,688.25.

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

#### **Resolution 113 of 2013 Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Streetlight Fund voucher numbers 13 and 14 for \$520.66

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

#### **Resolution 114 of 2013 Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 98 through 114 for \$88,591.38

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

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### **Resolutions:**

#### **Resolution 115 of 2013: Subdivision Review Application Fees:**

A motion was made by Mr. Barber to remove the following resolution from the table. Seconded by Ms. Weiser:

#### **Subdivision Review Application Fees:**

1) Fixed fee: Upon submission of a completed Preliminary Plat Application, a fee of \$100.00 will be due to the Town of Caroline.

2) Reasonable expenses:

- The reasonable and necessary costs, fees, or disbursements incurred by the Town or its officials for consultation or review by professionals including architects, landscape architects, engineers, surveyors, attorneys, or others on any Application for Subdivision Approval shall be paid by the applicant.
- After submission of a completed Preliminary Plat Application, the Subdivision Review Board will notify the applicant of an estimated fee, if any, for expected reimbursable costs. Any estimated fee greater than \$2000.00 must be approved by the Caroline Town Board. Unless action is required by the Town Board, the applicant will be notified of the estimated fee within 14 days of the submission of the completed Preliminary Plat Application. This fee shall be paid by the applicant within 14 days of notification and will be placed in an escrow account for use by the Subdivision Review Board.

Hearing no discussion, the vote was as follows:

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

**Resolution 116 of 2013: Resolution to Purchase Fourteen Tower Poles for Extension of Broadband System:**

The following resolution was moved by Mr. Barber and seconded by Mr. Frongillo:

**Resolution to Purchase Fourteen Tower Poles for Extension of Broadband System**

Whereas access to high-speed broadband Internet service is regarded as a basic infrastructure necessity of the 21st century, providing a means of access to information and communication for citizens and businesses, that is used by a growing percentage of the world's population, and

Whereas broadband Internet access serves the public interest in that it is increasingly a requirement for: providing government services, for small, locally-owned businesses to be able to compete, for sustainable economic development and commerce, education at all levels, and health care, and

Whereas a lack of access to broadband Internet service may adversely impact property values, and

Whereas, for all of the reasons cited above, the Tompkins County Broadband Initiative's goal was to provide the opportunity for broadband access to all households and businesses throughout Tompkins County, and

Whereas, a grant proposal submitted by Clarity Connect to the State proposed coverage for all the unserved and underserved areas in Tompkins County and was supported by both the Tompkins County Legislature and all towns without universal broadband access, and

Whereas, Clarity Connect received generous, but not full, funding from the State granting agency to build a broadband distribution system to many of the unserved and underserved households in Tompkins County, and

Whereas, the Town of Caroline, due to its terrain – including steep slopes and deep valleys requiring installation of eighteen (18) poles and transmitters – was the most expensive town to which to provide coverage, and

Whereas, portions of the town were therefore excluded from the initial State's award, and

Whereas, accomplishing the Tompkins County goal of universal broadband may still be reached as Clarity Connect and the Town of Caroline apply for a further State grant in September 2013 to complete the Caroline build-out, and

Whereas, Clarity Connect has negotiated one window of opportunity, beginning July 15, 2013, to purchase 70 foot tall transmission poles and hire a special crew with special equipment to install them in towns that received the initial State funding, and

Whereas the Caroline Town Board understands that the installation of the fourteen transmission poles for the completion of the Town of Caroline build-out, Phase2, may not be cost effective to purchase and install at any time other than this summer when other Phase 1 transmission poles are being installed, and Whereas purchasing and installing the transmission poles will be the 20% match required by the State granting agency in considering all broadband grant applications and will help Caroline and Clarity Connect chances of success in the next funding round, and

Whereas, the Caroline Town Board recognizes that the State may not award another grant to complete the build-out of Phase 2 of the Town of Caroline broadband infrastructure, and

Whereas, the Caroline Town Board will require the propagation data from Clarity Connect as a condition of reimbursing Clarity Connect for the poles in Phase 2 in the event that Caroline owns the poles without State support and will need to find other sources to complete the installation, and

Whereas, the Town of Caroline, for all the reasons cited above, has determined that it is in the public's interest to provide universal access to high-speed broadband Internet for every resident in Caroline, now therefore,

Be It Resolved, that the Town of Caroline pledges to pay Clarity Connect, when invoiced between January 1, 2014 and July 15, 2014 and in receipt of the propagation data for these pole locations, an amount not to exceed \$42,000 for the cost to purchase and install fourteen (14) 70 foot tall poles at predetermined locations, and

Be it further resolved, that the Caroline Town Board will attempt to raise funds from the private and public sectors to mitigate this \$42,000 impact to our taxpayers.

Discussion that followed included when and how the public is notified of pole locations, easements from property owners, construction and road permit processes, health implications. Everyone agreed that the process is backwards, but there is not much we can do about it. The board could hold a public forum at the appropriate time to notify residents of the details of the project.

At this time, Ms. Weiser made a motion to amend the resolution to modify the 7<sup>th</sup> paragraph to remove the words: requiring installation of eighteen (18) poles and transmitters. She noted that 18 was not a correct number. Seconded by Mr. Frongillo. The motion carried unanimously.

At this time, Ms. Adams made a motion to amend the last resolve to say: The Caroline Town Board will aid in raising funds from private and public sectors and that payment for the poles will not exceed the private and public funds that are gathered. Seconded by Mr. Snow. After a lengthy discussion, Mr. Snow feels the amendment is not necessary. The vote on the amendment was as follows:

**Motion failed: Barber: Nay; Frongillo: Nay; Adams: Yea; Snow: Nay; Weiser: Nay**

Further discussion included how much the poles would cost if we wait, how much is the Town willing to subsidize if the full amount is not realized by donations, known and unknown health implications; Ms. Adams noted that the \$42,000 commitment on the Town and donations does not get any person broadband access, and there is no guarantee that the project will be funded by a grant.

Mr. Snow resonates with both sides of the issue – waiting or going forward now, does government need to get involved, he knows it will help many people, but up fronting the money seems risky. He does not feel ready to vote, and will abstain.

Ms. Weiser is well aware of her consideration of the issue – does not take lightly the idea of committing the town to spend \$42,000 of taxpayers' money with no promise of getting the grant – could end of up



with a bunch of poles in the ground. This is not the ideal way for this to unfold and she wishes it were different, but if we hold out for ideal we would get fiber optic – not a reality. No one else has come forward – not looking to do business here. Clarity was the only vendor to make a proposal. She has checked with others who receive service from Clarity and they have been pleased. She feels a need to move ahead with the bulk-buying model, and will support the proposal with reservations.

Ms. Adams restated that the \$42,000 commitment on the Town, along with donations, without an approved project grant, does not get anyone broadband service – only poles. She will not support the resolution.

Mr. Frongillo agrees with Ms. Weiser that it is not an easy decision. He feels it is important for every resident to have high speed internet access – assists emergency services, kids doing homework, ability to work from home, opens new business opportunities – it's an equity issue and we have an opportunity now to move forward. If we do not do something, it is guaranteed that our town will be the only town in the area without broadband access.

Mr. Barber views this commitment as an investment in our community and that leadership comes from grass roots – our responsibility is to lead the effort.

**Adopted:** Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Abstain; Weiser: Aye

### **Resolution 117 of 2013: Resolution to Support Grant Application:**

The following resolution was presented by Mr. Barber and seconded by Mr. Frongillo:

#### **Resolution to Support Grant Application for Phase 2 of Caroline Broadband Build-out**

Whereas, the Town of Caroline recognizes that the development of broadband infrastructure is critically important to our community and,

Whereas, the Town of Caroline will have approximately half of its households and businesses currently unserved and underserved by broadband Internet service covered by an initial New York State broadband infrastructure grant awarded to a private, local business, Clarity Connect, Inc. and its public partners, Tompkins County and seven of its surrounding towns, and

Whereas, New York State is offering broadband grants to expand service to unserved and underserved communities, especially to public-private partnerships, and

Whereas, the Caroline Town Board has resolved to front the cost of the installation of the poles necessary for the completion of the Caroline broadband infrastructure begun with funds from the initial grant, and

Whereas, the cost of the installation of the poles will serve as the Town of Caroline's 20% match required for the next state grant application, now therefore,

Be It Resolved, that the Town of Caroline intends to partner with Clarity Connect, Inc. to apply for a New York State broadband infrastructure grant for completion of the Town of Caroline broadband infrastructure.

Discussion:

Ms. Adams asked how this grant application is different from the last grant. Mr. Barber feels that because the Town of Caroline will make a financial investment into the project, it will be seen as more feasible. Ms. Adams views it is a burden on the landowners, and not all the residents who will benefit are not all landowners.

After a lengthy discussion of the intent of the resolution – particularly the use of the phrase “that the Town of Caroline intends to partner with Clarity Connect, Inc. ....”, it was felt that more information is needed before going ahead with the actual grant application. Mr. Barber says the deadline is sometime in September, and we should let Clarity know that we are interested and intending to partner with them. This is not necessarily a support of the actual grant – that will require further study and another vote by the board.

Mr. Snow and Ms. Weiser agree that more detail is needed before a vote takes place. After further discussion, Ms. Weiser made a motion to table the vote on this resolution until more information is gathered. Seconded by Mr. Snow.

**The motion to table Resolution 117 of 2013 carried unanimously.**

**Resolution 118 of 2013: Resolution of Appreciation for Court Clerk Services from Rachel Brown:**

The following resolution was made by Mr. Barber and seconded by Mr. Frongillo. Mr. Barber made a subsequent resolution to correct some grammatical and wording errors. Seconded by Ms. Weiser.

Whereas Rachel Brown has served the Town of Caroline residents as Court Clerk for fifteen (15) years, and

Whereas Rachel has performed all the duties of a court clerk admirably: accounting, bookkeeping, record keeping, and reporting functions of the office, as well as general duties associated with the Town Court – mailings, completion of forms, serving as liaison with attorneys, public, departments, offices, and agencies, and

Whereas Rachel has provided superior customer service, helping people, answering questions, coaching through paperwork, accepting fines, and

Whereas Rachel has from the start demonstrated the initiative to work independently with wisdom and discretion, and

Whereas, Rachel went above and beyond her job description and supervised recent renovation of court room, painting and furnishings, and

Whereas, she once again went well beyond expectation when during her final six months, organizing 1000 files for storage or shredding, and

Whereas Rachel also served as an officer of the Tompkins County Clerks Association, where she collaborated in planning and organizing training for clerks.

Now Therefore Be It Resolved that the Caroline Town Board, on behalf of the judges she has served and the citizens of the Town of Caroline, commend Rachel Brown for her dedication, initiative, sensitivity, and integrity in performing the function of Town of Caroline Court Clerk for the past fifteen years.

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

Mr. Snow will work with Judge Barr to make a formal presentation to Rachel.

**Resolution 119 of 2013: Resolution of the Town Board of the Town of Caroline to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending before New York State Courts of Appeals.**

The following resolution was made by Mr. Barber and seconded by Mr. Frongillo:

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York Court of Appeals and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the Court of Appeals, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Caroline to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the Court of Appeals.
2. The Caroline Town Board does hereby authorize and direct the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Caroline Town Board as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

Discussion: Ms. Adams noted, for the record, that the previous resolution, addressing this matter, did not pass unanimously, and she will be voting Nay, as she believes this is not Town business.

Mr. Snow noted we supported them in lower court and should continue our support.

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Aye; Weiser: Aye**

**Resolution 120 of 2013: Resolution requesting the Cayuga Power Plant Convert to Renewable Energy Sources.**

RESOLUTION #120 OF 2013:

The following resolution was moved by Mr. Barber and seconded by Mr. Frongillo:

**RESOLUTION REQUESTING THE CAYUGA POWER PLANT CONVERT TO RENEWABLE ENERGY SOURCES**

WHEREAS on July 20, 2012 – Cayuga Operating Company filed a petition to indefinitely mothball Cayuga with the PSC, arguing that due to current and forecasted electricity prices, the facility can no longer “operate economically”, and

WHEREAS on Dec. 17, 2012 – Due to a local reliability need for Cayuga area mostly stemming from the Auburn area, the PSC approves a Reliability Support Services Agreement (“RSSA”) between Cayuga Operating Company and NYSEG under which NYSEG ratepayers pay approximately \$30 million/year to keep the plant online. In the approval order, the PSC also directs NYSEG to solicit viable alternatives to the RSSA, which is set to expire January 15, 2014, and

WHEREAS on Jan. 18, 2013 the PSC directs NYSEG and Cayuga Operating Company owners to investigate repowering the facilities with natural gas or investing in transmission upgrades, and

WHEREAS the Cayuga Operating Company has provided a proposal with 4 options all using natural gas as well as some options with non-fossil fuel sources, and

WHEREAS burning and extraction of fossil fuels releases greenhouse gasses into our atmosphere of the only earth we have to live on; and

WHEREAS the accumulation of heat in our atmosphere has caused and is causing climate change resulting in larger, more powerful storms, weaker jet streams, expanding deserts, more forest fires, and rising oceans, and

WHEREAS the path to stop extracting and burning fossil fuels of all types now is only solution for the civil society to stay intact and provide safety and security for our children and grandchildren, and

WHEREAS on May 17, 2013 – NYSEG submitted its final report to the PSC, recommending that “the transmission reinforcement option provides the most certainty to customers with regard to cost, schedule, and operational risk”, and

WHEREAS the New York Business Council has joined with Sierra Club and other organizations to call for a cleaner alternative to repowering with natural gas; and

WHEREAS the Energy Highway Task Force Blueprint states that: “Incremental, short-term planning cannot achieve the goal [of reducing carbon emissions to 80% of 1990 levels by 2050]. Near-term decisions— both those taken and not taken—can foreclose longer-term options, such as infrastructure projects with long lead times. Key climate strategies must reflect this inexorable reality, and

WHEREAS residents and businesses of Tompkins County and beyond are diligently working to decentralize energy production from renewable sources such as solar panels and wind farms thereby reducing the overall need for grid supplied electricity, and

WHEREAS moving to a decentralized system of energy production requires less total energy production due and reduces the need for transmission upgrades, and

WHEREAS concerns of protecting the corporate economy and local tax base pale in comparison to the larger issue we face as a community, a nation, and a species along with most of our fellow earth travelers, now therefore

BE IT RESOLVED that the Town of Caroline urges the NYS Public Service Commission to enact the NYS Energy Policy and only approve future electricity generation from renewable sources of energy in order to meet climate change goals and to not expand the need for natural gas and other fossil fuels, and further

BE IT RESOLVED the Town of Caroline is strongly opposed to using sources of fossil fuel energy, such as coal and natural gas, to repower the Cayuga Power Plant.

Discussion of the resolution included the following items:

- It takes a long time for renewable energies to realize benefits;
- The PSC is accepting comments until July 24<sup>th</sup>;
- The resolution makes the point too complicated – could be simpler;
- The resolution, as written, needs some grammatical corrections.

Ms. Weiser made a motion to make some minor grammatical corrections as follows:

- The first Whereas should read: WHEREAS on July 20, 2012 – Cayuga Operating Company filed a petition with the PSC, to indefinitely mothball the Cayuga Power Plant, arguing that due to current and forecasted electricity prices, the facility can no longer “operate economically,” and,
- In the second Whereas, change the word “approved” to “approve”; and change the word “directs” to “directed”;
- In the third Whereas, change the word “directs” to “directed”;
- The seventh Whereas should read: WHEREAS the path to stop extracting and burning fossil fuels of all types now is the only solution for the. . . .;
- In the tenth Whereas, take out the word “carbon” and add “greenhouse gas”; and close the quotation after the word “times”;
- In the eleventh Whereas, take out the word “due”.

The motion was seconded by Mr. Frongillo. Carried unanimously.

After further discussion, Ms. Weiser made a motion to change the title of the resolution to: Resolution Opposing Repowering the Cayuga Power Plant with Natural Gas.

Seconded by Mr. Frongillo. Carried unanimously.

Hearing no other comments, Mr. Barber made a motion to approve Resolution #120 of 2013 as amended (as follows):

**RESOLUTION #120 OF 2013 OF THE TOWN BOARD OF THE TOWN OF CAROLINE  
OPPOSING REPOWERING THE CAYUGA POWER PLANT WITH NATURAL GAS:**

WHEREAS on July 20, 2012 - Cayuga Operating Company filed a petition with the PSC, to indefinitely mothball Cayuga Power Plant, arguing that due to current and forecasted electricity prices, the facility can no longer “operate economically”, and

WHEREAS on Dec. 17, 2012 – Due to a local reliability need for Cayuga area mostly stemming from the Auburn area, the PSC approved a Reliability Support Services Agreement (“RSSA”) between Cayuga Operating Company and NYSEG under which NYSEG ratepayers pay approximately \$30 million/year to keep the plant online. In the approval order, the PSC also directed NYSEG to solicit viable alternatives to the RSSA, which is set to expire January 15, 2014, and

WHEREAS on Jan. 18, 2013 the PSC directed NYSEG and Cayuga Operating Company owners to

investigate repowering the facilities with natural gas or investing in transmission upgrades, and

WHEREAS the Cayuga Operating Company has provided a proposal with 4 options all using natural gas as well as some options with non-fossil fuel sources, and

WHEREAS burning and extraction of fossil fuels releases greenhouse gasses into our atmosphere of the only earth we have to live on; and

WHEREAS the accumulation of heat in our atmosphere has caused and is causing climate change resulting in larger, more powerful storms, weaker jet streams, expanding deserts, more forest fires, and rising oceans, and

WHEREAS the path to stop extracting and burning fossil fuels of all types now is the only solution for the civil society to stay intact and provide safety and security for our children and grandchildren, and

WHEREAS on May 17, 2013 – NYSEG submitted its final report to the PSC, recommending that “the transmission reinforcement option provides the most certainty to customers with regard to cost, schedule, and operational risk”, and

WHEREAS the New York Business Council has joined with Sierra Club and other organizations to call for a cleaner alternative to repowering with natural gas; and

WHEREAS the Energy Highway Task Force Blueprint states that: “Incremental, short-term planning cannot achieve the goal [of reducing greenhouse gas emissions to 80% of 1990 levels by 2050]. Near-term decisions – both those taken and not taken – can foreclose longer-term options, such as infrastructure projects with long lead times.” Key climate strategies must reflect this inexorable reality, and

WHEREAS residents and businesses of Tompkins County and beyond are diligently working to decentralize energy production from renewable sources such as solar panels and wind farms thereby reducing the overall need for grid supplied electricity, and

WHEREAS moving to a decentralized system of energy production requires less total energy production and reduces the need for transmission upgrades, and

WHEREAS concerns of protecting the corporate economy and local tax base pale in comparison to the larger issue we face as a community, a nation, and a species along with most of our fellow earth travelers, now therefore

BE IT RESOLVED that the Town of Caroline urges the NYS Public Service Commission to enact the NYS Energy Policy and only approve future electricity generation from renewable sources of energy in order to meet climate change goals and to not expand the need for natural gas and other fossil fuels, and further

BE IT RESOLVED the Town of Caroline is strongly opposed to using sources of fossil fuel energy,, such as coal and natural gas, to repower the Cayuga Power Plant.

Discussion:

Mr. Frongillo discussed his concern that the Town Board is making a statement and weighing in on an issue that has significant tax implications on the Town of Lansing and Lansing School District; however

this sentiment is representative of the residents of our community and has an impact as a Countywide issue.

Ms. Adams commented that if the goal is to reduce greenhouse gases by 80% of 1990 levels by 2050 – it's not going to be done by renewables alone; and she once again reiterated her opposition to this resolution.

Mr. Barber believes the goal is attainable with lots of other conservation procedures and sustainable projects.

Hearing no other comments, the vote was as follows:

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Nay; Snow: Nay; Weiser: Aye**

**Resolution 121 of 2013: Resolution to Establish Computer Data Back-up Policy:**

A motion was made by Mr. Barber and seconded by Mr. Snow:

WHEREAS, the Town of Caroline has been advised by our insurance provider (New York Municipal Insurance Reciprocal) to regularly backup our electronic data to a secure off-site location,

THEREFORE, BE IT RESOLVED that the Caroline Town Board established the Computer Back-Up Policy that electronic data stored on the computers of the offices of the Town Supervisor, Town Clerk, Code Officer, Highway Superintendent and Court Clerk shall be ~~stored at a secure, off-site, daily automatic backup system as soon as is practical~~ automatically backed up daily to a secure off-site location; and

BE IT FURTHER RESOLVED, that costs for this service for 2013 shall not exceed the following without prior Town Board approval:

- Back-up service – not more than \$100 per computer.
- Installation of backup system on each computer and employee instruction – not more than \$125 per employee.

Discussion:

Ms. Weiser made a motion to change the wording in the first resolve to say: Shall be automatically backed up daily to a secure off-site location. Seconded by Mr. Frongillo. Carried unanimously.

Ms. Weiser pointed out that this was a priority of the Committee of the Board and should be within budget for this year.

A vote on the resolution as amended:

**Adopted: Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye**

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**ADJOURN:**

Hearing no further business, Mr. Barber made a motion to adjourn the meeting. Seconded by Mr. Frongillo. Carried unanimously. The meeting adjourned at 10:30 PM.T.

Respectfully Submitted,

*Christine M. Wilbur*

Christine M. Wilbur, Deputy Clerk