

Caroline Town Board Meeting Minutes of August 13, 2013

The Town Board Business meeting held on August 13, 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: Marilou Harrington-Lawson, Town Clerk

Also present: Barry Goodrich, Mark Witmer, Dorrie Lisle, John Fracchia, Chad Novelli, Bruce Murray, Dan Klein, Tim Seeley, Veronique Domaratsky, Chris Payne, Ed Wurtz and other members of the Town of Caroline.

Privilege of the Floor

Mark Witmer- The Program manager for Solarize Tompkins SE thanked Dominic Frongillo for his exemplary service to the Town of Caroline. In recognition of his service he was presented with a bright yellow Solarize Tompkins SE T-Shirt.

Dorrie Lisle- Dorrie said “thank you” to Dominic for representing not only the democratic committee, but everyone in the Town of Caroline. She said she wanted to express her “deepest gratitude”.

John Fracchia- John said “thank you, Dominic for the service to the Town of Caroline”.

John also wanted to encourage the board to adopt the resolution regarding establishing a emergency planning committee in the Town of Caroline.

Chad Novelli- Chad spoke on behalf of the Planning Board, thanking Dominic for his countless hours working as the liaison to the Planning Board, his previous work on the Comprehensive Plan and his commitment to the Town Board and his representation of the Town’s people.

Reports

Cindy Whittaker, Highway Superintendent

The Highway Department is repairing the Bailor Rd for paving.

Don Barber, Town Supervisor

Correspondence of Note:

1. Resolutions from Danby, Cayuga Heights and Lansing to help with cost of Broad band pole.
2. Notice from Time warner cable in response to unpaid franchise fee. Plus my response as recommended by Computel and Atty Krogh
3. Letter to Senator Seward requesting support for Phase 2 of broad band initiative

Report:

1. The NRCS funded project for 600 Road stream bed and bank stabilization has developed another snag. Engineering work has been completed but not signed off by NRCS. 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. Barry Goodrich, Jon Negley and I met with representatives from NYS Office of Emergency Mgmt to develop a plan for submitting request for progress payment for Banks Road mitigation phase of project. Amount to be requested is \$142,078.
3. Responding to NYS plan to funding flooding mitigation work, I submitted 3 Notice of Intent for Buffalo Creek, Ekross Road Culvert, and SMC between Creamery and Boiceville bridges
4. Broadband: Most recent update at Agenda meeting- no further action
5. Contacted by Office of the State Controller- Audit of the Town books

Frank Proto, County Representative

absent

Dominic Frongillo, Town Board

Dominic spoke about leaving the Town Board, his position as deputy supervisor, the liaison for the Planning Board and Energy Independent Caroline, and as the Town Board representative to TCCOG. (The board discussed later in the meeting about replacements for the areas and positions that Dominic represented.)

Irene Weiser, Town Board

No report

Linda Adams, Town Board

No report

Barry Goodrich,

Barry Goodrich gave a report about the Belle School Rd culvert. The County will only replace new wing walls, and the top to the culvert, they also plan to raise the road 5 ft. The whole culvert will not be replaced, as was originally planned. The County will not be addressing problems with the creek either.

The County had a blanket permit (that would of covered creek work) that expired in April 2013. New York State no longer offers blanket permits as they once had to cover various multiple projects, therefore there would need to be pre-assessed projects "stated" to ask for another permit. The County is not requesting another permit at this time.

Councilmember Weiser- asked about loss of trees to the area residents but the response was from Councilmember Snow (who had spoke with one of the residents that had lost 2 trees) that there wasn't any complaints or major concerns about replacement.

There was a discussion with a member of the Town, Chris Payne (whose property is being affected by the proposed creek work) that the County may have perceived that there would be Town money coming to be used toward the project. Councilmember Weiser asked for clarification, as there had not been any discussion about Town contributing any monies toward the proposed creek project/restoration.

Fund Transfer

Resolution 122 of 2013

A motion was made by Mr. Barber; seconded by Mr. Frongillo

Be It Resolved the Caroline Town Board makes the following 2013 Fund Transfers

\$ 8,600.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 1220.4 Supervisor CE

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

Increase Highway Fund Revenue Line DA 3062 Banks Road by \$61,428 and increase appropriation line DA 5110.42 Banks Road by \$61,428

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

Abstracts

Approval of Abstracts

**Resolution 123 of 2013
General Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the General Fund voucher numbers 220 through 257 for \$37,278.20.

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

**Resolution 124 of 2013
Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for Streetlight Fund voucher numbers 15 and 16 for \$528.43.

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

**Resolution 125 of 2013
Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Highway Fund voucher numbers 115 through 132 for \$98,760.26.

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

Resolutions

Resolution 126 of 2013

RESOLUTION TO ESTABLISH AN EMERGENCY PLANNING COMMITTEE

Motion made by Ms. Weiser; Seconded by Mr. Frongillo

Resolved that the Town of Caroline establishes an Emergency Planning Committee to assist in the preparation of an Emergency Plan for the Town of Caroline.

The aim of this Plan is to make provision for the extraordinary arrangements and measures that may have to be taken to protect the health, safety, welfare, environment and economic health of the residents, businesses and visitors of the Town of Caroline when faced with an emergency. This all hazards emergency plan shall guide the emergency management actions of the community and describes activities and arrangements to deal with any emergency situation.

The plan will include (but not be limited to) the following topic areas

Preparedness

Preparedness activities develop the response capabilities needed if an emergency arises. Preparedness consists of almost any pre-disaster action that is assured to improve the safety or effectiveness of disaster response. Preparedness consists of those activities that have the potential to save lives, lessen property damage, and increase individual and community control over the subsequent disaster response. Departments/agencies shall ensure that employees are trained to implement emergency and disaster procedures and instructions. Departments/agencies shall validate their level of emergency readiness through internal drills and participation in exercises selected by the Emergency Planning Committee (EPC). Other government jurisdictions within and outside the municipal boundaries, as well as key community stakeholders and partners, shall also participate in these exercises. Exercise results shall be documented and used in a continuous planning effort to improve the municipal's emergency readiness posture. In addition to the ongoing training and education of municipal employees and elected officials, local citizens and businesses shall also be educated on their responsibilities in preparing for an emergency.

Mitigation

Mitigation activities are those that eliminate or reduce the probability of an occurrence. Actions accomplished before an event to prevent it from causing a disaster, or to reduce its effects if it does, save the most lives, prevent the most damage, and are the most cost effective. These activities also include long-term efforts that lessen the undesirable effects of unavoidable hazards.

Response

Response is the actual provision of services during the incident or crisis. These activities help reduce casualties and damage and speed recovery from the incident. The active use of resources to address the immediate and short-term effects of an emergency or disaster constitutes the response phase

Recovery

Recovery is both a short-term and long-term process. It involves detailed damage assessments, complete restoration of vital life-support systems, financial assistance, and long-term medical care. An essential purpose of the planning for post-disaster recovery and reconstruction is to provide some vision that serves as a beacon for decision makers and some framework within which decisions will be taken. Planning for managing post-disaster recovery and reconstruction involves descriptions that include, but are not limited to, lines of authority, interagency and intergovernmental coordination measures, processes for expedited review, permitting, and inspection of repair and reconstruction of buildings and structures damaged by natural disasters.

The committee will make periodic reviews and amendments to the plan and will provide ongoing assistance and direction to the Town.

Further resolved that the Board will appoint a Board Liaison to the committee to be responsible for the overall maintenance of the emergency plan.

The Committee will ensure that emergency policies, activities, and resources are coordinated among the municipal departments and community stakeholders.

On no less than an annual basis, the EPC will hold an emergency plan and policy review meeting; make necessary amendments to the emergency plan.

Annual training for the Committee members and the elected municipal officials should also be considered.

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

Resolution 127 of 2013

RESOLUTION TO APPOINT MEMBERS TO THE EMERGENCY PLANNING COMMITTEE

Motion made by Ms. Weiser; Seconded by Mr. Snow

Resolved that the Town of Caroline appoints Irene Weiser to serve as board liaison to the Emergency Planning committee.

Also resolved that the following town residents shall serve on the Emergency Planning Committee.

Beth Harrington

Greg Harrington

Eddie Spaulding

Bob Spaulding

Barry Goodrich

Dorrie Lisle

Cindy Whittaker

A member of the Speedsville Fire Department (to be determined)

A member of the Brooktondale Fire Department (to be determined)

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

Resolution 128 of 2013

Notices of Claims Served Upon the Secretary of State

Motion made by Mr. Barber; Seconded by Mr. Frongillo

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim, mainly those arising under GML § 50-e; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

WHEREAS, GML § 53 only applies to tort and related notices of claims servable under GML § 50-e and does not apply to other notices of claim that may relate to other claims against the Town, such as those sounding in contract as governed by Town Law § 65(3), pre-existing condition notices arising in relation to highway, culvert or bridge defects or conditions (Town Law § 65-a), or claims for damages for compensation for property taken by condemnation (see generally, Town Law § 67(3) and the NYS Eminent Domain Proceedings Law);

Now therefore Be It RESOLVED, that the Town Board of the Town of Caroline, County of Tompkins designates **Marilou Harrington-Lawson**, in his/her capacity as **Town Clerk**, to receive notices of claims served upon the Secretary of State by mail at **PO Box 136, Slaterville Springs NY 14881** and email at **clerk@townofcaroline.org**

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town.

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

Agenda

Salute to the Flag (7:00)

Privilege of the Floor: Opportunity for citizens to bring forward matters of concern

Please be prepared to make one statement not to exceed 3 minutes in length

Highway Superintendents Report (7:30)

Supervisors Report (7:35)

County Representatives Report (7:40)

Department, Committee, & Liaison Reports:

- **Belle School Road Update (7:50)**
- **Site Plan Review Discussion with Planning Board (8:00)**

Discussion and Action Topics

- Transfers (8:30)
- Approve Abstracts: Highway, General, Lighting (8:35)
- Approval of Minutes from July 2nd and July 9th meetings (8:40)
- Resolution to Establish an Emergency Planning Committee(8:45)
- Resolution Establishing Designee as Receiver of Notice of Claims from NYS Dept of State (8:50)
- Discussion of Transition of Councilperson Frongillo from Town Board(8:55)

Town Business

Planning Board- Chad Novelli, Chair of the Planning Board gave a report on the projects that the Planning Board were working on, in particular the proposed updated Sub-division Review Law. There was a first draft produced and reviewed by the committee that brought forth procedural questions. Guy Krogh, attorney for the Town advised the committee to follow sub-division review law to help answer the procedural questions. Jacob McNally, minute taker for the Planning Board edited and formatted the proposed updated local law. The Planning Board is now asking the Town Board to review it and check for corrections, clarity, and the Town board point of view. Does this law miss anything? What could come up as possible questions or problems in the future. The Planning Board is requesting written responses from the board that they will gather the information and assimilate into it. Chad asked "What would be the fee structure set be based on?" Supervisor Barber said the fees are set by resolution because if the fees need to be changed and if stated in the law at a set amount then the law has to be redone and a new proposed local law brought forth to the public.

The Planning Board also talked about working on updating the Comprehensive Plan.

The Planning Board and the Town Board members discussed the replacement of Councilmember Frongillo as the liaison. It was decided at this time instead of replacing his position that a member of the Planning Board would report the committee's activity and work scope to the board at the monthly agenda meeting.

The board also discussed Councilmember Frongillo's position as the liaison to the Energy Independent Caroline (EIC) and that Mark Witmer would report to the board any updates of the committee work.

The board discussed who would replace Councilmember Frongillo as representative/delegate to Tompkins County Coalition of Governments (TCCOG) for 2013. Councilmember Weiser volunteered to fill the seat of delegate to TCCOG for the remainder of his term. (Resolution followed/ recorded in the minutes below).

A notice will be posted to accept applications to replace Councilmember Frongillo's position as a board member to the town of Caroline for the remainder of his term; 12/31/2013. Applications will be accepted and reviewed by the current board members and Supervisor and interviews for the position will take place at the agenda meeting on 9/3/2013. The board will then vote on the replacement at the business meeting on 9/10/2013.

Dominic Frongillo - Dominic took time to thank each member* of the Town Board (*Councilmember Adams had to leave early for another commitment), and the Town Clerk for various points of views and

items of importance that he gathered and learned from over the years. He was especially appreciative of Supervisor Barber's guidance and teachings of Town Government. He explained that what he had acquired over the years as a board member helped mold him and shape his future and that he was forever grateful for the opportunity to serve the Town of Caroline.

Supervisor Barber- Supervisor Barber spoke about the service of Councilmember Dominic Frongillo to the Town of Caroline over the past several years. He gave credit for his integral contribution to the Comprehensive Plan when he served on the Planning Board before becoming a Town Councilmember. He noted Dominic's strong contribution to the Town of Caroline, serving on committees such as Energy Independent Caroline, and as Councilmember to the Town of Caroline, Deputy Town Supervisor and liaison to the Town of Caroline Board for various Town committees. He thanked Dominic for the countless hours he had contributed over the years to the Town in many different capacities, and his willingness to serve the people of his community to make the Town of Caroline a better place for residents, new and old, to live.

Approval of Minutes

Resolution 129 of 2013

Minutes of the Business Meeting held July 2, 2013:

A motion was made by Mr. Barber and seconded Mr. Frongillo to accept the minutes of the July 2, 2013 meeting as submitted by the Town Clerk as amended.

Adopted Barber: Aye; Frongillo: Aye; Absent (left early): Aye; Snow: Aye;
Weiser: Aye

Resolution 130 of 2013

Minutes of the Business Meeting held July 9, 2013:

A motion was made by Mr. Barber and seconded Mr. Snow to accept the minutes of the July 9, 2013 meeting as submitted by the Deputy Town Clerk.

Adopted Barber: Aye; Frongillo: Aye; Adams: Absent (left early); Snow: Aye;
Weiser: Aye

Resolutions

Resolution 131 of 2013

Motion made by Mr. Frongillo; Seconded by Mr. Barber

Resolved, the Caroline Town Board hereby appoints Councilmember Irene Weiser to fill the seat of delegate (in replacement of Dominic Frongillo) to the Tompkins County Coalition of Governments (TCCOG) for the remainder of 2013.

Adopted Barber: Aye; Frongillo: Aye; Adams: Absent (left early); Snow: Aye;
Weiser: Aye

The board discussed who would replace Councilmember Frongillo as representative/delegate to Tompkins County Coalition of Governments (TCCOG) for 2013. Councilmember Weiser volunteered to fill the seat of delegate to TCCOG for the remainder of his term.

Adjourned on a motion by Mr. Frongillo and seconded by Ms. Weiser the meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk