

Caroline Town Board Meeting Minutes of October 8, 2013

The Town Board Business meeting held on October 8, 2013 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor
Linda Adams, Councilmember
Aaron Snow, Councilmember
Irene Weiser, Councilmember
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: Pete Hoyt, Greg Harrington, Mark Witmer and John Fracchia

Privilege of the Floor

Pete Hoyt – Pete spoke about the Town’s liability if the roads are not plowed; to what extent the Town would be liable if they were plowed less. Pete asked the question of Supervisor Barber who, in response, contacted an Attorney for the Association of Towns (AoT), and Pete read from the e-mail Supervisor Barber received from Mike Kenneally, AoT attorney about liability for less snow removal and his e-mail response is below:

-Typically, the town will not be liable for accidents attributable to snow and ice accumulation during a “storm in progress” or within a reasonable time thereafter. I say typically because the town’s liability will always depend on the facts – for instance if the town created a dangerous condition through its actions, it may be liable. The policy alone should not subject the town to liability as long as it provides for the removal of the snow and ice within a reasonable period of time after the storm – usually, the sooner the better.-

Pete also said “what it going to make or break the budget is going to be through the Highway department budget”.

November 7th public hearing about property tax override.

Reports

Cindy Whittaker, Highway Superintendent

Today was the last day for 2 part time employees Bobby Spenser and Billy Mix.

Cindy wants to talk w/Don re: retirement for part time employees – Budget says 48% increase since last year – is this correct?

Cindy will be meeting w/Stephanie, bookkeeper later this week to discuss standardized payroll format

Done with major paving and surface treating jobs for the year.

Had some extra gravel so added it to Lackawana Rd. Danby truck was nearby w/extra oil and so added that too.

Not enough time to do White Church Rd this year as originally planned due to Coddington Rd construction meant White Church was alternate route. So instead paved lower portion of Bailor Rd. Widened it, added shoulders – up past Toby McDonald’s property.

Cindy’s comments re: plowing less frequently and Ass’n of Town’s recommendations.

Concerned about liability. Who determines “reasonable?”

Now – plowing is often initiated by County request. If County wants, say, 76 Road plowed, she calls her men out. Required to pay 3 hrs minimum. 76 Road takes about 30 – 45 min to plow. What should she do with workers the rest of the time? So she has them plow town roads.

County request for plowing often related to school bus needs. Busses run 6:30am till 5:30 pm.

Town doesn't usually plow after 8pm unless snow is wet, heavy and deep. Begins 4-5am before busses and work traffic.

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from B. Schickel requesting speed limit of 40 MPH on Boiceville Road
2. Sample of letter sent to all Town Employees to comply with affordable care Act
3. Letter from Code officer regarding safety of steam boiler and radiators. All things have been moved away from radiators. The Historian is having protective cages made so that things can't touch the 2nd floor radiators in the future. We have determined that the boiler does not have a high temp shut-off. The boiler has been serviced and the high temp shut-off has been ordered.
4. Petition for boundary change of Fire Districts by the Liddington's on White Church Road.
5. Notice from HSES that Ekross road Notice of Interest was approved for further application
6. Letter from Biologist and resident John Confer about managing water height in wetland at Goetchius Preserve on Flatiron Road
7. RFQ for technical assistance for Clarity Connect Special Use Permit Application.

Report:

1. Try as Barry Goodrich, Jon Negley, and I might, I still have serious doubts NRCS funded project for 600 Road stream bed and bank stabilization will be happening this year. NRCS staff told us that they felt if the work were not done this year that the Federal funds would not be held over. Then they proceeded to delay the release of plans for 2 weeks and even after they were released had more concerns. Then they were furloughed by Fed shutdown. Despite their shenanigans, we have applied for ACE and DEC permits, held a bidding process, and are ready to award a bid later tonight. We have ACE approval to begin- still waiting on DEC. Time is of the essence and we seem to be dragging a dead weight around with us- NRCS.
2. Heard from Clarity Connect that we should be receiving a Special Use Permit application this month. I released the attached RFQ to three firms that have strong recommendations from other muni's.
3. Met with SEMO reps about Buffalo creek project- we have clearer idea of what we need to prepare for the FEMA grant application. This is a 3-step process. It is clear that we should not be paying an engineer for the phase 1 process- so contract is off the agenda. The grant application is yet to be formatted. Cindy, Barry, and Aaron are working with me on this. Application due 10/30/13
4. Communicated with B-dale Fire Commissioners and Guy about petition for boundary change. Guy's response in Correspondence. Next step is a public hearing. My suggestion is to hold one in tandem with the B-dale Fire District, and then each makes a determination. Need your thoughts about timing for PH, B-dale seems flexible.

Frank Proto, County Representative

Absent

Irene Weiser, Town Board

Aquifer Protection Committee – has been seeking assistance of consultants. JoAnn Cornish, Director of Planning, City of Ithaca has offered to assist by phone or email when the committee has questions.

Steven Winkley, Water Resources Specialist with the NY Rural Water Association provides free technical assistance to municipalities re: protection of water resources. He will attend our November 19th committee meeting to discuss his services. He is available as often as once a month to help municipalities develop water resource protection plans.

Communication, Information and Technology Committee – The broadband Fundraiser at Oasis restaurant was a success. The event raised ~\$ 600.00 via cover charges at the door plus 50:50 raffle. A huge thanks goes to John Saylor and Purple Valley Band for the fabulous music and generous donation of the entry costs. Thanks also to Jonathan Comstock and Mary Alyce Kobler who won the 50:50 raffle and contributed their winnings back to the Town of Caroline.

The Brightworks subcontractor installed new switch and wiring and repaired old wiring in Historic Town Hall building. The Court now has Ethernet connections at Judge's and Clerk's bench and additional phone and computer connections in the Judge's office. The Ethernet wires to History Room were repaired (they were cut in the basement) and connected to switch. The History Room should now be able to hook up their phone and computer.

Brightworks has finished installing software that enables them to provide remote troubleshooting service to user workstations. They've begun to install Egnyte automated back-up systems. Town Clerk, Deputy Clerk, Code Officer, Court Clerk installed; supervisor, highway dept pending.

Emergency Preparedness Committee - Will be hosting a community educational forum Thurs Oct 10, 7:00p.m. at Brooktondale Fire Hall re: emergency preparedness and flooding. Announced on Town listserv.

Aaron Snow, Town Board

No report

Linda Adams, Town Board

No report

Tim Seely, Town Board

No report

Fund Transfer

Resolution 144 of 2013

A motion was made by Mr. Barber; seconded by Ms. Weiser

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

\$ 2,173.18 from General Fund Account A 1620.4 Town Hall CE to General Fund Account A 1989.4

Other Govt Support CE

\$ 20,000.00 from Highway Fund Account DA 5130.2 Capital Equipment to Highway Fund Account DA 5110.1 Road Maintenance PS

\$ 10,000.00 from Highway Fund Account DA 5130.2 Capital Equipment to Highway Fund Account DA 5112.1 Capital Improvement PS

\$ 10,000.00 from Highway Fund Account DA 5130.2 Capital Equipment to Highway Fund Account DA 5112.2 Capital Improvement

\$ 7,000.00 from Highway Fund Account DA 5130.4 Equipment CE to Highway Fund Account DA 5112.2 Capital Improvement

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

Abstracts

Approval of Abstracts

Resolution 145 of 2013

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Streetlight Fund voucher numbers 18 and 19 for \$557.42.

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

Resolution 146 of 2013

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Snow to approve payment for the Highway Fund voucher numbers 156 through 171 for \$130,827.05.

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

Resolution 147 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 290 through 324 for \$16,889.95.

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

Approval of Minutes

Resolution 148 of 2013**Minutes of the Business Meeting held September 10, 2013:**

A motion was made by Mr. Barber and seconded Mr. Seeley to accept the minutes of the September 10, 2013 meeting as submitted by the Town Clerk (with adjustment if necessary by clarification of the tape recording).

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

Discussion: There was a question about the accuracy of the committee report for Councilmember Weiser. (Whether Supervisor Barber or Councilmember Weiser was going to speak with the Code Officer and area Fire Departments about requests for information on abandoned buildings, etc.) After listening to the section in question multiple times along with the deputy clerk, Christine Wilbur, I can say that the gist of what I put down was correct. I have however further expanded on the actual conversation.

There was no mention of Supervisor Barber talking with the code officer. (Could this been part of a different conversation?)

The minutes of 9/10/2013 read (in part):

They (Speedsville) want to be kept apprised of public building inspections, problems found and the follow up. They want to also be kept updated on all the unsafe buildings, what the reports say and the follow up. When discussed what the protocol would be to follow, Supervisor Barber suggested that a member of Speedsville Fire dept. should contact the code officer with their request (which Councilmember Weiser said that they already done through e-mail). Supervisor Barber also said that that Councilmember Weiser should follow up with the other local fire departments about the additional requests (in addition to the permit status) and then follow up with Code Officer .

Resolutions
Resolution 149 of 2013

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

EMC Representative

Resolved, that the Caroline Town Board appoints Steve Nicholson, Yapple Road, Berkshire, NY, to be the Town of Caroline Representative to the Tompkins County Environmental Management Council,

and further Resolved, that the Caroline Town Board expects its representative to report either in person or by written report of the activities and issues before the EMC quarterly,

and further Resolved, that the Caroline Town Board's opinion about issues before the Tompkins County Environmental Management Council will be solicited by our representative, who will provide necessary background information about those issues to the Town Board in order for their careful deliberation.

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

Resolution 150 of 2013

A motion was made by Mr. Barber; seconded by Ms. Weiser

Appointing Supervisor Don Barber to be Tompkins County Council of Governments

Resolved, the Caroline Town Board hereby appoints Supervisor Don Barber as the Tompkins County Council of Governments (TCCOG) alternate.

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

Resolution 151 of 2013

A motion was made by Mr. Barber; seconded by Ms. Weiser

Direct Supervisor Barber to sign Agreement with JB Construction

Resolved, the Caroline Town Board hereby directs Supervisor Don Barber to sign the Agreement with JB Construction for the Stream work project at 600 Road.

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

Resolution 152 of 2013**Speed Limit Reduction Request: Boiceville Road**

A motion was made by Mr. Barber; seconded by Ms. Weiser

Whereas, the Caroline Town Board has received a petition to reduce the speed limit of Boiceville Road due to significant increase in population and cars entering and exiting Boiceville Road,

Now Therefore Be It resolved that the Caroline Town request the Tompkins County Highway Manager to petition the NYS Department of Transportation to lower the speed limit to 40 MPH for the entire length of Boiceville Road.

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

Resolution 153 of 2013

A motion was made by Mr. Barber; seconded by Ms. Weiser

Speed Limit Reduction Request: Seventy-Six Road

Whereas, the Caroline Town Board has received a petition to reduce the speed limit in the Caroline Center area due to sharp corners and low sight distance for cars entering Seventy-Six Road from Buffalo Road and residences,

Now Therefore Be It resolved that the Caroline Town request the Tompkins County Highway Manager to petition the NYS Department of Transportation to lower the speed limit on Seventy-Six Road in Caroline to 45 MPH commencing 1000 feet west of the intersection with Buffalo Road and continuing 1000 east of the intersection with Buffalo Road.

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

Resolution 154 of 2013

A motion was made by Mr. Barber; seconded by Ms. Weiser

Speed Limit Reduction Request: Boiceville Road

Whereas, the Caroline Town Board has received a petition to reduce the speed limit on Boiceville Road due to significant increase in population and cars entering and exiting the Boiceville road,

Now Therefore Be It resolved that the Caroline Town request the Tompkins County Highway Manager to petition the NYS Department of Transportation to lower the speed limit to 40 MPH for the entire length Boiceville Road in Caroline.

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

Town Business**Budget Discussion:**

Supervisor Barber- much of the increase in the budget is due to retirement contributions as well as health insurance costs. We are not building fund balance in either Highway or General funds. If we continue to use fund balance as we did last year then we will be out of money. We would have to cut un-mandated programs like the youth programs, food pantry, seniors, etc. The mandated programs would have to be kept at a standard level with no increases.

He came up with 3 options for the board to review:

1. *To keep the 2014 budget under the tax cap there would be a 25% decrease in most of the General budget lines except where a contract exists along with decreases to the Highway budget 35 K from Equipment line), plus the elimination of the un-mandated programs. Part-time employees would receive a 2% raise.
2. *Tentative Budget: To keep the 2014 budget under the tax cap there would be a 25% decrease in most of the General budget lines along with decreases to the Highway budget (35K from Equipment line). No un-mandated programs were eliminated and give 0% raise to employees.
3. Override the 2% tax cap for the 2014 budget, keep mandated and un-mandated programs standard (same as 2013) with 0% increase and give employees a 2% raise.
* To stay under the 2% tax cap, programs and budget line items would still have to be cut.

Then Supervisor Barber discussed the Fund balance. Last year the budget used \$150K of Fund Balance. He suggested that the weaning from Fund Balance to offset taxes be gradual at the rate of \$50K per year. The impact of using the \$150K less Fund Balance in one year is aprox. \$40/1000 of assessed value for a \$150K property.

Councilmember Seely- mentioned to stay under the tax cap rate the town would actually be lowering taxes by having to cut programs and decrease various budget lines. To keep the levy even you would still have to override the 2% tax cap.

Councilmember Adams -the total increase would be a 3% tax rate increase per year.

Councilmember Weiser- what happens when the fund balance dwindles down to zero?

Supervisor Barber – The State Controller’s office use to say for a town the size of Caroline should not have any less that 15% fund balance. That number has now changed 20% in unencumbered funds. Right now the Town is efficient in what monies are budgeted so we are not building any fund balance.

A Public Hearing will be held on October 14th to hear from the public and gather their input. The Town clerk will post at the office and in the Ithaca Journal.

Agenda

- Transfers (8:00)
- Approve Abstracts: Highway, General, Lighting (8:05)
- Approval of Minutes from September 10th meetings (8:15)
- Resolution Appointing Steven Nicholson to represent the Town of Caroline on the Tompkins County Environmental Management Council (8:18)
- Resolution Appointing Don Barber to be TCCOG Alternate (8:20)
- Resolution to Direct Supervisor to sign Agreement with JB Construction for Stream work at 600 Road (8:22)
- Resolution requesting Speed Limit Reduction on Seventy-Six Road at Caroline Center (8:30)
- Resolution requesting Speed Limit Reduction for Boiceville Road (8:35)
- Budget Discussion (8:40)

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

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk