

Caroline Town Board Meeting Minutes of February 12, 2014

The Town Board Business meeting held on February 12, 2014, at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor
John Fracchia, Councilmember
Irene Weiser, Councilmember
Mark Witmer, Councilmember
Tim Seely, Councilmember (7:08 p.m.)

Recording

Secretary: Debra DeAugustine, Deputy Clerk, Town of Ithaca

Also present: Three candidates for the open seats on the town board and planning board: Greg Harrington, Tim Seely, and Chris Payne

Privilege of the Floor

No one came forward to address the board.

Appointments to Fill Town Board and Planning Board Seats

Town board seat: Ballots were cast for Greg Harrington, Tim Seely, and Chris Payne. Tim Seely received the most votes.

Resolution No. 55 of 2014

Moved by Don Barber; seconded by John Fraccia

Resolved, that Tim Seely is appointed to serve a one-year appointment on the Caroline Town Board.

Vote

Ayes: Barber, Fraccia, Weiser, Witmer

Ms. Weiser thanked all the candidates and said it was not an easy choice: they all brought different dimensions to the table. She appreciates that the town has so many good people to choose from. Mr. Fracchia echoed the sentiment.

Mr. Seely joined the board at the table.

Planning board seat: Ballots were cast for Chris Payne and Ben Boynton. Chris Payne received the most votes.

Resolution No. 56 of 2014

Moved by Don Barber; seconded by Mark Witmer

Resolved, that Chris Payne is appointed to fill the unexpired term of Bev Liddington on the Town of Caroline Planning Board, which will run through December 31, 2016.

Vote

Ayes: Barber, Fraccia, Weiser, Witmer

Reports

Cindy Whittaker, Highway Superintendent

Roadwork

Plowing, salting and sanding roads

Repairing equipment

Patching pot holes (Weather Permitting)

2014 Capitol Highway Projects (284 Agreement)

All of the chosen roads are planned projects for 2014 and dependent on weather, time, and availability of materials and equipment.

The roads chosen for double surface treating this year are all in fairly good shape and have the least amount of prep work than other roads. Dust oil is applied on all of these sections of roads annually.

Belle School Road is also on the list to be shimmed with hot mix and double surfaced treated.

Snow & Ice

January 2013 Tompkins County Reimbursement: \$13,262.47 for 180.5 tons

February 1 – 12, 2013 Tompkins County Reimbursement: \$5478.51 for 75.75 tons

January 2014 Tompkins County Reimbursement: \$18,735.41 for 264 tons

February 1 – 12, 2014 Tompkins County Reimbursement: \$8139.37 for 113.25 tons

Trucks & Equipment

We have the opportunity to purchase a used 1998 Ford F800 single-axle truck from Tompkins County Highway with a chip box cover and patching pan for \$9000. The chipper truck is what we pull the wood chipper with and a special box cover that attaches allows us to blow chips into the back of the truck. The Highway Department has loaned the truck to us this past month to use as a road patching truck when weather permits. The current chipper truck is a 1978, and not worth investing money into for repairs that it currently needs. With the money already in the equipment line and purchasing from Tompkins County we do not have to go through the bidding process.

Assistant: Ms. Whittaker is still without an assistant; she's looking for a person who can hit the ground running without much training.

Don Barber, Town Supervisor

Correspondence of Note:

1. Email from BHTC regarding Housing Rehab Grant. They have two applicants in Caroline that could qualify. In the past, the town was heavily involved in providing input when it was our grant. If someone wants to become involved, they should let Mr. Barber know. Mr. Fracchia said he was interested.
2. City of Ithaca sent a letter to Time Warner Cable on behalf of Town of Caroline regarding the franchise agreement. No response has been received yet.
3. Office of State Comptroller- Audit report of Town of Caroline. They originally thought our highway fund was underfunded, but after a couple visits with Ms. Whittaker and Mr. Barber, they realized that the state had all our money, and it was not a deficiency on our part. They were so impressed with our office building that they decided to do an energy efficiency audit of the building.

4. Executive Summary of All Hazards Mitigation Plan. It should be made available to the public without printing out all 124 pages. Ms. Weiser said it could be put in a drop box and put a link on the town web site to the drop box.
5. Copy of Letter from Teamsters to PERB.
6. Letter from Assessment Department regarding setting up an Assessment Review Board. The purpose of the board is to recommend review of the assessed value of properties for people who request it. The people who have served in the past are Bob Spaulding, Cal Snow, and Len Pogorzala. Frank Proto has also been involved as a county legislator, and could continue to be as a private citizen. The Board agreed that Mr. Barber should approach these people. Alan [inaudible] from Besemer Road also filled in. Mr. Fracchia and Ms. Weiser thought it a good idea to put the word out to the public to see if anyone else would like the opportunity to step forward.

Report:

1. Annual Report is complete and filed- copy with Clerk. Clerk needs to do a legal ad.
2. Clarity Connect has submitted Special Use Permit application.
3. Worked in concert with Planning Board to present Site Plan Review on 1/30/14.
4. Met with Assemblywoman Lifton about Govr's Budget Property tax cap enhancements
5. Road Preservation Committee has received comments from Town Attorney and made adjustments to draft local law. Still CAFO (concentrated animal feeding operation) and Reserve account issues to resolve and inclusion of seasonal adjustment criteria for road strength calculations
6. Met with staff from Workforce Investment Board and TCAD with Town of Ithaca and County Youth staff to begin process of finding private sector funds for youth employment for 2015 and beyond.
7. Received check from Health Consortium of \$40,421.47 to reimburse for Capitalization fee paid in 2010 plus interest

Steve Nicholson, Environmental Management Council

Mr. Nicholson has been the municipal representative for the Town of Caroline on the EMC since 2000. The Town of Caroline is arguably the most eco-progressive rural town in New York State. Mr. Nicholson is the longest-serving EMC chair in its 40-year history. There are four core committees:

- Unique Natural Areas Committee. There are 186 unique natural areas in the county. They've been updating the boundaries of 45 of them. There's a bit of controversy over the UNA surrounding Sapsucker Woods. They proposed expanding it by 30%; that number has been reduced to 15%.
- Environmental Review Committee. This committee reviews all construction permits in the County for environmental considerations. They're working on a steep-slope ordinance: a developer wants to build right behind the police station, and there's no ordinance in place, so they're working with the city conservation advisory council.
- Plastic Bag Committee. This committee introduced a resolution last year to ban single-use plastic shopping bags. They hope to vote on it this year at the county legislature. They're still collecting data; the Chamber of Commerce has put out a survey to its members. If the ban goes through this year, it will go into effect in 2015. Unfortunately, it's an environmental issue that everyone has touched. Everyone has used them, and many are reluctant to give them up. The committee is trying to educate the public. Right now, one-third of the world's population lives where plastic bags have been banned. Everyone has heard of the big plastic gyres in the Pacific Ocean; because of the chemistry of the Great Lakes, it's probably more damaging to the Great Lakes because the plastic dissolves more easily in fresh water than in salt water. All plastic disintegrates into small pieces, so there are more small plastic bits than plankton. The committee also hopes to ban styrofoam containers.
- Energy Committee. This committee is working on issues regarding the repowering of Cayuga Plant and getting the unified photovoltaic permit done. They decided to put the gas drilling committee on hold for two reasons: the chair is 95 and losing her hearing, and there hasn't been much action yet.

John Fracchia commented that it's hard for any community to implement a plastic bag ban. He asked if they were seeking to ban all plastic bags.

Mr. Nicholson responded that they're only looking at single-use shopping bags.

Mr. Fracchia asked about the role of biodegradable bags.

Mr. Nicholson said there are two issues with that. Biodegradable are fantastic. If they were composted in aerobic compost, they would degrade, but if they get into the waste stream and buried in the land fill, they're almost the same as the regular bags. But the county is starting curbside composting pickup, and one of the main reasons they want to ban the bags is because unless they are biodegradable, they contaminate the waste stream. The county will have to hire a full-time person to pick out from their compost stream all the plastic bags because they will not compost. So we're trying to get ahead of that.

Mr. Barber said the EMC can help out Caroline: most of the towns are Climate Smart Communities, and we're supposed make assessments of greenhouse gas produced in our town. If there's a clearinghouse for information at the EMC that they could provide, Caroline could use help gathering that data. Once we start to look at our Comprehensive Plan as a town board, that's the type of information we'll need.

Ms. Weiser commented on Optony. Towns are getting push back on solar permitting; Caroline doesn't have any solar permitting besides standard building permits. The unified permits are supposed to remove impediments for the installers, but if we don't have specific processes outside the regular building permit, it's not clear that there is an impediment. This Optny, which looks at the bigger picture within a community on how to promote solar installation, may be a more comprehensive way of looking at how to bring solar into communities.

Mr. Nicholson said that last year the EMC did a State of the Environment web site, which gives an overall picture of all the environmental issues going on in the county. The EIC got detailed greenhouse gas emission reports from George Frantz. Mr. Barber asked that he share that report.

Mark Witmer, Town Board

Tompkins County Youth Services (Tuesday, Jan. 14). Don Barber and Mark Witmer attended the Youth Services meeting. Caroline Youth Services will be merging with the Joint Youth Services, which will serve Caroline, the Village of Cayuga Heights, the Town of Ithaca, and the Village of Lansing to provide opportunities for youth to learn employment skills. Discussion of drafting of melded by-laws from those of previous Caroline Youth Commission and Joint Youth Commission, as well as procedure for agreement (consensus or not). TC Youth Services has received funding from Tompkins County for a public/private collaboration to provide work experiences for youth.

Watershed Committee (Tuesday, Jan. 21). Molly Adams hosted Jeremy Waddell from the Upper Susquehanna Coalition. Chris Payne, Bridget ?, and Molly Adams were present. They have received a grant for a wetlands restoration and berm removal program that they are implementing, with the goal of enhancing wetland capacity to buffer landscapes from flooding, partly be reconnecting streams with their wetland floodplains. We learned that Tompkins County is eligible for projects. The grant is for restoration of 120 acres of wetland and removal of 48,000 feet of berms separating streams from their floodplains. The USC evaluates projects for this program.

Energy Independent Caroline. The committee did not meet in January due to the competing demands of Solar Tompkins planning. I submitted a proposal for the adoption by the town of the New York State Unified Solar Permitting process to the members of EIC and our code officer, Kevin McMahon. Kevin replied with concerns that need to be considered. I will learn more about the permitting process and discuss with Kevin to see whether this proposed resolution would be helpful to the adoption of solar energy systems in Caroline.

Planning Board (Wednesday, Jan. 22). The planning board met to discuss the draft of the proposed Site Plan Review Law, and how to facilitate productive discussion at the impending 30 Jan. public meeting.

284 Agreement for the Expenditure of Highway monies

Ms. Whittaker said that after discussing the budget last year, the town board decided that the highway department should cover as much gravel as possible with permanent surface instead of dust oil every year. Ms. Whittaker said if you add up the roads, it's \$13,000 over the budget, but the chances of getting them all done in the first year is

small. It's more like a wish list – what we're going to shoot for. Belle School Road needs a lot of work. They planned on doing it last year, but when the county shut down Coddington Road, they had no place to route the traffic. So they plan to shim the shoulders where the edges are breaking off with hot mix, which will harden up once it cools, then double surface treat the road. They did that with Creamery Road 8 or 9 years ago and it looks like they paved the whole road. It's cheap and hopefully will hold up. All the roads she listed for double surface treating are roads they now put dust oil on annually, so it will eliminate that cost.

Mr. Barber said his budget is \$154,000 in the repair line and \$138,000 in capital improvement. This was different from what Ms. Whittaker thought was in the budget, and she was pleased.

Resolution 57 of 2014

284 Agreement for the Expenditure of Highway Monies

Moved by Irene Weiser; seconded by John Fracchia

Resolved, the town board approves the 284 Agreement for the Expenditure of Highway Monies.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Abstracts

Resolution 58 of 2014

General Fund Abstract

A motion was made by Don Barber and seconded by Irene Weiser to approve payment for the General Fund voucher numbers 31 through 73 for \$75,194.61.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 59 of 2014

Streetlight Fund Abstract

A motion was made by Don Barber and seconded by Irene Weiser to approve payment for the Streetlight Fund voucher numbers 2 through 3 for \$786.77.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 60 of 2014

Highway Fund Abstract

A motion was made by Don Barber and seconded by John Fracchia to approve payment for the Highway Fund voucher numbers 14 through 38 for \$87,875.53.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 61 of 2014

Caroline Fire Abstract

A motion was made by Don Barber and seconded by Mark Witmer to approve payment for the Highway Fund voucher numbers 14 through 38 for \$66,727.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Approval of Minutes

Resolution 62 of 2014

Minutes of the Town Board Meeting of February 4, 2014

A motion was made by Don Barber and seconded Irene Weiser to approve the minutes of the meeting of February 4, 2014, as amended.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser

Abstentions: Seely

Town Business

Multi-municipal NYSERDA Home Energy Disclosure Grant

Ms. Weiser said the work product will be a model ordinance that the town has an option to adopt or not, along with an implementation plan, although NYSERDA is trying to wrangle it that unless the ordinance is adopted, 10% of the funding will be withheld. That's in contract negotiations right now. Ms. Weiser's role would be administrative, to oversee the project manager, who will work with others to put together the model ordinance. If some of the funding is withheld, the project budget will need to be scaled back.

She has a few reports of areas where it's been implemented and has been successful and reports of others where it hasn't gotten off the ground. In places where it has succeeded, it's similar to putting miles per gallon on a car: you have a little more energy awareness; you know what you're getting into. Realtors will tell you to invest in a coat of paint before putting your house on the market because the return on your investment is supposed to be substantial. In the same way, people may be motivated to do energy upgrades to get a better energy rating before they put their house on the market. NYSERDA has incentives that allow you to have those costs attached to the electric bills of the new owner.

Resolution 63 of 2014

Participate in NYSERDA-Funded Multi-Municipal Residential Energy Efficiency Action Plan

Moved by Irene Weiser; seconded by Mark Witmer

Whereas buildings account for 47% of the energy consumed in the Southern Tier and many of the region's homes are in need of significant upgrades to improve their

energy performance, and

Whereas the Southern Tier Regional Sustainability Plan prioritizes the need to retrofit existing housing to improve energy efficiency, and

Whereas Caroline's Comprehensive Plan indicates support for improving energy efficiency and for improving the quality of our local housing stock, and

Whereas the Town of Caroline, along with the Towns of Danby, Ulysses, Ithaca and the City of Ithaca submitted an inter-municipal grant proposal to NYSERDA (the New York State Energy Research and Development Authority) to fund a managing consultant to develop a home energy rating system for existing housing, draft a home energy rating disclosure ordinance and implementation plan, analyze the associated costs and expected benefits of such a plan, and identify potential resistance and unintended consequences of a home energy rating disclosure ordinance, and

Whereas the goals of home energy rating disclosure include increasing energy literacy among homebuyers, sellers, and realtors, creating an energy conscious housing market, encouraging home energy efficiency upgrades, development of local jobs, reduced GHG emissions, increased comfort and safety for homeowners, and increased energy and economic security

And whereas NYSEDA funded this proposal for \$70,000 over 18 months, and whereas participating municipalities are required to contribute in-kind effort totaling \$30,000 (\$6000 per town);

Therefore be it resolved that councilmember Irene Weiser will contribute her time in representing the Town of Caroline on the project team that will oversee the managing consultant in developing the Residential Energy Efficiency Action Plan.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Labor Contract Services

Mr. Barber stated that the town has used this company in the past and has gotten very sound legal advice. At this point in time, when both sides have dug in, we needed a mediator to find a way to reach an agreement.

Ms. Weiser asked if a spending limit is set.

Mr. Barber responded that it's just like our relationship with our attorney. There's no limit because the outcome is dependent upon another party the town really has no control over. The rate is \$150 for their assistant and \$235 for the mediators.

Resolution 64 of 2014

Contract with Coughlin and Gerhart for Labor Contract Services

Moved by Don Barber; seconded by John Fracchia

Resolved the Caroline Town Board authorizes the supervisor to sign a contract with Coughlin and Gerhart for Labor contract services.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Broadband Infrastructure Funds

Mr. Barber stated that the County has pledged up to \$15,000 that has to be spent in 2014 towards the funding of the infrastructure for broadband in the town of Caroline, and they're not doing it without a contract with the town.

Resolution 65 of 2014

Contract with Tompkins County for Broadband Infrastructure funds

Moved by Don Barber; seconded by Tim Seeley

Resolved, the Caroline town board authorizes the supervisor to sign the contract with Tompkins County for broadband infrastructure funds.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 66 of 2014

Adopt the Multi-Jurisdictional All-Hazards Mitigation Plan

Moved by Don Barber; seconded by Irene Weiser

WHEREAS, the Tompkins County Planning Department, with the assistance from Barton & Loguidice, P.C., has gathered information and prepared the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York; and

WHEREAS, the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the Town of Caroline, has reviewed the 2013 Hazard Mitigation Plan Update, has found the document to be acceptable, and the County has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan; and

WHEREAS, the Town of Caroline, will consider the Tompkins County HMP Update during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the Town of Caroline, as a participating jurisdiction, adopts the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York, dated December 2013.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 67 of 2014

Contract with the Town of Richford for Code Enforcement

Moved by Don Barber; seconded by Irene Weiser

Resolved, the town board authorizes the supervisor to sign the contract with the Town of Richford for code enforcement services offered by the Town of Caroline.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 68 of 2014

Speedsville Fire Protection Contract

Moved by Don Barber; seconded by John Fracchia

Resolved, the town board authorizes the supervisor to sign the contract with the Speedsville Volunteer Fire Company for fire protection services.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 69 of 2014

Brooktondale Fire Protection Contract

Moved by Don Barber; seconded by Tim Seely

Resolved, the town board authorizes the supervisor to sign the contract with the Brooktondale Volunteer Fire Company for fire protection services.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 70 of 2014

Workers Compensation GML 119-o Agreement

Moved by Don Barber; seconded by Mark Witmer

Resolved, the town board authorizes the supervisor to sign the GML (General Municipal Law) 119-o Agreement for cooperative procurement and reimbursement of insurance premiums.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Services from Blue Wing Engineering for Technical Review of Clarity Connect Special Use Permit

Mr. Barber will provide Ms. Weiser with the agreement of what they'll actually be doing. Ms. Weiser will be the

contact. Blue Wing will review the proposal and make sure it's sound. Our local law has a number of criteria that has to be met in the application, and the town board passed a resolution in December to not hold the applicant responsible for some of those (fall zones, etc.). But the town board felt they were not in a position to evaluate the proposal technically. The board passed a resolution two years ago to not charge Clarity Connect for these expenses. So although the town is not recouping these funds, we have the ability, through Ms. Weiser as the contact, to keep them focused on what they've been asked to do.

Resolution 71 of 2014

Blue Wing Services

Moved by Don Barber; seconded by John Fracchia

Whereas, the Town of Caroline has sought engineering support for review of the Special Use Permit Application from Clarity Connect for Construction of broadband infrastructure, and

Whereas, Blue Wing Services ("Blue Wing") has provide a proposal that meets the Town needs,

Now therefore be it resolved that the Caroline Town Board will engage Blue Wing for engineering review according to Local Law #2 of 1998 titled Regulating the Siting of Telecommunication Towers, Antennae, and Related Facilities pursuant to the terms spelled out by Blue Wing in their proposal, providing Blue Wing agrees to the following conditions:

1. The work being done is "for hire" and terminable at the will of the Town, at the sole discretion of the Town, for any or no reason without recourse; and
2. Blue Wing is an independent contractor, with no authority to act in the name of the Town and with no entitlement to any Town benefits of employment; and
3. Any dispute arising as to the interpretation, application, or breach of any terms of hiring, contract, agreement, or arising out of any relationship whatsoever between the Town and Blue Wing, shall be resolved first by non-binding mediation before a mutually agreeable mediator with proceedings to be venued in Tompkins County, and absent resolution by mediation, then all claims and filings, whether judicial or otherwise, shall be filed and venued only in courts and tribunals seated within Tompkins County; and
4. The work product of Blue Wing, including any drawings, designs, or reports, are delivered to the Town: (i) free of restraint or limitations (including all licenses and fees), whether sounding in intellectual property rights or otherwise; and (ii) once communicated, published, or delivered, are and forever remain the property of the Town of Caroline; and
5. Blue Wing shall give a simple assurance of confidentiality, in a form acceptable to the Town Board, to the information gleaned from the Town and the private advice given to the Town; and
6. The original Town RFP and the Blue Wing proposal shall each be deemed a part of the contract and agreement between the Town and Blue Wing, and their provisions thus duly incorporated herein and together with such other documents as form such contract and agreement, including the assent from Blue Wing to these conditions and this Resolution.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Resolution 72 of 2014

Public Hearing on Short Environmental Assessment Form (SEAF) for Clarity Connect Special Use Permit

Moved by John Fracchia; seconded by Tim Seely

Resolved, the Caroline Town Board will hold a public hearing for a review of the Short Environmental Assessment Form (SEAF) for the Clarity Connect Special Use Permit on March 4, 2014 at 7 p.m. at the Caroline

Town Hall.

Adopted Ayes: Barber, Fracchia, Witmer, Weiser, Seely

Association of Towns Resolutions

The board discussed the resolutions. The Caroline town board can support or not support the resolutions and can suggest changes that Mr. Barber will bring to the Association of Towns meeting.

The board supports all resolutions with the exception of No. 11, Assessing and Taxing Fiber Optic Cable on Private Property. Mr. Seely said it is essentially saying that if you have fiber optic cable to your house, it gets valued and added to the assessment of your property. Mr. Fracchia thought it was equivalent to Electrification Act, and he doesn't see us taxing a house for having electricity. Mr. Barber interpreted it as assessing the cable company, not taxing the property owner. The town board would like clarification regarding who is being taxed; the board sentiment is that we don't want the property owner taxed. It discourages development. The town is looking to not impede expansion of broadband in any way to the rural community.

Other Business

Mr. Seely expressed his willingness to serve on committees. Mr. Barber will take a look at which committees have vacancies. He thinks the best one would be Buildings and Grounds. Mr. Seely expressed an interest in contract negotiations also and Mr. Barber agreed that his expertise would make a good fit.

Mr. Barber noted that he will likely be absent for the next business meeting. Ms. Weiser also might not be present.

----**Adjourn**----

On a motion by John Fracchia, the meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Debra DeAugustine, Deputy Town Clerk, Town of Ithaca