

Caroline Town Board Meeting Minutes of May 14, 2014

The Town Board Business meeting held on May 14, 2014 at the Caroline Town Hall was called to order at 7:00 p.m. by the Supervisor Don Barber.

Attendance:

Don Barber, Supervisor - Councilmember
John Fracchia, Councilmember
Irene Weiser - Councilmember
Mark Witmer, Councilmember
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: one member of the public and Dan Klein, County Representative

Privilege of the Floor

None

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 (7:50)

Discussion and Action Topics

Transfers – (8:00)

Approve Abstracts: Highway, General, Lighting (8:05)

Resolution Adopt Joint Youth Commission By-laws (8:10)

Resolution Establishing Public Notification Process for Public Hearings (8:20)

Resolution Adopting Bounced Check Policy (8:30)

Resolution to Amend draft Site Plan Review Local Law (8:40)

Discuss SPR SEQR process

Reports

Cindy Whittaker, Highway Superintendent

See attachment

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from DOT granting speed limit changes on Boiceville Road and Seventy –Six Road at Buffalo Rd intersection
2. Letter from Park Foundation – notice of award of \$20K for Broadband
3. Letter from NYS Dept of Ag & Markets- regarding Site Plan Review Local Law
4. Supervisor training: sponsored by TC3 and TC
5. 1st qtr sales tax report- 2.91% increase- also mortgage check of \$20K

Report:

1. At TCCOG- learned that Former City Mayor C. Peterson is on Local Govt Advisory Committee to EPA- a great resource for Watersheds Committee with Susquehanna, etc.
2. Road preservation Committee closer to local law and Road Use Agreement attorney spend a bit of time.
3. Collective bargaining- thank you for ratifying
4. Working w/ Code Enforcement Officer on Special Use Permit for broadband
5. Working through SEQR process for SPRL

Tim Seely, Town Board

Councilmember Seely spoke about the Assessment Review board

John Fracchia, Town Board

No additional information from last week's report

Irene Weiser, Town Board

Aquifer Protection- Steve Winkley is planning on viewing the Town terrain and geography so he can better understand it and identify areas that might be potential sites of contamination. There will be educational forums offered in the Fall about Aquifers and what they are and how to protect them.

The CIT committee received an Invoice from Blue Wing for \$7,600 with no explanation as why it was not toward the limit of \$11,000. Councilmember Weiser emailed Blue Wing to ask for clarification for the price of \$13,000.

E-Mail – estimated price from a company in Virginia, Brightworks, and the Computing Center. All companies came in between \$2,000 and \$3,000. One reason to choose Brightworks would be because they already work for the Town as the IT company and they would be overseeing the product that was installed.

Mark Witmer, Town Board

Planning Board, met on the 8 of May, 6:30-8:30. Chad Novelli, Ed Wurtz, Bruce Murray, Lois Lounsbury, Chris Payne

Discussion of plan for updating the Comprehensive Plan. How has plan so far informed/helped the Town? (Ban on Gas Development, bike access in Town, Site Plan Review Law).

Watershed Committee

7 May: Irene, Barry, and I (Mark) met at FEMA Discovery Meeting at Borg-Warner Room. Mainly noted on map problem areas (flooding) in town, particularly along 6-mile Creek.

12 May: Irene, Barry, Dave Herrick (T.G. Miller), and I (Mark) visited Buffalo Creek Road, about 3/4 mile stretch in lower section (telephone poles 19 - 33), midpoint Cleveland residence. The creek is threatening the roadway, with not much room to move away in this section (steep hillsides, eroding).

Problem seems to be that the road is set right in the creek basin. There is a concrete-block retaining wall that is being undercut. Stream continues upstream straight along road. This needs to be addressed - grade control and sediment traps (pools). I noted four spots where creek is threatening to collapse side of road. At one of these the roadside is 48" from edge of eroding creek bank. One spot where creek is pinched from collapse of banks and debris. This will plug soon and then erode roadside and creek bank. Dave notes 8 locations along this stretch that need work.

Downy Rd. and Chestnut Rd. problem with the culvert. Dave Herrick from TG Miller suggested move the existing pipe and position it downward, building up the shoulder and put up a guard rail.

Dan Klein, County Representative

Assessment Review Board- Thursday, May 22nd, 3 pm- 6pm at the Town of Caroline

Trails Network in Tompkins County – Going forward there will have to be a discussion with the Town Board about the future of this project. Nobody has brought this project to the board as of date.

Youth program- Youth Services. The network relies on all of the area Town's participating in the program. The question is will Tompkins County be willing to put in more money (\$200,000). There is a real uncertainty about the Youth Services Program going forward because of lack of funding. Supervisor Barber commented about possibility of the private sector contributing..

TCAT - Update

Fund Transfers

Resolution 105 of 2014

Motion made by Don Barber; seconded by Irene Weiser

Be It Resolved the Caroline Town Board makes the following 2014 Fund Transfers

- \$ 1,500.00 from Highway Fund Account DA 5130.1 Machinery PS to Highway Fund Account DA 5130.11 Machinery PS OT
- \$ 4,000.00 from Highway Fund Account DA 5110.1 Repairs PS to Highway Fund Account DA 5142.1 Snow and Ice PS
- \$ 4,000.00 from Highway Fund Account DA 5140.1 Misc- Brush & Weeds PS to Highway Fund Account DA 9050.8 Unemployment

Be It Further Resolved that the **Caroline Town Board makes the following 2014 budget adjustment:**

Increase Highway Revenue Account DA 2300 by \$10,000 and increase Appropriation Account DA 5142.4 by \$10,000

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Approval of Abstracts

Resolution 106 of 2014

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Witmer to approve payment for the General Fund voucher numbers 143 through 181 for \$43,948.23.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 107 of 2014
Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Streetlight Fund voucher numbers 8 and 9 for \$525.45.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 108 of 2014
Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Fracchia to approve payment for the Highway Fund voucher numbers 88 through 105 for \$34,111.22.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolutions

Resolution 109 of 2014

Revised By-Laws for the Tompkins County Joint Youth Commission

A motion was made by Tim Seely; Seconded by Irene Weiser

Resolved the Caroline Town Board accepts the operating guidelines and the municipal agreement for the Tompkins County Joint Youth Commission and the updated and revised bylaws.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Supervisor Barber mentioned that two representatives for the Town of Caroline will need a resolution to adopt their appointment. This will be done at an upcoming meeting.

Resolution 110 of 2014

Resolution Establishing Public Notification Process for Public Hearings

A motion was made by Don Barber; Seconded by John Fracchia

A motion was made by Irene Weiser; Seconded by John Fracchia to accept the resolution as amended

WHEREAS democracy is strengthened when residents are informed about and engaged in local government, and

WHEREAS the Town of Caroline desires to encourage participation by its residents in local government actions and therefore recognizes the importance of making available accurate, timely and widely accessible information on the activities of local government, and

WHEREAS the Town of Caroline feels that the State's requirement for advertising public hearings is not adequate and has established a Town Website, Town Listserv and Public Notice Notebooks in and around the Town in an effort to inform its residents of the important actions being taken and matters being discussed by their local government officials, now therefore be it

RESOLVED that in addition to posting the Legal Notice in the paper of record as required by the Town Clerk in accordance with Town Law, the Town Board, in cooperation with the applicable committee or department, shall develop a notice about the public hearings that will include; the title of the action, the location, date and time of the hearing, a brief description of the action, **pertinent documentation** and notice that additional materials may be on file with the Town Clerk and directions for submitting comments by providing **an address**, phone number and email address of the Town Clerk, and be it further

RESOLVED that the above information shall be forwarded by the Town Board member developing these materials to the Communication Support Specialist for posting and dissemination at the earliest possible date **on the Town Listserv, Website and Notebooks**, and be it further

RESOLVED that this protocol shall be made part of the resolutions proposed at the organizational meeting at the beginning of each year.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Councilmember Weiser added a few additions for clarification that are noted in the resolution **(above)** in **bold**.

Resolution 111 of 2014

Site Plan Review Local Law Amendments

A motion was made by Mark Witmer; Seconded by Irene Weiser as amended

Resolved, the Caroline Town Board amends the draft Site Plan Review Local Laws as follows:

Section 2.010 (l)

Concentrated Animal Feeding Operations (CAFOs), as such terms are used and defined in New York State Law, including in the Environmental Conservation Law and the Agriculture and Markets Law, and the regulations of the Department of Agriculture and Markets and Department of Environmental Conservation. In addition, CAFOs that are subject to the New York State Department of Environmental Conservation (DEC) CAFO General Permit shall: (i) submit copies of their Notice of Intent, Annual Nutrient Management Plan for large CAFOs or their Comprehensive Nutrient Management Plan Certificate for small and medium sized CAFOs (ii) submit copies of their permit application and permit to the Town Clerk's Office so that the permit information is available for inspection by the public; and (iii) provide any updates regarding changes in the DEC permit or permit status to the Town Clerk's Office.

Section 2.040 Definitions

Institutional Uses: "A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or -operated building, structure or land used for public purpose."

Appendix A -- Guidelines

m. has the design considered the environmental and health impacts of building materials (including transportation, embedded energy, and pollutants during manufacture and curing), utilized best practices in generating a building envelope that will minimize heating and cooling costs, evaluated siting and

orientation to enhance the thermal performance of dwellings in central New York, and maximized opportunities for siting solar renewable energy systems. ~~for local energy needs.~~

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Councilmember Seely spoke about removing the word “solar” from the last sentence and replacing it with “renewable” and Councilmember Weiser asked if “for local energy needs” could be excised from the last sentence. There are **bold** for new words and ~~strike through~~ for words removed from the last sentence.

Resolution 112 of 2014

Site Plan Review Local Law Environmental Lead Agency

A motion was made by Don Barber and Seconded by Tim Seely

Resolved, the Caroline Town Board finds the Site Plan Review Local Law and Type 1 SEQR action and further seeks to be lead agency in determining the environmental significance of this local law.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 113 of 2014

Bounced Check Resolution

A motion was made by Mark Witmer; Seconded by Tim Seely

Resolved, the Caroline Town Board, Pursuant to General Municipal Law section 85, authorizes the Town Clerk to require payment of Town and County taxes in cash or by certified check, when previous payments have been returned for insufficient funds, stopped payment, or not honored by their financial institution. This provision applies to both dishonored payments, as well as future Town and County taxes. Payments for dishonored checks shall include penalties, not to exceed the maximum as specified under Section 5-328 of the General Obligations Law.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye



Resolution 114 of 2014

Lead Agency

A motion was made by Don Barber; Seconded by Tim Seely

“Resolution Classifying Action, Declaring Lead Agency, Identifying Involved and Interested Agencies, and Scheduling Public Hearing for input upon Town Board Environmental and SEQRA Review of Proposed Local Law to Establish Site Plan Review”

WHEREAS, pursuant to New York State Environmental Quality Review Act, the Town Board must

conduct a SEQRA review for the action of adopting a land use regulation, must schedule a Public hearing to receive input on the significance of any environmental impacts of adopting such a local law, and upon due deliberation upon all of the foregoing determine the significance of environmental impact, now therefore be it

RESOLVED AND DETERMINED, that

1. This action is classified as an Unlisted Action pursuant to 6 NYCRR Part 617.4;
2. The Town Board of the Town of Caroline proposes to be the Lead Agency for coordinated environmental review, subject to consent or any requests regarding such coordinated review by any Involved or Interested Agency, as applicable;
3. The Interested Agency's are determined to be Tompkins County Planning Department, Towns of: Ithaca, Danby, Candor, Richford, Dryden, Tioga County, and NYS Department of Environmental Conservation; and NYS Parks and Recreation

and it is further;

RESOLVED, that the Town Clerk issue a Notice of Intent to each and all of the following Interested Agencies, including therewith a copy of the proposed Local Law, the Environmental Assessment Short Form; and it is further

RESOLVED, that a public hearing to consider the environmental impacts of the proposed Local Law is hereby scheduled for the 11th day of June, 2014, at 7:00 P.M., at the Caroline Town Hall, 2670 Slaterville Road, Slaterville Springs, New York, and to thereat hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Caroline, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published and posted in accordance with NYS law.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

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

Adjourned on a motion by **John Fracchia** and seconded by **Irene Weiser** the meeting adjourned at **8:51** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk