

Caroline Town Board Meeting Minutes of June 11, 2014

The Town Board Business meeting held on June 11, 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 - absent
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: 13 members of the public and Dan Klein, County Representative; Cindy Whittaker, Highway Superintendent; Dave Herrick, TG Miller; Barb Kone, Town Historian; Pat Brhel, Deputy Historian and Ed Wurtz, Planning Board

Public hearing- 7:04 p.m. No one spoke

Close the public hearing 7:05 p.m.

Privilege of the Floor

Barbara Kone Historian and Pat Brehl, Deputy Historian spoke to the board about town records that were auctioned off at Bostwick Auction House after they had received (from Pat Brhel) a phone call and a letter stating that the records were the property of the Town of Caroline and under law could not be sold. That the historic items needed be returned to the appropriate owner which is the Town of Caroline. Pat upon arriving at the Auction house were told the records were set aside and could be retrieved at the end of the auction. Pat found at the auction end the records had in fact been sold and the owner of Bostwicks was unapologetic about selling them. Barb said that many Town records go for sale on ebay and/or auctions and are sold as personal property. Records belong to the Caroline School district which was in effect until 1957 when it merged with the Town of Ithaca. It is possible to call the Sherriff and report the selling of the items as theft or have the Town attorney write a letter and let them know they are in violation of the law. The Town Board will discuss how to move forward.

Supervisor Barber brought forward from the correspondence file a letter stating that the Slaterville post office was looking for input on whether to permanently close the office or shorten the hours and preference of hours. Councilmember Weiser asked for more information about the survey/ mailing that was sent out (about the possible closing of the post office) from the people in the audience. Barb Kone said she received the survey today and from what she knew there would be a meeting held in July where people could make public comments in addition to filling out the survey about the reduced hours. Pat Brehl said closing the Slaterville Post Office would have a significant disadvantage for people because many people walk to the post office and it would be a hardship for them to make it to Brooktondale.

Agenda

Salute to the Flag (7:00)

Public Hearing on Environmental Assessment of Site Plan Review Local Law

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

Buffalo Creek Erosion Mitigation Discussion with Engineer (7:30)

Highway Superintendents Report (8:00)

Supervisors Report – (8:05)

County Representatives Report (8:10)

Department, Committee, & Liaison Reports (8:20)

Discussion and Action Topics

- Transfers – (8:30)
- Approve Abstracts: Highway, General, Lighting (8:35)
- Approve Minutes from 5/14/14 meeting (8:40)
- Resolution to Amend draft Site Plan Review Local Law (8:45)
- Resolution Establishing Public Hearings for Revised Site Plan Review Local Law(8:55)
- Resolution Use of Public Property (9:00)

Reports

Cindy Whittaker, Highway Superintendent

See attachment

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from Legacy Foundation that Broadband grant was not approved
2. Letter from Health Consortium is providing Flu shots this Fall for all covered employees, spouses and children over 18
3. Letter from USPS regarding future of Slaterville Post office meeting 7/8/14 @ 6PM @ Slaterville Fire Hall
4. Correspondence from Historian to Bostwick Auctions
5. Letter from TC Dept of Planning regarding 239 review of SPRL
6. Letter from TC AFPB regarding SPRL

Report:

1. I believe we have finished language of the Collective Bargaining Agreement
2. Participated in 2 TCCOG meetings regarding collective response, required by NYS Law in June 2015, regarding what we have done to consolidate and collaborate, and what we will implement.
3. Developed contract with Clarity Connect for Broadband Infrastructure Construction and Service agreement

4. Accepted Executive Director position offer from Health Consortium- need to establish Caroline rep and alternate and Representative to Joint Committee on Benefit design
5. Health Meetings tips
6. Response to Bostwick Auctions regarding sale Town records
7. Request from BHTC for Caroline input on Mayes Housing Rehab project

Tim Seely, Town Board

John Fracchia, Town Board

Irene Weiser, Town Board

Mark Witmer, Town Board- absent

Dan Klein, County Representative

Dan Klein gave a report of County bridge and road work in the Town of Caroline.

Town Business- Dave Herrick from TG Miller Engineers and Surveyors. He spoke about the erosion that is threatening the embankment and the shoulder of the road. Identified aprox 7 areas of the road that have imminent problems. There are 4 areas that have gotten worse since the Fall of 2013. Stabilizing the channel slopes that will ultimately need to be addressed. It would be ideal to repair the creek from the full top to bottom in a timely manner but addressing the critical 4 areas should be addressed immediately. The cost would be \$40,000, with \$30,000 for material and labor and \$10,000 for mobilization. The Buffalo Road Creek stream bank is eroding into the roadway which runs into private property. See attachment 1 for pictures of the principle locations. The stream could become completely blocked if we get a large rain and a large flow of water. Deal with the problem before it becomes critical and everyone even property owners have issues. Phase 1# would be to remove the woody debris, stabilize creek, and get easements for personal property. Barry Goodrich asked about funds available...funding from outside sources. Barry Goodrich; Engineer first, spot fix the creek and not fix the whole creek from the top to the bottom because the cost would be much too expensive. Dave Herrick first steps land owners; mapping; tree removal; alternate sections for repair; talk to DEC about repair strategies; Natural rock? Concrete block? Final design and bidding.

Barry Goodrich and Supervisor Don Barber will visit the land owners. Easements will be needed from 2 land owners.

Dave Herrick also spoke about the culvert pipe on Chestnut Road. That to correct the problem he would need to reduce the vertical height by aprox. 4 foot. Slope to riprap? Also may want to think about putting in a guide rail after the area is repaired. The cost of the structure approach \$10,000; 8 feet or more in height. It will initially disrupt the roadway. The Highway Superintendent Cindy Whittaker feels the work done will ultimately be a permanent fix.

Supervisor Barber will write a letter to Bostwick Auction House about the Town records that were sold though they belonged to the Town of Caroline, and ask for their prompt return. Then depending on the outcome the Town Supervisor will follow up with the Town lawyer and then the district attorney.

Discussion: About the lack of volunteers on the Slaterville Ambulance, that there may be a need to pay for help in the future.

Fund Transfers

Resolution 116 of 2014

Motion made by Don Barber; seconded by Tim Seely

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

\$ 3,749.00 from General Fund Account A 1420.4 Legal Services to General Fund Account A 1420.415 Legal Contracts

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

Resolution 117 of 2014

Motion was made by Don Barber: Seconded by Irene Weiser

Reserve depletion- Subject to Permissive Referendum

Whereas, the Caroline Town Board establish a “Water Quality Reserve Fund” The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction of projects including flood mitigation, stormwater management, and illicit discharge mitigation requiring testing - design - construction. Activities of public benefit to stabilize and or enhance our water bodies' quality (streams and tributaries and wet lands) which positively impact and maintain existing capital investments: public byways and water resource dynamics, and

Whereas, the flood mitigation measures of stream bed and bank stabilization at Six Hundred Road had a higher ratio of Engineering to Construction cost, due to the small size of the project, than both the USDA (NRCS) and NYS Empire State Development funders criteria which results in a shortfall of funding for the project, and

Whereas, the engineering costs of the Six Hundred Road Stream bed and bank stabilization qualify as activities that are funded by the “Water Quality Reserve Fund”.

Now Therefore Be It Resolved, that the Caroline hereby authorizes the transfer of \$2,500 funds from the “Water Quality Reserve Fund” to the General Fund account A8710.4, and

Be It Further Resolved that this transfer is subject to the permissive referendum process so the transfer cannot be made until the referendum is adopted or 30 days have passed since the public was duly notified of this opportunity for a referendum on this transfer.

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

Approval of Abstracts

Resolution 118 of 2014

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the General Fund voucher numbers 181 through 215 for \$24,339.67.

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

Resolution 119 of 2014
Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Fracchia to approve payment for the Streetlight Fund voucher numbers 10 and 11 for \$526.82.

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

Resolution 120 of 2014
Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Seely to approve payment for the Highway Fund voucher numbers 106 through 119 for \$21369.53.

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

Resolutions

Resolution 121 of 2014

Benefits Representative for Joint Committee; Tompkins County Health Care Consortium

Motion was made by Don Barber: Seconded by John Fracchia

The Caroline Town Board hereby appoints Cindy Whittaker as Town Benefits Coordinator and Representative on the Joint Committee of the Health Care Consortium until December 31, 2014, and further Resolved the appointment will become part of the organizational meeting at the beginning of each year.

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

Resolution 122 of 2014

Director and Alternate for the Tompkins County Health Care Consortium

Motion was made by Don Barber: Seconded by Tim Seely

The Caroline Town Board hereby appoints appointed Councilperson John Fracchia to be the Town of Caroline Director for the Health Consortium and Highway Superintendent Cindy Whittaker as Alternate Director until December 31, 2014, and further Resolved the appointment will become part of the organizational meeting at the beginning of each year.

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

Resolution 123 of 2014

Motion was made by Don Barber: Seconded by Tim Seely

The Caroline Town Board hereby supports the 3 amendments to the Town of Caroline Youth Commission.

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

Resolution 124 of 2014

Minutes

A motion was made by Don Barber and seconded by Tim Seely to accept the business meeting minutes of May 14, 2014 as presented by the Town Clerk and amended.

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

Resolution xxx of 2014

To amend the following parts (2.040 (d.) and CAFO's) to the proposed Site Plan Review Local Law

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

2.040 (d.) Agricultural Resources –

Within Agricultural Districts, Agricultural Resources are the soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the resources for production by the agricultural community. For the purposes of this local law, land area and its attributes outside Agricultural Districts are not considered Agricultural Resources.

Replacing: The primary means of production, including the land, soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the agricultural community.

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.~~

Previously agreed changes:

2.040 (w)

Institutional Uses: A non-profit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure or land used for public purpose. Other examples include but are not limited to day care centers, cemeteries, funeral homes, nursing homes, group homes, fire stations, community buildings, fraternal organizations, publicly owned recreation areas or any similar government or public use.

Appendix A (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 renewable energy systems.

Does not pass Barber: Aye; Fracchia: Aye; Witmer: Absent; Weiser: Abstain Seely: Nay

Discussion; Councilmember Fracchia is okay with the changes to the resolution excluding CAFO's. Councilmember Seely said he "is on the fence" about removing the part about regulating CAFO's. I don't know what the risk would be to leave the part in the revised LL. There has already been a discussion that the likelihood of a CAFO being set up in the Town of Caroline is not a high potential. What is the risk to the Town? NYS Ag and Markets put together policy about CAFO's and the DEC regulates them. Supervisor Barber said rather than challenging the "gray" areas around CAFO's the Town Attorney has suggested that we pass on this revision to the Site Plan Review LL. Supervisor Barber agrees with the Town Attorney. Councilmember Seely doesn't see how it differs from any other industrial use, with the amount of traffic being the same as any other large agricultures business. Councilmember Weiser decided to abstain from the vote because she was undecided after she listened to Councilmember Seely's point of view. She said his concerns about removing the part about CAFO's was helpful in her understanding about possible CAFO's in the Town of Caroline, and the function the section played in the proposed revised Site Plan Review LL.

Resolution 125 of 2014

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

2.040 (d), Agriculture Resources Amendment to the Site Plan Review Local Law

To amend the following parts to the proposed Site Plan Review Local Law

2.040 (d.) Agricultural Resources –

Within Agricultural Districts, Agricultural Resources are the soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the resources for production by the agricultural community. For the purposes of this local law, land area and its attributes outside Agricultural Districts are not considered Agricultural Resources.

Replacing: The primary means of production, including the land, soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the agricultural community.

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

Resolution 126 of 2014

A motion was made by Don Barber; Seconded by Irene Weiser

The Town Board will hereby hold a Public Hearing at 7:00 p.m. on Tuesday, July 1, 2014 on the proposed Site Plan Review Local law immediately prior to the regular agenda meeting.

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

----Adjourn----

Adjourned on a motion by **Don Barber** and seconded by **Tim Seely** the meeting adjourned at **9:42** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk