

Caroline Town Board Meeting Minutes of September 10, 2014

The Town Board Business meeting held on September 10, 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: Barry Goodrich and Dan Klein, County Representative

Agenda

Discussion and Action Topics

- Transfers – (7:45)
- Approve Abstracts: Highway, General, Lighting (7:50)
- Approval of minutes for July 1, July 9, August 5, August 13 (7:55)
- Resolution to Urge Removal of Time Limit for Consolidation for Property Tax Freeze (8:00)
- Approval of Contract with USGS for Stream Gauge (8:05)
- Discuss of Line of Succession for Carrying out Legal Duties during an Emergency (8:10)
- Adopt Property Tax Cap Override Local Law (8:20)
- Establish dates for 2015 Budget work sessions: (8:35)

Reports

Cindy Whittaker, Highway Superintendent

No report

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from NYMIR- holding rates steady for 2015
2. Received Final reimbursement check from NYMIR for capitalization payment
3. County has approved \$10,000 to support Buffalo Creek Engineering
4. Email from TCAT seeking route schedule feedback 9/24
5. Correspondence from several sources regarding Level Green Dust Oil
6. GTCMHIC Information Retreat 9/15 at 5 PM

Report:

1. Chestnut Culvert Extension RFP is out- bid opening 10/1
2. Working with Irene, John, and Guy, on service agreement with Clarity Connect

3. DASNY said they have all the info needed for a complete packet and next stop is Senate Office and the Budget and Finance- not promised date- will check with Seward next month
4. PTC limit: 2014 PTC was \$1,401,577. (levy= \$1,411,181) Levy limit equals product of 2014 PTC X 1.0161 growth X 1.0156 inflation = total levy of \$1,446,359 – an increase of \$35,178 over actual levy

Tim Seely, Town Board

The Joint Youth Commission

Meeting was held on September 9th, 2014

The Town of Caroline appointed Lisa Richards as a Caroline voting member on the Joint Youth Commission and she attended her first meeting. A presentation was given by the director of the Codington Road Camp CIT program. Three Caroline Youth were employed through this program during the past Summer!

The Town of Ithaca's attorney has advised the Town of Ithaca that the Joint Youth Commission was set-up in 1991 outside the requirements of town law and therefore advised the town to not approve the by-laws. The town of Ithaca will be investigating the full requirements of town law that would make the JYC a legitimate body.

The 2015 funding recommendations were discussed and debated. The results are included at the end of this report. Don will receive a 2015 funding request next week for \$15,000.

John Fracchia, Town Board

(Report last week)

Irene Weiser, Town Board

(Report last week)

Mark Witmer, Town Board

(Report last week)

Dan Klein, County Representative

The Tompkins County Legislature unanimously passed a resolution to allow solar panels and other home energy efficiency improvements to not be counted in the assessed value of a house.

The Black Oak Wind Farm in Enfield is a commercial wind farm that hopes to start operating in a few years. NY State law does not allow a municipality to grant this green energy assessment exemption for individual homes without also granting the exemption for commercial enterprises. For this reason, some were reluctant to grant the exemption at all. However, Black Oak signed a letter indicating that they will enter into a PILOT (payment in lieu of taxes) agreement with the County so that we will be able to collect taxes from them once the wind farm is up and running. Solar panels have not been shown to add to the sale price of a home or increase the assessment value at this time

Town Business

Contract with the USGS specifics the arrangement that is existing. Couldn't agree to a 3 year contract because of their funding. Asked if Dryden and Ithaca would step up if Soil and Water had to back out.

Emergency Preparedness Plan- Discussion with the Town Board about how to move forward with training and assigning duties such as POI and other staff and board members in liaison roles in the event of an emergency in the Town or County (affecting the Town).

Fund Transfers

Resolution 170 of 2014

Motion made by Don Barber; seconded by Irene Weiser

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

- \$ 1,187.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 1440.406 Engineering: B-dale Stream Gauge.
- \$ 3,000.00 from General Fund Account A 5132.2 Highway Barn EQ to General Fund Account A 5020.4 Highway Engineering
- \$ 10,000.00 from Highway Fund Account DA 9060.81 Health Reserve. to Highway Fund Account DA 5110.1 Repairs P.S.
- \$ 10,000.00 from Highway Fund Account DA 5030.1 Equipment PS. to Highway Fund Account DA 5110.1 Repairs P.S.
- \$ 500.00 from Highway Fund Account DA 5112.11 Capital Improvement PS OT to Highway Fund Account DA 5110.11 Repairs P.S. OT
- \$ 1,600.00 from Highway Fund Account DA 5130.4 Equipment CE to Highway Fund Account DA 5130.2 Equipment EQ
- \$ 5,000.00 from Highway Fund Account DA 5140.1 Misc PS to Highway Fund Account DA 5142.1 Snow and Ice P.S.
- \$ 10,000.00 from Highway Fund Account DA 5110.4 Repair CE to Highway Fund Account DA 5142.4 Snow and Ice CE

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

Approval of Abstracts

Resolution 171 of 2014

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Fracchia to approve payment for the General Fund voucher numbers 290 through 321 for \$18,131.03.

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

Resolution 172 of 2014
Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Seely to approve payment for the Streetlight Fund voucher number 16 and 17 for \$569.29.

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

Resolution 173 of 2014
Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Highway Fund voucher numbers 148 through 165 for \$100,515.98.

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

Approval of Minutes

Resolution 174 of 2014

Minutes of the Agenda Meeting held July 1, 2014:

A motion was made by Mr. Barber and seconded Mr. Witmer to accept the minutes of the July 1, 2014 meeting as submitted by the Town Clerk.

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

Resolution 175 of 2014

Minutes of the Agenda Meeting held July 9, 2014:

A motion was made by Mr. Barber and seconded Mr. Fracchia to accept the minutes of the July 8, 2014 meeting as submitted by the Town Clerk.

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

Resolution 176 of 2014

Minutes of the Agenda Meeting held August 5, 2014:

A motion was made by Mr. Barber and seconded Mr. Witmer to accept the minutes of the August 5, 2014 meeting as submitted by the Ithaca Town Clerk, Paulette Terwilliger.

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

Resolutions

Resolution 177 of 2014

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

Resolution to Urge Removal of Time Limit for Consolidation for Property Tax Freeze

WHEREAS, the New York State Legislature and Governor have adopted a voluntary program with financial rewards for constituents if local governments can adopt 2015 budgets within the limits of the Property Tax Cap law and further rewards if by June 15, 2015 those same local governments can reduce

property tax levy by 1%, and

WHEREAS, the intent of this law was to induce consolidation and collaboration of services and government entities, and

WHEREAS, Tompkins County and its local governments have been looking for ways to reduce property tax burden for years and have adopted the following protocols: County-wide Assessment, Article 47 Health Insurance, Water, Sewer, Community College, Energy procurement, Highway operations, Records management, and Youth programming and recreation to name just a few, and

WHEREAS, the New York State Legislation creating this “Property Tax Freeze” program did not specify a limit of what could be used to show consolidation or collaboration that resulted in lower tax levy, but subsequent release from the New York State Office of Taxation and Finance puts a limit on what can be considered to a point in time of January 1, 2012, and

WHEREAS, any look back limit has a perverse irony in that the homeowners in those jurisdictions where local governments adopted the innovations years ago will receive nothing, now therefore be it

RESOLVED, That the Caroline Town Board urges our New York State Senator and Assemblywoman to make this situation aware to their leadership,

RESOLVED, further, That the Caroline Town Board urges our State Senator and Assemblywoman to draft legislation and communicate it to their leadership that would rescind this look-back period time limit and any other limits on actions local governments have made to reduce the property tax burden on their constituents and use their good offices to have this legislation adopted well in advance of June 1, 2015.

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

Resolution 178 of 2014

Resolution on Association of Towns Look Back

A motion was made by Don Barber and seconded by Irene Weiser

WHEREAS, the New York State Legislature and Governor have adopted a voluntary program with financial rewards for constituents if local governments can adopt 2015 budgets within the limits of the Property Tax Cap law and further rewards if by June 15, 2015 those same local governments can develop a plan and produce results that reduce property tax levy by 1% in 2016 and beyond, and

WHEREAS, the intent of this law was to induce consolidation and collaboration of services and government entities, and

WHEREAS, most New York Local Governments have been for years finding ways to reduce spending through consolidation and collaboration of services with other local governments, and

WHEREAS, the New York State Legislation creating this “Property Tax Freeze” program did not specify a limit of what could be used to show consolidation or collaboration that resulted in lower tax levy, but subsequent release from the New York State Office of Taxation and Finance puts a limit on what can be considered to a point in time of January 1, 2012, and

WHEREAS, any look back limit has a perverse irony in that the homeowners in those jurisdictions where local governments adopted the innovations years ago will receive nothing, now therefore be it

RESOLVED, That the Caroline Town Board urges the NY Association of Towns to include in its legislative agenda to stop any look-back limit for the purposes of the Property Tax Freeze program with the goal to have legislation adopted well in advance of June 1, 2015, and be it

RESOLVED, further, That the Caroline Town Board urges NY Association of Towns to direct staff to

immediately begin a full court press for all members to contact their Assemblyperson and Senator to take this message along with the demand to end unfunded mandates before January 1, 2015

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

Resolution 179 of 2014

Contract with USGS for Stream Gauge

A motion was made by Don Barber and seconded by Mark Witmer

Resolved, the Caroline Town Board hereby approves Supervisor Don Barber to sign a 3 year contract with USGS for Brooktondale Stream Bank Gauge Station.

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

Resolution 180 of 2014

Property Tax Cap Override Local Law #2 of 2014

A motion was made by John Fracchia and seconded by Mark Witmer

Resolved the Caroline Town Board adopts the following New York State Tax Cap override pursuant to General Municipal Law §3-C in Local Law #2 of 2014 (as follows)

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

TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Town of Caroline as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Caroline, County of Tompkins pursuant to General Municipal Law §3-C, and to allow the Town of Caroline to adopt a Town budget for (a) Town purposes,

and (b) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2015 and ending December 31, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-C.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Caroline, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-C.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or its application to the person, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution 181 of 2014

Tentative Budget

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

Resolved, the Caroline established the following dates to discuss the tentative budget for 2015; Tues, October 7th 7p.m. - 10p.m.; Monday, October 13th 6p.m. -8p.m. , Wednesday, October 15th 7p.m. - 10p.m. Thursday, October 23rd 6p.m. -8p.m. and Wednesday, October 29th 6p.m. -8p.m.

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

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

Adjourned on a motion by Tim Seely and seconded Irene Weiser by the meeting adjourned at **9:05** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk