

Caroline Town Board Meeting of July 15, 2015

The Town Board Business meeting held on July 15, 2015 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 and Deputy Supervisor
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: 8 members of the public were present and County Legislator Dan Klein

Public Hearing

Opened at 7:07 p.m. and closed at 7:08 p.m Local Law to Discontinue Minimum Maintenance Designation for a Portion of Downey Road- no public present; no comment. (The request had been rescinded by the petitioner).

Opened at 7:08 p.m. and closed at 7:09 p.m Local Law to Discontinue Minimum Maintenance of a section of Level Green Road- no public present; no comment.

Privilege of the Floor

Mary Alice Kobler, Jonathan Comstock, Pat Dubin and Ed Wurtz spoke in favor of the Climate Change resolution being offered for consideration by Councilmember Witmer at tonight's meeting

Agenda

Salute to the Flag (7:00)

Public Hearing Local Law to Discontinue Minimum Maintenance Designation for a Portion of Downey Road

Discussion with Code Enforcement Officer regarding Solar Collectors Permit Process and Applicable Permit Fee Structure (7:10)

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

Additions or Deletions from Agenda (7:40)

Highway Superintendents Report (7:42)

Supervisors Report – (7:50)

County Representatives Report (8:00)

Department, Committee, & Liaison Reports (8:10)

Discussion and Action Topics

- Transfers – (8:20)
- Approve Abstracts: Highway, General, Lighting (8:25)
- Approve Minutes of May 13, June 2, and June 10, 2015 meetings (8:35)
- Adoption of Local Law to Discontinue Minimum Maintenance of a section of Level Green Road (8:45)
- Adoption of Local Law to Discontinue Minimum Maintenance of a section of Downey Road (9:00)
- Resolution to Authorize Supervisor to Sign Health Consortium Amended Municipal Cooperative Agreement (9:10)
- Adoption of Climate Change Resolution (9:15)

Adoption of Resolution to Use Stream Reserve Funds (subject to Permissive Referendum) (9:45)

Reports

Cindy Whittaker, Highway Superintendent

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from J. Bouchard, who petitioned for Downey Rd Minimum maintenance designation change, that he his rescinding petition
2. Communication with the Wiiki's regarding Local Law #1

Report:

1. Broadband decision is still in front of us. Do we proceed in some manner, either seek additional funds or scale back or redesign system, or refund payments? Please share what information we need to advance the process.
2. Dog licensing – exchanging information with Judges and dog control officers to get to an better understanding

Tim Seely, Town Board

The Joint Youth Commission

Meeting was 7/14/2015. 1) Travis Judd (currently at Coddington Road) has been offered and has accepted the offer to be a program manager at CCE. He will work 1/2 time for the JYC and 1/2 time for Danby. His start date is Aug. 3. We interviewed 4 good candidates but he stood out! He specifically mentioned how excited he would be to go into the lunchroom at Boynton to recruit students! He misses direct work with young people since his current work is more administrative

2) The JYC voted to reassign funding that will be saved in the DeWitt/Boynton budgets by Penny's retirement and the gap until Aug. 3 when Travis starts to youth salaries for youth

employment. The amount is up to \$1800 which will be enough for two additional youth to work ~ 100 hours.

Buildings and Grounds

Town Hall Roof:

Received a quote from local contractor for metal roofing at the town hall. The quote is within the current budget and I will prepare a set of bidding specifications for public bid. Meeting with Christian Neilsen and John on July 16th to discuss what is needed for bid documents. I am having Christian give me a proposal for managing the bid and construction of this project.

Tree:

Bill Case can remove the cherry tree and stump for \$450. He can possibly complete that the weekend of July 18th.

Tompkins County Recreation Partnership

At Tuesday's RP meeting the IYB presented a budget that included all the current programs offered in 2015. The total municipal contribution would be \$277,162, 2015 contribution was \$252,684.

The increase is 9.7%. Attached please find a comparison sheet including 2%, 3%, and 9.7% increases.

Mark Witmer, Town Board

Planning Board meeting met at the Brooktondale Community Center, met and talked about the Brookton Market and what they could do to help out because Liz is retiring, Erin and Mike are stepping down as managers.

Watershed Community- Hope to meet with the Blakes about the Middaugh problem in the near future.

John Fracchia, Town Board

Councilmember Fracchia spoke with Beth Harrington about 2016 service for the Slaterville Ambulance and Fire Department. It appears they might be able to continue into 2016 with some paid part-time help

Irene Weiser, Town Board

Home Energy rating program- Caroline and Danby is participating together. The committee (The Residential Energy Score Project) is looking at holding a meeting to get community input. The idea is to have an energy rating score for each home before a person buys or sells the property, first to be done on a volunteer basis and then at some point be implemented by Home Rule. The idea would be to give the purchaser the energy rating before they purchase and the home owner the chance to upgrade their energy efficiency.

Dan Klein, County Representative

Tompkins County is the newest member of the Energy Improvement Corporation, a nonprofit NY State local development corporation. It is part of NYEnergyize which offers businesses that want to do energy efficiency improvements on their buildings a creative way of paying for usage. The program offers loans for these energy efficiency improvements but with some special conditions. One condition is that the dollar amount of the energy to be saved is greater than the loan's annual payment. This helps business to save money from the beginning even though they have just taken out a loan.

Transfers

Resolution 124 of 2015

A motion was made by Mr. Barber and seconded by Mr. Seely

Be It Resolved the Caroline Town Board makes the following 2015 Fund Transfers

- \$ 10,000.00 from General Fund Account A 1440.405 Creek Engineering CE to General Fund Account A 8710.4 Conservation CE.
- \$ 20,234.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 8710.4 Conservation CE.
- \$ 90,000.00 from Highway Fund Account DA 5130.2 Equipment EQ to Highway Fund Account DA 5110.41 Banks Road CE.
- \$ 750.00 from Highway Fund Account DA 5112.11 Capital Improvement OT to Highway Fund Account DA 5112.1 Capital Improvement PS.
- \$ 300.00 from Highway Fund Account DA 5140.1 Miscellaneous PS to Highway Fund Account DA 5140.11 Miscellaneous OT.
- \$ 500.00 from Highway Fund Account DA 5142.1 Snow and Ice PS to Highway Fund Account DA 5142.11 Snow and Ice OT.

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

Approval of Abstracts

Resolution 125 of 2015

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Streetlight Fund voucher number 13 and 14 for \$518.46.

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

Resolution 126 of 2015

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the General Fund voucher numbers 219 through 259 for \$84,684.75

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

Resolution 127 of 2015

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Highway Fund voucher numbers 132 through 150 for \$167,534.24.

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

Approval of Minutes

Resolution 128 of 2015

Minutes of the Business Meeting held May 13, 2015:

A motion was made by Mr. Barber and seconded Mr. Witmer to accept the minutes of the May 13, 2015 meeting as submitted by the Town Clerk.

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

Resolution 129 of 2015

Minutes of the Budget Meeting held June 2, 2015:

A motion was made by Mr. Barber and seconded Mr. Fracchia to accept the minutes of the June 2, 2015 meeting as submitted by the Town Clerk as amended.

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

Resolution 130 of 2015

Minutes of the Budget Meeting held June 10, 2015:

A motion was made by Mr. Barber and seconded Ms. Weiser to accept the minutes of the June 10, 2015 meeting as submitted by the Town Clerk as amended.

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

Town Business

Kevin McMahon- Solar permit cost was based on the end user. NYSERDA rebates the consumer pays. The fees \$50 for the first \$5000 and \$10 and for each \$1,000 of additional projection. Commercial same basic plan review but it takes more time than a residential permit. The one in Harford I have been working on for more than 2 years now. With more agencies in commercial there is more time involved. With residential it can take as little as 3-4 hours or as much as 8-10 hours depending on problems encountered. There is basically 5 different installers used in Caroline however there is often new people managing the project for each company. The majority of time is administrative and correspondence but with new people I am working with for each company is like starting over from scratch each time with these companies. The companies are given a list to follow but when a person leaves and a new one comes I have to resupply the list. And there is so many installers and sub-contractors from all over the State and out of the State that everything is constantly having to be followed up on. Setting the fees differencing from Residential from Commercial is important to be fair to the parties involved. It is estimated that 30% of the Kevin's time working for the Town is spent on Solar permits. Councilmember Weiser would like to entice large commercial solar installations in the Town by offering no permit fees. The board discussed lowering permit fees for both residential and commercial residents installing solar panels.

Resolutions

Resolution xxx of 2015

Minimum Maintenance of Downey Road – Withdrawn by Petitioner Local Law #2 of Town of Caroline

1. Background

The Town of Caroline by Local Law No. 2 of the year 1996 adopted procedures to classify certain town highways as minimum maintenance roads. The effect of such a designation is more particularly set forth in Section 10 of such local law.

2. Existing Designation of Downey Road

By Local Law No. 3 of the year 1996, the Town designated a section of Downey Road commencing a point 2585 feet from South Road and ending at its terminus of Chestnut Road as a minimum maintenance road.

3. Findings with Respect to Minimum Maintenance Designation of a Portion of Downey Road

The Town Clerk has received a petition to discontinue the minimum maintenance designation of that portion of Downey Road that begins at a point 2585 feet from South Road and ends a point 2735 feet from South Rd. The remaining portion of Downey Road is not affected by this local law. The Town Board makes the following findings:

- (a) Such petition is by a person contemplating ownership and occupancy of real property abutting a portion of Downey Road designated as a minimum maintenance highway, which is currently owned by his mother.
- (b) Such petition identifies that portion of such road to be discontinued as a minimum maintenance highway.
- (c) At least ten (10) days public notice was given prior to holding the public hearing on the adoption of this local law.
- (d) At least ten (10) days written notice of such public hearing was served by certified mail upon every owner of real property, as determined by the latest assessment roll, abutting such portion of Downey Road as is proposed to be discontinued as a minimum maintenance highway.
- (e) The discontinuance of such portion of Downey Road as a minimum maintenance highway is necessary to allow year round access for a new home at approximately 320 Downey Road within the portion of the road that would be classified as other than a minimum maintenance highway

4. Discontinuance of Minimum Designation of a Portion of Downey Road

- (a) That portion of Downey Road that begins at a point 2585 feet from South Road and ends a point 2735 feet from South Rd is hereby discontinued as a minimum maintenance highway.
- (b) Such discontinuance shall be effective August 1, 2015.

5. Effective Date

This local law shall take effect upon filing by the Secretary of State but such filing shall not effect the effective date of discontinuance as provided by Section 4 above.

No Action Taken Barber: ; Fracchia: ; Witmer: ; Weiser: ; Seely:

Resolution 131 of 2015 – NOT ADOPTED

Discontinue Minimum Maintenance of Section of Level Green Road.

A motion was made by Mr. Barber and seconded by Mr. Fracchia

Whereas, the Town Board adopts Local Law 1 of 2015 to Discontinue Minimum Maintenance of Section of Level Green Road.

1. **Background**

The Town of Caroline by Local Law No. 2 of the year 1996 adopted procedures to classify certain town highways as minimum maintenance roads. The effect of such a designation is more particularly set forth in Section 10 of such local law.

2. **Existing Designation of Level Green Road**

By Local Law No. 3 of the year 2010, the Town designated a section of Level Green Road commencing a point 176 feet from Seventy Six Road and ending a point 4370 feet north as a minimum maintenance road.

3. **Findings with Respect to Minimum Maintenance Designation of a Portion of Level Green Road**

The Town Clerk has received a petition to discontinue the minimum maintenance designation of that portion of Level Green Road that begins at a point **XXX** feet from Seventy Six Road and ends a point 3,168 feet north on Level Green Rd. The remaining portion of Level Green Road is not affected by this local law. Following a public hearing, the Town Board makes the following findings:

- (f) Such petition is by a person owning or occupying real property abutting a portion of Level Green Road designated as a minimum maintenance highway.
- (g) Such petition identifies that portion of such road to be discontinued as a minimum maintenance highway.
- (h) At least ten (10) days public notice was given prior to holding the public hearing on the adoption of this local law.
- (i) At least ten (10) days written notice of such public hearing was served by certified mail upon every owner of real property, as determined by the latest assessment roll, abutting such portion of Level Green Road as is proposed to be discontinued as a minimum maintenance highway.

- (j) The discontinuance of such portion of Level Green Road as a minimum maintenance highway is necessary to bring the driveway of a new home at **XX** Level Green Road within the portion of the road that is classified as other than a minimum maintenance highway.
- (k) The recommendation of the Highway Superintendent has been received and she concurs with such discontinuance as a minimum maintenance highway.

3. Discontinuance of Minimum Designation of a Portion of Brearly Hill Road

- (c) That portion of Level Green Road that begins at a point **XXX** feet from Seventy Six Road that ends a point 3168 feet north on Level Green Road is hereby discontinued as a minimum maintenance highway.
- (d) Such discontinuance shall be effective July 1, 2015.

4. Effective Date

This local law shall take effect upon filing by the Secretary of State but such filing shall not effect the effective date of discontinuance as provided by Section 4 above.

Not Adopted Barber: Nay; Fracchia: Nay; Witmer: Nay; Weiser: Abstain; Seely: Nay

Discussion: The Board discussed the cost to the tax payers and the Town to make a portion of the minimum maintenance road (Level Green) accessible year around and having it be over \$300,000 to build up that .6 of a mile of road. As much as they would like to help the property owners be able to have driveway access from this minimum maintenance road to build their dream home, everyone felt it would set an expense too heavy to ask the Town's people to bare. Also once the precedence was set, the expectations for the Town to undertake such large projects would seem to be imminent. The possibility at opening the gateway for others who wanted access to property off of minimum maintenance roads to be able to build and the possibility of a large expense to the Town and tax payers could be astronomical. How do you fix the road for one person and not for someone else who asks for the same consideration? This was a difficult decision for the Town Board members who not only walked the roadway more than once and received advice about the process from the Town Highway Superintendent, other experts and admittedly wrestled with their conscious, and tried to find alternative means to help the owners find a different way to access their property. They took their time reviewing facts (over 3 months) to make an informed decision before coming to a conclusion they felt best served the Town as a whole.

Resolution 132 of 2015

A motion was made by Mr. Witmer and seconded by Ms. Weiser

Town of Caroline Resolution on Global Warming

Whereas a principal responsibility of the Town Board of Caroline is to protect the health, safety, and welfare of the community; and

Whereas the 2014 Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change finds that climate change is a result of fossil fuel combustion and other human activities, and that it poses a serious threat to human and natural systems that calls for immediate actions to curtail greenhouse gas emissions¹; and

Whereas New York State Executive Order #24 of 2009 establishes a goal of reducing greenhouse gas emissions by 80% of 1990 levels by 2050²; and

Whereas Tompkins County has committed to a goal of reducing greenhouse gas emissions by 80% of 2008 levels by 2050, with an interim target of 20% reduction by 2020³; and

Whereas, **energy** conservation and build-out of renewable energy sources both reduce greenhouse gas emissions and provide opportunities for sustainable economic growth, individual economic gains, and good jobs, as has been demonstrated in the past three years by the volunteer-led efforts of the Solarize Tompkins Southeast (SE) and Solar Tompkins programs; these programs have resulted in 500 solar electric systems for residents, adding 3.7 megawatts of clean solar power to the grid, while eliminating 2,840 metric tons of greenhouse gas emissions from power plants annually, creating 70 full-time jobs, and lowering energy bills; and

Whereas collaboration among individuals, local governments, and businesses can stimulate successful effective local actions by providing complementary support in their respective roles as community-builders at little or no monetary cost to taxpayers, as has been demonstrated by the Town of Caroline (for Solarize Tompkins SE) and then the Tompkins County Planning Department (for Solar Tompkins) in providing assistance in planning and as fiscal sponsors to our volunteer-based solar programs;

Therefore, be it Resolved that the Town **Board** of Caroline recognizes that developing and implementing effective actions to reduce greenhouse gas emissions is of the highest priority to minimize physical, social, and economic impacts to the town from future climate change;

Be it further Resolved that the Town **Board** of Caroline calls on individuals, businesses, and governments to work together to promote effective measures to limit climate change. By rapid achievement of Climate Smart Community goals (**Resolution #47 – 2012**), collaborating with other levels of government, and working together with citizens and businesses, we commit to:

- reducing greenhouse gas emissions
- fostering energy-efficient communities and lifestyles
- promoting renewable energy sources
- enhancing the economic prosperity of the town and its residents
- directing efforts and investments toward efficiency and renewable energy

- promoting cost-effective measures to make our communities resilient to expected climate-change impacts;

Be it further Resolved that this resolution be sent to New York Governor Andrew Cuomo, New York State Senator James Seward, New York State Senator Michael Nozzolio, New York State Assemblywoman Barbara Lifton, the Tompkins County Legislature, all Tompkins County municipalities, Chair Audrey Zibelman of the New York State Public Service Commission, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, Congressman Tom Reed, Congressman Richard Hanna, U.S. Environmental Protection Agency Administrator Gina McCarthy, and President Barack Obama.

Sources:

1. IPCC. 2014. Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland, 151 pp.
2. Executive Order #24 (2009, issued by Gov. David A. Paterson). Establishing a Goal to Reduce Greenhouse Gas Emissions 80% by the Year 2050 and Preparing a Climate Action Plan. <http://www.dec.ny.gov/energy/71394.html>
3. Tompkins County (N.Y.). Comprehensive Plan: Planning for Our Future. Ithaca, NY: Planning Department, 2015, p. 76. <http://tompkinscountyny.gov/files/compplan/documents/FINAL-March%2012-low%20res.pdf>

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

Resolution 133 of 2015 passed with the following admendments

A motion was made by Mr. Barber and seconded by Mr. Seely

Changes- Changes in paragraphs **bold and underlined** -

(5th Whereas)- Whereas, **energy** conservation and build-out of renewable energy sources both....

(1st Therefore) Therefore, be it Resolved.....the “Town of Caroline” to the Town **Board** of Caroline

(AND)

(1st Be it further..) Be it further Resolved..... that the “Town of Caroline” to the Town **Board** of Caroline..... of Climate Smart Community goals (**Resolution #47 – 2012**),

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

Resolution 134 of 2015

Approval of the 2015 Amendment to the Municipal Cooperative Agreement

A motion was made by Mr. Fracchia and seconded by Mr. Witmer

WHEREAS, the Town of Caroline is a Participant in the Greater Tompkins County

Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and Amendment (2014) that provides for the operation and governance of the Consortium, and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5th) anniversary of the Effective Date and on each fifth (5th) anniversary date thereafter (each a "Review Date"), and

WHEREAS, by motion 005-2015, adopted on May 28, 2015, the Consortium's Board of Directors recommends approval of the 2015 amended agreement based on review of the document by the Municipal Cooperative Agreement Review Committee, the New York State Department of Financial Services, and the Consortium's legal counsel, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Town of Caroline is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2015 Amended Municipal Cooperative Agreement,

NOW THEREFORE BE IT RESOLVED, that the Town of Caroline approves and authorizes the Supervisor to sign the 2015 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Town of Caroline is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

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

Resolution 135 of 2015

Permissive Referendum

A motion was made by Mr. Barber and seconded by Mr. Fracchia

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 construction costs of the Buffalo Creek 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 \$25,218.55 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: Aye; Weiser: Aye Seely: Aye

Resolution 136 of 2015

Ten Ton Weight Limit on Besemer and Landon Roads

A motion was made by Mr. Barber and seconded by Mr. Fracchia

RESOLVED, the Caroline Town Board hereby sets a temporary weight limit of 10 tons on Besemer and Landon Roads to be posted through October 1, 2015.

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

----Adjourn----

Adjourned on a motion by Mr. Fracchia and seconded Mr. Seely at **9:26** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk