

CAROLINE TOWN BOARD MEETING

May 11, 2016

Board members present: Mark Witmer, John Fracchia, Cal Snow, Gary Reinbolt, Irene Weiser

Mr. Witmer called the meeting to order at 7:04 p.m.

Privilege of the Floor

John Haines-Eitzen, Vandermark Road, said he wrote a lengthy letter to the town board (see Attachment #1). In summary, last fall, NYSEG requested an easement for a power line on his property. The plan had been in the works for a while, but nobody told him, and although he's in favor of equal access to the internet for all residents, he's opposed to having a cell tower in a protected wetland. He also had a difference of opinion in terms of underwriting; a town board resolution proposed that they would help pay for the electrical access to the tower out of tax dollars, which he opposes. There were several alternatives, which he didn't think were being pursued. His letter outlines one of the alternatives, which wouldn't require putting up internet towers; it would work with towers already in place. The CEO of Verizon is on the Cornell University Board of Trustees, and, if approached, might be open to tweaking the infrastructure already in place a bit to fill some dead spots in our area so there's better access to data. To hurry up and put physical infrastructure in place, when in two or three years, technology will have advanced, is not sensible.

Mr. Witmer said there are no plans to construct infrastructure on protected wetlands.

Bill Keokosky said he has lived for 45 years in Tompkins County and over 25 in Caroline. He wanted to bring to the board's attention that the slave burial ground in the town of Caroline is danger of being lost. He read from a letter he wrote to Rod Howe of the Ithaca Historical Society (see Attachment #2) regarding a historical marker on Ellis Hollow Road that has been moved several times and no longer points to the spot where they are buried. Caroline was one of the largest slave-holding areas in the county. New York State was the largest slave-holding state in the north. The 1820 census shows more than 50 or 60 slaves. Slaves were sold here until it became outlawed and then they bred them here and sold them south. As a former historian, history is important to him. His suggestion is to preserve our history for future generations and for the present generations who don't know who cleared these lands.

Mr. Snow said it's important to do the right thing. The board concurred.

Highway Superintendent's Report

Roadwork

- Cleaning ditches
- Replacing & installing culvert pipes
- Sweeping roads
- Hydroseeding
- Patching pot holes

Capitol Highway Projects

The Pave NY program that was implemented for 2016 has given the town an additional \$38,237.72 for paving projects with a projected service life of 10 years or more with normal maintenance. The Town Board needs to pass a resolution to amend the appropriate line item in the budget. The Capitol Hwy appropriation line in the 2016 is \$145,700. and we are eligible for reimbursement for 2016 \$167,518.31 plus the \$38,237.72. For a total of \$ 205,756.03. At this time the \$38,237.72 is a one-time increase.

Thomas Road has been added onto the 284 agreement. The road has a significant amount of traffic and hopefully we can keep the truck traffic to a minimum. A portion of dollars for spend line on the 284 agreement is in kind services, ditching, brush removal, etc. We have also already paid for and stockpiled a majority of stone for this project.

Equipment

Washing and storing winter equipment

Miscellaneous

- Very close to the same tonnage (solid waste & scrap metal) as 2015
- 2.5 One loads of Televisions and computer screens to recycling center
- Hauled 37.83 Tons to solid waste - (2610 Wheeler loads)

8.78 Tons Scrap metal

TB Resolution No. 86 of 2016 Agreement for the Expenditure of Highway Monies

Moved by Mark Witmer; seconded by Gary Reinbolt

Resolved, The Caroline Town Board authorizes the 2016 Agreement for the Expenditure of Highway Monies.

Vote

Ayes: Witmer, Snow, Fracchia, Weiser, Reinbolt

Supervisor's Report

Planning Board:

- Comprehensive Plan Survey is now available on the Town web site and paper version has been mailed. Thanks to Planning Board members for getting this done. May 1 deadline.

Energy Independent Caroline (no April meeting):

- Renovus has completed review of our 2014 town energy bills and is offering us a PPA (Power Purchase Agreement) that is projected to save the town \$1,500 on a \$7,950 electrical energy bill (= 19% savings).
- Opportunity for community engagement on our energy future. EIC will host *Katie Borgella at 6 pm on 10 May at the Old Fire Hall*, Brooktondale, for a discussion of Tompkins County's recently completed Energy Roadmap and how the community can best meet the county's carbon reduction targets.

Caroline Watershed Committee (19 April):

- Discussed RPP update and the municipal ditching project under development.
- Stormwater violation on Six Mile Creek in Brooktondale.
- MS4 report to TC Soil & Water.
- ACOE will inspect Buffalo Rd Creek work on Wed, 11 May, in afternoon.

Other:

- MEGA has informed us that the PSC has authorized Community Choice Aggregation in New York. Webinar May 12th at noon. Louise Gava contact.

County Representative's Report

Mr. Klein said the Caroline Board of Assessment review was on Monday, and one person came. The county budget goals have been set for the year at a 3% tax increase and the tax cap will probably be 2.5%. This is just a working budget for the year until the tentative comes out in the fall. They're hoping to work on the budget to get it down to the tax cap. They thought it would be better to say they might have to go over the cap rather than to do it the other way around. The amount of money they're increasing in their budget is the same amount as they've lost in sales tax. Sales tax is down 4 of the last 5 quarters. If they end up with the 3 % tax increase, the average homeowner will see a \$35 increase on their tax bill. Gas prices have come down, so that affects sales tax. It's not easy to isolate what has changed.

Mr. Fracchia's advice is to find an organization or partner who can study it to figure out what's going on. Ms. Weiser suggested that gas prices are lower and cars are more efficient, which would lower the sales tax on gas not sold. Mr. Fracchia said that if that were the reason, sales tax would be lower in other counties as well.

Mr. Fracchia's Report

Building and Grounds

Held bidding conference on March 23. Two companies, CF Evans and First General, attended.

Bidding conference highlighted that we do not currently possess a certificate verifying that the work area is asbestos free. This is necessary for any organization to be able to do the work. Discovering the presence of asbestos after accepting a bid puts the town at a financial disadvantage. As a result of this discovery, we will likely need to extend the bidding deadline so that we can add in information about asbestos abatement if it turns out that the project requires it.

Emergency Services

Upcoming meeting of the working group currently being scheduled. Will put out over town announcements and on website once it is confirmed.

Greater Tompkins County Municipal Health Insurance Consortium

Was unable to attend March GTCMHIC meeting.

Broadband Discussion

Mr. Reinbold said it would be a low yield since much of the area that would be covered by that transmitter is already covered by Time Warner. Mr. Bartok needs to wrap up his grant obligations, so the Vandermark pole was relocated from the original Danby site, and if we can't move the unresolved issues forward, he has to restore the pole to its original site in this construction season. If we can get Time Warner to extend a little further on their dime that would obviate the necessity of this pole.

Mr. Fracchia pointed out that the resolution says that the Public Service Commission is requiring extension of fiber broadband.

Mr. Reinbold responded that the company must build out past 145,000 homes they don't currently serve. How they do that and where they do that is not mandated. We have put in requests through Senator Seward's office. Sometimes it's just a matter of extending the lines they have in place a little further. So the request is: if you build out, can you compel them to build out these sections.

Ms. Weiser said the resolution is not accurate in that it will only provide for a few households on Middaugh; it will provide for roughly 80 underserved households out of 480 in Caroline. She doesn't consider this insignificant; it will provide a significant amount of coverage and relatively soon. She doesn't want to conflate "pass by" with "provide service for." They already pass by houses on Middaugh Road and have been unwilling to extend it to homes, or have made it cost prohibitive, to extend the service to the homes that are far off the road.

Mr. Witmer stated that he does not want to commit to supplying electrical service and have a pole go up before we have a plan for electrical service.

Ms. Weiser said she thought it would be a pretty easy piece to explore some other options for the electrical service before closing the door on this option.

Mr. Witmer said the only option he's aware of is that there's a homeowner on the south side of the easement who, if he granted permission to hook into his electrical, a line could be trenched and service could be supplied to the pole.

Mr. Reinbold said that a solar array would be another option, but it wouldn't be a robust solution.

Mr. Fracchia suggested tabling the resolution until more concrete data could be gathered. He'd like numbers attached to two things: If the person will grant an easement, what would be the estimated cost, and if that isn't an option, what the cost would be of a solar option and if an array is even feasible. That would help us make a more informed resolution.

Resolution for Electrical Service to Proposed Transmission Pole on Vandemark Road by Clarity Connect—Tabled

Mr. Reinhart stated that for the second broadband issue, which was discussed at last week's meeting, he provided maps sketching out a revival of Haefele's original proposal put together for the broadband grant. There were two spurs on the original map: the one along Coddington could perhaps join a trunk at Willseyville, which is 12 to 18 months away, and one that could be launched immediately on the north side of Shindagin. He provided a more detailed map of the right-hand spur. The project would cost \$200,000 and Mr. Jeff ? would like the town to provide \$150,000. It's fiber and meets all the specifications.

Lee and Jeff (**LAST NAMES PLEASE**) were present to answer any questions. See attachment #3 for materials related to the following discussion.

Mr. Witmer asked whether they would be able to steward the application through the broadband office.

Mr. Jeff (**LAST NAMES PLEASE** from Haefele said no. Lobbying might work.

Mr. Reinbolt said Senator Seward's office has been favorable about carrying forward the legitimacy of our request since Caroline was cut from the first broadband grant.

Mr. Fracchia said the plan he saw has significant coverage. He heard that there might be the possibility to extend it out Harford Road.

Can and put scanned copy of Lee's email here.

Mr. Witmer said the ultimate goal is to provide broadband coverage throughout Caroline. He asked Mr. Haefeli if he could envision presenting a bigger, more comprehensive package.

Mr. Jeff ? said that for grant funding, the state characterizes things as served (100 Mbits per second), underserved (25 Mbits per second) and unserved (less than 25 Mbits per second). In this case, they're unserved. Part of the reason this proposal came about is that the Coddington Road section is not doable without the Southern Tier Network's construction up 96B. This proposal can be done now. Knowing that that might be a long wait and there might be better options, we've set that aside.

Mr. Jeff ? said they anticipate getting the grant they applied for, which is 21 miles in Spencer. They'd like to get a major portion of Caroline done before that grant comes in.

Ms. Weiser commented that \$150,000 to serve 180 households is quite a price tag.

Mr. Jeff ? described how the Spencer job is more expensive.

Ms. Weiser asked what kind of density they would like to see for an area to be viable.

Mr. Jeff ? said they're looking at four customers per mile; that's getting lean to cover the pole rental. It would mean that 183 homes would be able to call us on Monday and get service on Tuesday.

Mr. Jeff ? pointed out that the ones with the long driveways are more economical with fiber than Time Warner's coax cable. For example, they did a 1700 foot driveway and they charged the owner \$300 for the fiber.

Ms. Weiser said some people who were not willing to provide us with a service contract were not regulated by the PSC.

Mr. Jeff ? said they're regulated by the PSC and are bound under the cable franchise agreement they already have. He said his suggestion is to have them build to Caroline Center and do the Blackman Hill area and at the same time, do a joint effort to do a survey and find out where there's demand. They will write it in a way that they would be bound to complete what they've offered, but if partway through, the town thinks some other roads should be done, it can be rearranged. The timeline would be this year.

Mr. Fracchia asked what the Harford Road to Caanan Road would be.

Mr. Jeff ? said it would probably be \$7500 per mile. They would make some contribution.

Mr. Reinbolt said that one of the things he liked about Mr. Bartok's proposal was that he would do a sliding scale fees for households with kids on the school lunch program and for veterans and seniors.

Mr. Jeff ? said that would be difficult for them to do, but there's a federal program for tele-phones. They offer lower pricing for lower speeds. Part of the difference with Haefele is that they have a wide range of service, from 3 MG up to 100 MG, from \$35 to \$100, so there are a lot more working options. The sliding scale is nice, but they already can provide decent, reliable service at a low rate.

Ms. Weiser asked if they had a rough guess as to how much it would cost to build out Coddington Road and White Church.

Mr. Jeff ? said the town's contribution would be about \$5000 per mile; theirs about \$2500. There are no additional charges to the town to run from the road to the home (up to 500 feet).

Mr. Fracchia said when we talked about it in the fall, we had a philosophical discussion about what we wanted to accomplish. He felt like we had reached consensus that it would be important if the right opportunity came to build part of this structure and hit unserved or significantly underserved areas, then we should do so. Based on what he's hearing, his opinion is that this is that opportunity. His recommendation is to consider moving on this, particularly since there are idle workers that could get residents served fairly quickly. Our town has been crying for this since before he was on the board.

Mr. Witmer said his reservation or concern is that once this is built out, the remaining unserved (areas where the population density so low, no one will be interested in going there), will be harder to reach. That's why he mentioned a comprehensive plan that would include the entire town.

Mr. Jeff ? said they have a bit of a limit to cover the cost of pole rentals. That's why he suggested doing Caroline Center, which is hard, and also Blackman Hill, which is easy. White Church and Coddington are the only parts that are not in this proposal, not because they're hard, but because it's not currently accessible. Time Warner might also cover that part.

Ms. Weiser said it's enticing to think about building out something soon, but she shares Mr. Witmer's concerns. She sees several areas that don't have coverage on the map. There's a lot to think about.

Mr. Fracchia cautioned against letting the great be the obstacle to the good. We know what we want in a perfect system. We're not going to get that today, and maybe not even next year. We have to do our due diligence, but we also have to think about how many unserved community members we can reach and the potential to connect others.

Mr. Reinbolt said it's balancing the factor of urgency because people have been asking for this for a long time.

To a question from Mr. Jeff ? the board said that this will not affect the town taxes one bit.

Ms. Weiser requested a map showing all homes that would be included – a spreadsheet with house numbers attached. She also suggested surveying those areas that are not covered in the current map; it's not that many doors to knock on to find level of interest.

Mr. Jeff ? said that part of the issue with Level Green Road is that there are no electric poles and only two homes.

Mr. Reinbolt agreed that most of their proposal involves preexisting infrastructure that he's going to hang on.

Ms. Weiner said she'd also like clarification on the coverage that Clarity can potentially provide and whether it precludes us from bringing something else in. If the Vandermark pole were in and could fill a gap, would it preclude Time Warner extending into that area. It would be an underserved area.

Mr. Jeff ? said the current precedent is that you can only fill out one type of grant – you don't get to mix unserved and underserved homes in the same grant, and you have to make a certain number of homes in each grant or you have to turn in a waiver. So by turning some unserved homes into underserved homes, you might shoot the unserved grant in the foot down the road.

Resolution to Award Bid for Historic Town Hall Roof Replacement -- Tabled

Discussion of recognition of slave burial sites in Caroline

Mr. Witmer said the discussion is what role the town is being asked to play and what authority the town has.

Mr. Snow said he got a call from a young mother who saw the sign and wanted to show her children the site. They noticed posted signs and respected those and didn't want to trespass, and saw nothing that looked like burial grounds. To him, it comes down to three issues: ethics, this country has a terrible legacy with slavery; we have a chance to do a deliberate response to honor the people who may be buried there; we have property rights issues and can work with a property owner if we deem we want to facilitate, or there is also the option of eminent domain. It's finding the real burial site: is it folklore, hearsay, or is there something there? We know the sign has been knocked down by plows, and when put back up, there might not have been an urgency to replace it accurately and precisely. There should be more work done. Is there something mentioned in deeds? The county is coming up on its bicentennial celebration. Up in the Ellis Hollow area, people are building homes, partitioning off property and selling it, and they might start digging up bones. In order to respect our history, he wants to do due diligence with the limited resources available.

Mr. Keosky said the sign that indicates the burial plot is on the wrong side of the road according to the state map. It's about 142 feet short of the [inaudible]. He doesn't know if it was taken down by people who objected to it in front of their house. The people who live there now object to the sign so badly that when a dot was put on the ground to take a photo across the field, the people came and erased it with black paint and ran rakes up and down the side of the road so a photographer could not take a photo the next day. The day after that, posted signs appeared and prevented anyone from looking at where the site might be. He gave an example. Suppose you're a farmer and bury your family on a plot; if you subdivide and sell off a piece with the family plot, do you lose your right of access to visit your ancestors? The law is very reasonable about

that. From what he can see, it has been found that the right of access trumps the right of enclosure. These people were held captive. Does a property owner have the right to hold these people hostage still? We don't even know these people's names.

Mr. Fracchia said he agrees with Mr. Snow. Our history in this country in acknowledging this issue is shameful. We have a moral responsibility to acknowledge that slavery happened in the Town of Caroline. A reasonable starting point is to empower our historian to do that research. There might be funds available in the space of the bicentennial. He doesn't know that we can compel an owner to allow us on to their property. We don't even know for sure where the site is.

Ms. Weiser said she was unaware of the slave history in the town. Finding the burial ground is important and we should do what we can to find it, but this should be brought forward as part of the bicentennial and be given a part in the History Center.

Mr. Proto made a suggestion to the town board. When he was on the civil war commission, they tried to put something together with the History Center, but couldn't find a venue for that presentation. He urged the town board to get in touch with Carol Kamen from the History Center. The Bailors should get the recognition they deserve as members of our community. He suggested that if we're looking for background and gathering information, cemeteries in the state are under the auspices of Secretary of State. Contact them: there's money.

Mr. Keokosky said the town historian has found a grave site with 12 graves and four children's graves at the Speed Hill Farm, formerly the Speed Plantation. He suggested putting an example stone on the ground in the spot where they are known to be, if found.

Mr. Witmer said we have to figure out what options we have.

TB Resolution No. 2016-87 Authorization to Sign Mowing Contract

Moved by Mark Witmer; seconded by John Fracchia

Resolved, the Caroline town board authorizes the supervisor to sign the mowing contract with Scott & Crispell.

Vote

Ayes: Witmer, Fracchia, Snow, Reinbolt, Weiser

Ms. Weiser noted that they seemed to mow on a schedule, so maybe Mr. Witmer can suggest they mow only when needed.

Approve Abstracts

TB Resolution No. 2016-88 Highway Abstract

Moved by Mark Witmer; seconded by John Fracchia

RESOLVED, the town board approved payment of the Highway Fund vouchers 93 to 111 in the amount of \$25,127.68.

Vote

Ayes: Witmer, Fracchia, Snow, Reinbolt, Weiser

TB Resolution No. 2016-89 General Abstract

Moved by Mark Witmer; seconded by Gary Reinbolt

RESOLVED, the town board approved payment of the General Fund vouchers 146 to 178 in the amount of \$14,295.77.

Vote

Ayes: Witmer, Fracchia, Snow, Reinbolt, Weiser

TB Resolution No. 2016-90 Streetlighting Abstract

Moved by Mark Witmer; seconded by Irene Weiser

RESOLVED, the town board approved payment of the Streetlighting Fund vouchers 9 & 10 in the amount of \$649.72.

Vote

Ayes: Witmer, Fracchia, Snow, Reinbolt, Weiser

Adjournment

On a motion by Mr. Witmer, the meeting adjourned at 9:35 p.m.