

Caroline Town Board Meeting Minutes of December 11, 2012

The Town Board Business meeting held on December 11, 2012 at the Historic Town Hall was called to order at 7:04 p.m. by Supervisor Donald Barber.

Attendance:

Donald Barber, Supervisor
Dominic Frongillo, Councilmember
Linda Adams, Councilmember
Aaron Snow, Councilmember
Irene Weiser, Councilmember

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Mark Witmer from the Town of Caroline attended the meeting.

Interview for Planning Board member

Lois Lounsbery introduced herself and addressed the Town Board as an applicant for a position on the Planning Board member.

Councilmember Weiser asked Lois why she was interested in serving on the planning board? She said she was a farm land owner and had served from 2004-2005 on the Tompkins County Farm and Small Business Committee.

There is a Planning Board meeting this Thursday, December 13th at 6:30pm at the Historic Town Hall. Lois was asked if she was voted in by the board as a new member of the Planning Board could she attend the upcoming meeting and she answered in the affirmative.

Lois owns 125 acres and the land has been 50 years rented by the Snows so the land is used for crops. Lois spoke about industrial and/or commercial activity in the Town of Caroline and the environmental concerns involved.

Supervisor Barber explained that when the Planning Board does a Site Plan Review that the board does not say “yes or no” but moreover what you “can or can’t” do.

Lois spoke about her vision for “nirvana”,..... ..the goal to keep “farmland as farmland” in the Town. Supervisor Barber and Lois had a discussion about class 1 and 2 soils. Supervisor Barber explained that class 1 soils (land) has slight limitations that restrict their use where class 2 soils have moderate limitations that reduce the choice of plants or require moderate conservation practices.

Councilmember Weiser asked Lois if she knew the requirements for the Planning Board position; the board meets once a month, the 2nd Thurs at 6:30pm. She talked about the position requiring a monthly commitment. The term Lois would be filling is to serve for 5 years. The position also requires 4 hours training each year.

Councilmember Adams talked about the idea of balance in development. To learn from the past experiences, as an example to say “harvest timber in a responsible way”. Lois talked about having land remaining for the future generations. She spoke with a developer (about her land) what is important- animals, trees, developing etc.

Supervisor Barber commented that the planning board had a process for looking at land development as opposed to a commitment to make judgments. He asked “Since you served on the Farmland Committee was there anything you would change. Lois responded that she had wished the process was more open instead of smaller groups getting together and making decisions.

Councilmember Adams asked her her goals for working on the committee? Lois answered that “Farmland, water use and the aquifer are key areas of concern and having land being used in a way that it can’t be recovered”.

Councilmember Snow asked, “Why did you apply?” Lois answered that she had thought about serving on a town committee for some time and Supervisor Barber had called and let her know there was an opening on the Planning Board. She said owning a large area of property in the Town of Caroline and knowing how important her property is to her and how important other people’s property is to them that she cares about how the Town is developed.

Privilege of the Floor

Mark Witmer- Addressed the board about the resolution for gas rules extension. He said he thinks the SGEIS has stronger wording. DEC reading regulations were drafted for a 90 day extension. He said he thought that regulations should not be issued until the SGEIS is passed.

Reports

Cindy Whitaker, Highway Superintendents

No report

Supervisor Don Barber

Report:

1. Contracts consistent with our adopted budget have been sent out to Fire companies, Ambulance, Harford and Richford for Code services.
2. Office of the State Controller in house for Tax Cap Audit. Payment in lieu of taxes (PILOT) for Fountain Manor. Change of \$400 for 2013.

County Representative, Frank Proto

Unavailable

Councilmember Linda Adams

No report

Councilmember Irene Weiser

Communication Support Specialist- modeled after Planning Board minute taker, salary to be determined. There are 4 applicants: 1 member from the CIT committee, 1 individual and 2 business applied. Interviewing will begin sometime in January 2013. Current IT help, John Wolf is not interested in applying for the position. It was noted that the abstract (invoice) from John Wolf’s work for town from 2012, was 32 hours paid work, plus 10 hours he donated. The person hired will work on updates and also analyze problems for the Town .

Quick action by TCOG to sponsor an event 12/17/12; an information session with Helen Slottje about regulations proposed by the DEC.

Councilmember Dominic Frongillo

Planning board contract to add to agenda.

Transfers

Resolution 183 of 2012

Motion was made by Mr. Barber: seconded by Mr. Frongillo

Be It Resolved the Caroline Town Board makes the following 2012 Fund Transfers

- \$ 36.00 from General Fund Account A 1010.4 Legislative Board CE to General Fund Account A 1220.4 Supervisor CE
- \$ 4,639.00 from General Fund Account A 1620.4 Town Hall CE to General Fund Account A 1620.2 Town Hall EQ
- \$ 469.00 from General Fund Account A 1480.4 Public Information CE to General Fund Account A 1620.411 IT Support CE
- \$ 334.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 1910.4 Unallocated insurance CE
- \$ 478.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 3510.4 Dog Control CE
- \$ 131.00 from General Fund Account A 7510.4 Historian CE to General Fund Account A 7410.4 Library CE
- \$ 8,000.00 from Highway Fund Account DA 5142.1 Snow and Ice PS to Highway Fund Account DA 5110.1 Repair PS
- \$ 5,000.00 from Highway Fund Account DA 5142.11 Snow and Ice PS OT to Highway Fund Account DA 5110.1 Repair PS
- \$ 700.00 from Highway Fund Account DA 5110.11 Repair PS OT to Highway Fund Account DA 5110.1 Repair PS
- \$ 2,000.00 from Highway Fund Account DA 5140.111 Holiday/Sick Vacation PS to Highway Fund Account DA 5110.1 Repair PS
- \$ 6,000.00 from Highway Fund Account DA 5112.2 Capital Improvement to Highway Fund Account DA 5110.4 Repair CE
- \$ 664.00 from Highway Fund Account DA 5112.11 Capital Improvement PS OT to Highway Fund Account DA 5130.1 Machinery PS
- \$ 650.00 from Highway Fund Account DA 5140.1 Misc PS to Highway Fund Account DA 5130.1 Machinery PS
- \$ 5,000.00 from Highway Fund Account DA 5112.2 Capital Improvement to Highway Fund Account DA 5130.4 Machinery CE

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Approval of abstracts

Resolution 184 of 2012

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Weiser to approve payment for the Highway Fund voucher numbers 227 through 245 for \$32,996.09.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 185 of 2012

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Streetlight Fund voucher numbers 21 and 22 for \$617.34.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 186 of 2012

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the General Fund voucher numbers 372 through 404 for \$24,057.85.

Adopted: Barber: Aye; Frongillo: Aye Adams: Aye; Snow: Aye; Weiser: Aye

Resolutions

Resolution 187 of 2012

Motion was made by Ms. Weiser: seconded by Mr. Frongillo

Motion to amend* the following resolution Mr. Frongillo : Seconded by Ms. Weiser

*Paragraph 4 (in bold) add "**Tompkins County Water Resource Council**"; paragraph 8 (with strike through) remove the word "~~preferably~~"

Resolution Requesting an Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing

Whereas, the New York State Department of Environmental Conservation (NYSDEC) has established a 30-day public comment period from December 12, 2012 through January 11, 2013 on the revised draft regulations for high volume hydraulic fracturing; and

Whereas, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 – 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements; and

Whereas, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays; and

Whereas, due to Open Meetings Law requirements for advance public notice of agendas and supporting materials, the 30-day comment period essentially eliminates or severely hinders the ability for any municipal regulatory or advisory organizations, such as the Tompkins County Board of Health, **Tompkins County Water Resource Council** and the Tompkins County Environmental Management Council, to review the released documents and draft, approve, and issue comments; and

Whereas, these regulations are intended, in part, to mitigate impacts on local municipalities, and as described above, because of requirements of Open Meetings Law, and the monthly meeting schedule of local governments, a 30 day comment period virtually eliminates the ability of municipalities to draft, hear public comment, revise and vote on a response as to the adequacy of regulations designed to protect them, and

Whereas, the NYSDEC has not completed and made public its health impact assessment, and it is therefore impossible to comment on the adequacy of these regulations in mitigating these yet undescribed impacts, and

Whereas, the NYSDEC has not made public its revised economic impact assessment, and it is therefore impossible to comment on the adequacy of these regulations in mitigating these yet unseen impacts,

Now therefore be it Resolved, that the Caroline Town Board requests that at a minimum the NYSDEC extend the public comment period on the revised regulations to a minimum of 90 days so as to allow adequate public process at the local level and preferably that the NYSDEC not finalize the regulations on high volume hydraulic fracturing until after the SGEIS is finalized.

Be It Further Resolved that a copy of this resolution shall be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Association of Towns, NYS Assemblywoman Barbara Lifton, and NYS Senator James Seward.

Adopted: Barber: Aye; Frongillo: Aye Adams: Abstain; Snow: Aye; Weiser: Aye

Youth Commission Resolution

Resolution 188 of 2012

Motion was made by Mr. Barber: seconded by Mr. Frongillo

Resolved, The Caroline Town Board hereby appoints the following persons to serve on the Caroline Youth Commission: Debra Rivera , Boiceville Rd and Doreen Smith, Brooktondale Rd.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 189 of 2012

Town Roof Reserve Fund Resolution

Motion was made by Mr. Barber: seconded by Mr. Frongillo

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Caroline Town Board hereby established a capital reserve fund to be known as the "Town Hall Roof Replacement Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of this capital improvement.

This resolution is subject to a permissive referendum as required by subdivision 4 of Section 6-c of GML. The Town Clerk is hereby requested to notify the public of this resolution.

When this resolution becomes official, the chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Caroline. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 190 of 2012

Thaler and Thaler Attorney for the Town Contract

Motion made by Mr. Barber: Seconded by Mr. Frongillo

Resolved, the Caroline Town Board authorizes the Supervisor Don Barber to approve and sign a contract with Attorney Guy Krogh for the 2013 legal services through Thaler and Thaler at \$175.00/hour attorney fees and \$100.00/hour paralegal fees.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 191 of 2012

Planning Board Consultant

Motion made by Mr. Frongillo: Seconded by Ms. Weiser

Resolved, the Caroline Town Board authorizes the Supervisor Don Barber to approve and sign extension of the contract for 2013 with Jon Kantor to work with Planning Board at \$25.00/hour, not to exceed \$2000.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 192 of 2012

Planning Board Appointment

Motion by Mr. Barber: Seconded by Ms. Weiser

The Caroline Town Board hereby appoints Lois Lounsbery of Lounsbery Road, Brooktondale to serve a five year term ending 12/31/2017 on the Town of Caroline Planning Board. This position requires meeting the annual training requirement of 4 hours of training from an approved source per year.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 193 of 2012

Caroline Fire Protection District

Motion made by Mr. Barber: Seconded by Ms. Weiser

Resolved, the Caroline Town Board authorizes the Supervisor Don Barber to approve and sign a contract for the 2013 Caroline Fire Protection district service with Brooktondale Fire District for \$16,126.00.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 194 of 2012

Speedsville Fire Protection District

Motion made by Mr. Barber: Seconded by Ms. Weiser

Resolved, the Caroline Town Board authorizes the Supervisor Don Barber to approve and sign a contract for 2013 with Speedsville Fire Protection District for \$50,550.00

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 195 of 2012

Code Enforcement for Harford

Motion made by Mr. Barber: Seconded by Ms. Weiser

Resolved, the Caroline Town Board authorizes the Supervisor Don Barber to approve and sign a contract with Harford for 2013 with the Code Enforcement \$8840.00.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 196 of 2012

2012 Year End Meeting

Motion made by Mr. Barber: Seconded by Mr. Snow

Resolved, the Caroline Town Board establishes the 2012 Year End Meeting time and date for Friday, December 28th at 8:00 A.M.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Resolution 197 of 2012

Organizational Meeting

Motion made by Mr. Barber: Seconded by Ms. Weiser

Resolved, the Caroline Town Board establishes the 2013 Organizational Meeting time and date for Wednesday, January 2rd at 8:00 A.M.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; Snow: Aye; Weiser: Aye

Agenda

Salute to the Flag (7:00)

Interview Planning Board Applicants

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) –

Communication Position Description

Discussion and Action Topics

- Transfers (8:10)
- Approve Abstracts: Highway, General, Lighting (8:15)
- Thaler-Thaler Contract (8:10)
- Planning Board Vacancy (8:15)
- Create Town Hall Roof Replacement Reserve Fund (8:25)
- Resolution requesting Extension of Revised Regulations for High Volume Hydraulic Fracturing Comment Period (8:35)
- Authorize Supervisor to Sign Fire Protection Contracts (9:00)
- Establish Year End Meeting date and time (9:05)
- Establish 2013 Organizational Meeting date and time (9:10)

Adjourn

On a motion by Supervisor Barber and seconded by Councilmember Weiser, the meeting adjourned at 9:32 P.M.

Respectfully Submitted,

Marilou Harrington, Town Clerk