

## **Caroline Town Board Meeting Minutes of July 5, 2011**

The Town Board agenda meeting held on 7/5/11 at the Caroline Town Hall was called to order at 7:04 p.m. by Supervisor Don Barber.

### **Attendance:**

Don Barber, Supervisor Present  
Dominic Frongillo, Councilman Present  
Linda Adams, Councilwoman Present  
Toby McDonald, Councilman Present  
Pete Hoyt, Councilman Present

### **Recording**

**Secretary:** Jo Ann Reinhardt, Deputy Town Clerk and Marilou Harrington, Town clerk

**Also present:** Caroline Residents

### **Privilege of the Floor**

Bill Podulka spoke to the Town Board regarding his disapproval of the resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law.

### **Reports**

**Toby McDonald, Town Board** - Toby reported on regarding violence in the work place policy; that it is required by the New York State Workforce to conduct an annual review of the policy in place at the Town of Caroline. Toby checked to see if any incidences to be reported, in which he had spoken to the different departments: highway, court and town offices. There were no incidences to report and so there are no recommendations of any changes to the current policy. There will be a statement developed of the report in order to present to the Town Board at the next business meeting.

The highway department will be closed all of next week. The employees are using up their vacation time for the closure of the department.

**Dominic Frongillo, Town Board- No report**

**Peter Hoyt, Town Board - No report**

**Linda Adams, Town Board** – SM4 report needs to be reviewed by the Town Attorney and the Town Board will be hold a public hearing in regards to discuss the SM4 Report.

### **Town Business**

**Subject:** The discussion of the resolution of “Clarifying the Town of Caroline’s Role Regarding Gas Development Based on Current Environmental Conservation Law”.

Peter Hoyt commented that he will be withdrawing from voting on this issue.

Each of the Town Board members commented separately on their views of the resolution.

The town board discussed about how and where to hold future meetings in regards to hydrofracking and the gas companies. Linda and Pete commented on having both sides of the issues represented.

Many of the residents shared their comments and views of them opposing the ban against the ban of gas hydrofracking in the community of Caroline.

Comments from Caroline residents had varying views. One opinion was that everyone should be aware of all aspects of what will happen if the gas companies were to start hydrofracking in the town of Caroline and base their opinions on the facts.

Pete expressed a concern that the minority of the attendees at the meetings (who may be neutral or for the gas companies) may not feel comfortable expressing their views. And a reason for having more meeting is to give those who want to express an opinion a chance to speak.

Dominic said we should look at how industrialization should fit with the vision of the community and articulate it in the sense of what might happen either way. And what can we be doing as a town to mitigate those effects. Everything should be included (in the Town's involvement) from education to aquifer studies. It is important to ask the community in a public process what they would like, as we, the members of the Town board are elected to represent them. From there we can assess how we, as a Town, can move forward.

Toby brought up that nobody had brought up preemption by New York State which "trumps" any Town Law, County Law; about drilling, fracking or extracting. He said we can make a law (at the Town level) but the fact is I don't think it will hold up unless New York State changes its stance on preemption. New York State needs to give the power back to the Towns or the County before any law will make a difference.

Linda said that the issue comes down to a leadership issue, that if a path is being taken that can't be defended from going through the exercise of taking that path that is fairly clear that we are preempted. It also precludes the Town from working on Town issues that will make a difference.

Don commented that the many of the Town's people were asking the Town board to take a leadership role on this subject. He feels the role of the Town board is to protect the Town's health, safety and well being and that this is an issue that the Town board should be involved. The other important part of the board is to defend democracy and that means we have to allow people to speak on both sides of the issue; to express their opinion and know that they are being listened to and that by listening to one another we are gaining an education.

## **Approval of Minutes**

### **Resolution 95 of 2011**

#### **Minutes of the Agenda Meeting June 7, 2011.**

A motion was made by Mr. Barber and seconded by Ms. Adams to accept the minutes of June 7, 2011 as submitted by the deputy town clerk with the amendment on the section of minutes of Toby McDonald's report to talk about the collective bargaining agreement.

**Adopted** Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

#### **Minutes of Business Meeting June 14, 2011**

A motion was made by Mr. Donald Barber seconded by Mr. Dominic Frongillo to accept the minutes of June 14, 2011 as submitted by the town clerk.

**Adopted** Barber: Aye; Frongillo: Aye Adams: Aye; McDonald: Aye; Hoyt: Aye

## **Resolutions**

### **Resolution 96 of 2011**

A motion made By Mr. Barber and seconded by Ms. Adams

Resolved, the Town Board hereby votes to schedule a Public Hearing Meeting on July 12, 2011 at 7:00 p.m. to hear any and all comments on the annual MS4 compliance report.

**Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye**

**Resolution 93 of 2011 (from June 14<sup>th</sup>, 2011)** Discussion of resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law to "unable" and vote on at the July 12<sup>th</sup> business meeting.

A motion made By Mr. McDonald and seconded by Mr. Hoyt.

Resolved, the Town board of Caroline hereby votes to unable resolution 93 of 2011.

**Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye**

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### **Agenda Items**

- Public Hearing meeting 7/12/11 at 7:00 p.m. to vote on SM4 report
- SPCA - Dog Control Contract needs an amendment to be revise the amount due.
- Mileage reimbursement rate to be change to \$.555 per mile. A resolution will be offer at the next meeting.
- New York State Retirement System – There was an error in the last report regarding standard workday and the employees that are currently not participating in the NYS retirement system. A resolution needs to be amended for the correction of not including non-participates on the report.

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### **Adjourn**

On a motion by Mr. Barber and seconded by Mr. Frongillo, the meeting adjourned at 9:23 P.M. all members in favor.

Respectfully Submitted,

Jo Ann Reinhardt,  
Deputy Town Clerk

Marilou Harrington,  
Town Clerk