

Caroline Town Board Meeting Minutes of July 10, 2012

The Town Board Business meeting held on July 10, 2012 at the Historic Town Hall was called to order at 7:00 p.m. by Supervisor Donald Barber.

Attendance:

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

Recording

Secretary: Christine Wilbur, Deputy Clerk

Also present: 5 Members of the public.

Supervisor Barber led the Pledge Allegiance to the Flag.

Planning Board Presentation of Site Plan Review Proposal:

Chad Novelli, Bruce Murray & Jonathan Kantor: Mr. Novelli reviewed the process and Supervisor Barber spoke of the comprehensive plan that identified goals and a work plan to look into any land use regulation or development guidance system for the Town of Caroline. The process is closer to site plan review than zoning. The committee asked the community for input and they were in favor the “guidance system” rather than zoning. A consultant was hired from a grant from the Department of State (Jonathan Kanter) and a template was put together that is being used by the Planning Board.

The Planning Board spent a long time coming to a consensus, as it was pretty clear it would be controversial because it sounds like zoning. Originally, it used to be for industrial site plan review – now it’s site plan for any proposal and they are looking for the right threshold, the right trigger – what would require site plan review. The proposal is still in draft form and they want to get Board input before it gets too far along. The law is modeled on sub-division review law – items that are covered and not covered are on the list. The town’s attorney has looked at it and provided input.

Ms. Adams asked if there was consensus for the draft. There have been some members absent from some of the meetings, but they feel there is consensus, with refinements.

Mr. Kanter reported this law would not cover agricultural use – that is regulated by the Department of Ag. and Markets. He further discussed how the law would be formed, does not prohibit any kind of use in the town and allows reviewing board to look at a site and special features and land characteristics – how a proposed development sits on the site, access issues, impact on community and property values and allows insurance that a development can occur in a good way that takes into account the whole picture – not taking away landowner’s rights.

Ms. Weiser wanted to know what would be grounds for disapproval. Mr. Novelli reported the key is to work with the applicant to get the best possible outcome – changes that the applicant will find acceptable and provide guidance to conform to the comprehensive plan. Most communities have very little disapprovals. In most cases, disapprovals come when the applicant is not cooperative. The key is to work with the applicant to get the best possible outcome – changes that applicant will find acceptable – guidance to conform to the Comprehensive Plan. Another powerful tool to assist in deliberations, is the site plan could also be subject to a SEQR review (State Environmental Quality Review) which allows the Board to look at a wide range of environmental issues.

Ms. Adams inquired if planning board members in other communities are appointment or elected officials. Mr. Kanter indicated they are almost 100% appointed members. Some town boards retain authority for site plan review, but most towns rely on a planning board.

Discussion followed regarding who has the authority. If planning boards have people with a wide range of backgrounds – that is a good thing – political bodies do not always have the same focus. It is intended to be a non-political process. There was further discussion about community input – when, how, at what stage, etc. Most agreed that negotiation with a developer should not be a public process. There can be opportunities for the public to be involved, but not in the deliberative process, but possibly the final plan.

There is more work to be done and town board members are invited to attend the next planning board committee meeting this Thursday, July 12 at 6:30 PM. Board members thanked the presenters for their work and agreed it is a very good draft. Once finalized there will be a public information session – then a formal document.

Privilege of the Floor:

Lucy Gagliardo – Chair of Caroline Youth Commission – gave an update on efforts to consolidate staff and resources with the towns of Danby, Enfield and Caroline. This turned out to be problematic as all are very loyal to their program managers, programs, and their kids. This means that the Caroline Youth Program is back to square one – not enough money to keep programs going. A call for new, additional board members will be sent to the newsletter, more grants will be applied for, bottles and cans are being collected at the Brooktondale Committee Center to assist with funding, and the group will make a budget request to the town for 2013. In the past, Youth Commission and other town youth programs' funding have been blended – they need to have separate monies.

Reports:

Highway Superintendents Report - None

Supervisor's Report: Mr. Barber reported on the following items:

- Sat. July 28th – Farm & Garden Extravaganza Day at the Brooktondale Community Center;
- FEMA – met with Office of Emerg. Mgt. to close up Beaver Creek Rd., mitigation work on Six Mile Creek work review - 5 easements need to be gained – hope to start next week.
- Work at town barns and 600 Rd. – contractor was critically injured – Town Supervisor authorized to send termination letter and let contract out to second lowest bidder.
- Bob Hunt – Blackman Hill Rd. – petition to change fire district – more info. to follow.
- Jessica Troy Smith – County Youth Services Board applicant – resume – would like to be a Caroline advocate on the board. A resolution will be offered later in the meeting.

County Representative Report- Frank Proto – explained his absence as town board meetings coincide with county legislature meetings. Mr. Proto reported on the following items:

- County budget – holding a series of clinics - one next Monday; he highlighted some items – affordable health care act and impact on the County; lots of talk about what could happen in November elections; Board of Health dealing with some of the issues; need more primary care physicians in this County;

- Farm Bill –not yet approved at federal level – effect on this County could be severe – i.e. trimming food stamp monies ; our county employment rate is 6% - double of normal; commodity prices are going through the roof – will affect all of us.

- Transportation Act – federal funding for TCAT monies were moved to a different category – could affect service.

- Water Resources Council – Report of hydrilla and impact on the inlet – spoke of the funding sources; all State politicians support funding; need to keep contained to our inlet; praised Roxie Johnston at the City Water department for her devotion to this project; could have impact on tourism; cost will be about \$1M per year for 4 or 5 years.

- Related to hydrilla, an Aquatic Invasive Species Law (a series of fines) is being considered by the County Board at their meeting next Tuesday. One aspect of the law would be to require that boats be washed off of weeds when out of lake. Police agencies will watch for weeds on boats.

- Ithaca Times Report – Tompkins County sponsoring pro-act health card – a pharmacy benefits card. Committee reviewed program and recommended approval. Any pharmacy – discount on pharmaceuticals or prescriptions. An excellent program. Mailing to every household. County will sponsor.

- Mr. Proto encouraged all to come to budget meetings.

Department, Committee, & Liaison Reports: None

Discussion and Action Topics:

20 yr. Watershed Management Plan – Ms. Weiser described the work she and Barry Goodrich did to put together the information and estimates called for in the plan. This report is designed generally for larger municipalities. Met with Water Shed Committee; came up with this version for approval to send in to the NYS Office that will send it on to the Feds. Discussed some items – came up with something reasonable, incorporated a report from 2004 that was a County study of 6 mile creek, came up with a list of projects, answered specific questions in the plan i.e. 25 miles of creek including water supply to City of Ithaca – estimated average expenses \$300,000/yr. , then talked with Cindy – about 750 culverts, 120 miles of drainage ditches - \$125,000 per year – personnel & equipment; green infrastructure – relocating town barns - \$750,000-\$1M one time cost; water management personnel – there will come a time when others will need to be involved with this work – we have been very fortunate to have Barry Goodrich’s expertise and volunteer time devoted to this area – but this will not always be the case. We may need to consider hiring someone for this work at some point. She joked about an estimate of money to “Buy a Barry”. Other towns do have hired personnel to do water management – we have been lucky with the expertise of our volunteer.

The Plan needs board consensus to authorize the Town Supervisor to sign the plan and seek input from a State engineer to certify that the estimated costs are reasonable. Someone from Soil & Water would be fine to sign as the engineer. This plan needs to be submitted to remain eligible for monies from the State. The board authorized the Town Supervisor to sign the plan.

Resolution 128 of 2012

Discuss Prohibition of Gas Extraction Local Law – a continuation of last week’s discussion of language changes.

After some discussion, Ms. Weiser made a motion to make the following change:

Page 14 #1, move to section B Item #5 (section 110 – hardship) Item #D – 1st line – remove the words “or shall”. And,

Insert Environmental Assessment Form (currently D1, making it C2 – move current C2 to C3), and remove the words “or shall” in D;

Numbers under D – move up 1.

Seconded by Mr. Snow. After further discussion, the vote was as follows:

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

Mr. Snow next discussed the possibility of adding a “sunset clause” whereby the law could be revisited in possibly 1 ½ - 2 years to determine if it is still applicable or necessary, as it affects the lively hood of many local residents. Most agreed that it is the expressed desire of the majority of the community to

keep our area agricultural in nature, and compliant with the comprehensive plan that is reviewed every 5 years. If and when the public expresses a desire to look at this issue again, the board would comply – there are already processes in place for change, and having a clause in the law to mandate this be done, is not necessary or advisable.

Resolution 129 of 2012

At this time, Mr. Barber offered the following resolution:

Resolved, that the Caroline Town Board has deliberated on the draft ban Local Law Prohibiting Natural Gas Exploration and Extraction Activities, and have passed several resolutions affecting changes, and now asks the Town Clerk to send the draft to the Town Attorney for review for completeness and accuracy, and legal advice on the strength of the law to withstand challenge.

Seconded by Ms. Weiser.

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

Resolution 130 of 2012

Discussion followed regarding the process and timeframe after the Town Attorney Review.

Mr. Frongillo made a motion to hold a Board meeting on July 23, 2012 at 7 PM to review the attorney's comments and suggestions for change, and then establish the public hearing date at that time.

Seconded by Ms. Weiser.

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

Resolution 131 of 2012

Youth Services Board Representative Resolution: Mr. Barber offered the following resolution

Resolved, that the Caroline Town Board appoints Jessica Troy-Smith, residing at 620 Central Chapel Road, Brooktondale, NY, to be the Town of Caroline Representative to the Tompkins County Youth Services Board,

and further Resolved, that the Caroline Town Board expects its representative to report either in person or by written report of the activities of the Youth Services Board, semi-annually,

and further Resolved, that the Caroline Town Board's opinion about issues before the Tompkins County Youth Services Board will be solicited by our representative, who will provide necessary background information about those issues to the Town Board in order for their careful deliberation.

Seconded by Mr. Frongillo.

Ms. Weiser inquired if there was any type of background check or screening for any of the town's volunteers. She is concerned that we would be in a very poor position if it were determined that a Caroline Town volunteer had some type of criminal background, particularly if it involved child abuse. She made it clear that she was not concerned about the applicant in question, but a matter of process. Supervisor Barber indicated he would inquire of the town attorney for legality or processes of background checks.

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

TRANSFERS

Resolution 132 of 2012 - Mr. Barber offered the following resolution:

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

- \$ 1,887.00 from General Fund Account A 1460.4 Records Management CE to General Fund Account A 1460.1 Records Management PS
- \$ 11,000.00 from General Fund Account A 1990.4 Contingency to General Fund Account A9060.8 Health Insurance

Seconded by Mr. Snow.

A brief discussion followed regarding the need to make transfers occasionally.

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

Approval of Abstracts

Resolution 133 of 2012

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 130 – 147 for a total of \$51,679.09.

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

Resolution 134 of 2012

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Streetlight Fund voucher number 13 for \$425.27.

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

Resolution 135 of 2012

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the General Fund voucher numbers 217 through 244 for \$14,823.26.

A short discussion followed regarding interest charges on accounts that are paid late due to the vendor's billing cycle and the Board's approval dates. If vendors are unwilling to delete the charges, we should shop elsewhere. Also, board members are interested in purchasing from local suppliers whenever possible and feasible.

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

Adjourn

Hearing no further business, Mr. Barber made a motion to adjourn the meeting. Seconded by Mr. Snow. The meeting adjourned at 10:05 PM

Respectfully Submitted,

Christine Wilbur, Deputy Town Clerk