

Caroline Town Board Business Meeting Minutes: June 12, 2012

Prior to the start of the meeting, Stuart Stein –Director of Special Projects of MEGA – Municipal Electric & Gas Alliance - and local, former long time Tompkins County legislator and a founding member of MEGA, came to the Town of Caroline Board meeting to make a presentation. The award is “to recognize the Supervisor and Town Council of the Town of Caroline for outstanding leadership in making a major commitment to sustainable energy sources through the purchase of Renewable Energy Credits for 100% of town requirements, and for being the first municipality in the State to participate in MEGA’s alternative energy subsidy program in 2006”. Mr. Stein spoke about the history of the organization and how it now purchases for 31 counties - half of all counties in New York State. They could not do it alone. This started in Tompkins County government and was a County function in the 1990’s as a pilot project prior to de-regulation – set groundwork for the program and in 2000 the program began – one of the first to join was the Town of Caroline. The primary purpose of the organization is to reduce cost of utilities for non-profits. He thanked the Board for their efforts, presented the plaque and read the inscription. Supervisor Barber spoke of Caroline’s efforts in alternative energy exploration and other areas – it is the same concept with the Health Care Consortium.

The Town Board Business meeting held on June 12, 2012 at the Historic Town Hall was called to order at 7:10 p.m. by Supervisor Donald Barber.

Attendance:

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

Recording

Secretary: Christine Wilbur, Deputy Clerk

Also present: Four members of the public

Privilege of the Floor:

Mike Moran – Acting Chairperson for Caroline Community Library Board – thanked the Board for their continuing support. They are always trying to increase patronage through advertising and recognition in the community. The little “open” flag in the front of the building does not necessarily say what is open, nor does the sign say that there is a library here. One of the volunteers came up with an idea of placing a banner on the west side of the building. He showed design of the banner. If the concept is approved, the library would work up the details – size, cost (from library budget), where to be hung, etc. and then come back to the Board with the specific information. The Board will consider a resolution later in the meeting.

Reports:

Cindy Whitaker, Highway Superintendents Report – no report.

Supervisor Don Barber:

- Bruno Schickel – a sketch plan for the new subdivision has been provided and will be considered by the Subdivision Review Committee;
- NYS Real Property Tax Service Equalization Rate is now 100% - valuated at selling price; the appeal process was conducted in May;
- E-mail was received from Molly Adams and Becky DeWitt about Town property landscaping issues. They will need to come to the Board and discuss their ideas;
- NYS DOT approved crosswalk signage at the Don Williams residence;

- The project application for Development of Rural Centers in Caroline to the Design Connect Program at CU was available in the correspondence folder (submitted by Irene Weiser);
- The Town received an extension of time for Banks Road Mitigation project.
- FEMA Request to close out – e-mail – they will be out next week to close out project; interim progress payment requested.
- An Exit Interview of our NYS IT audit was conducted – see report in correspondence file;
- Liddington property owners – requesting to consolidate two parcels – requires them to petition the Town Board and Brooktondale Fire – possibly could meet in a joint session;
- Drawings for Banks Rd. flood mitigation are done and available – easement letters will go out to six landowners tomorrow. Previous design has changed and includes land further down the line;
- E-mails between the Code Enforcement Officer and the Town attorney regarding the situation at the property located on Pheasant Walk and Rt. 79 – the owner has been approached on numerous occasions about junk piled up in the ditch and on the road – all of which are the property of the Town of Caroline. They currently have a large quantity of sheet metal along the roadway which is dangerous, and neighbors are complaining about rats. The Town’s attorney is being asked to draw up documents to prosecute for violations of NYS Code; however, if the Health Department could get involved due to the rat problem, violations of the public health law are more robust than violations of NYS Code.
- Sub-division application fee and subsequent inspections – need 1 or 2 people to meet with CEO and sub-division group to set up a schedule, and make a recommendation to the Town Board. Discussion of the process – relates to the new sub-division application. Ms. Adams and Mr. Frongillo will work on it,
- The Court Clerk is requesting the Board fund the training and testing costs for the Court Clerk and the new Justice to become Notary Publics. After discussion, the Board indicated a willingness to fund the training portion for two people (\$150.00 each) and the Court budget will pay for the testing (\$75 each).

County Representative, Frank Proto – not present.

Councilmember Linda Adams – no report

Councilmember Irene Weiser - Absent

- In Ms. Weiser’s absence, Bert Cooley reported on the recent Communication, Information and Technology Committee meeting. They hashed out lots of ideas. They also met with the Town Clerk to review items her office has and what she needs. The Committee feels that FOIL, other laws, backup recovery, and e-mail archival are high priorities. He also reported the committee will work on a policy and procedure manual and how that process will be used to consider most requests – anything beyond that or not a current policy will be forwarded on to the Board for their consideration. This should help to streamline most items and issues. The Committee also heard the request from library personnel about hanging a banner. Because there is no current policy, they were advised to make a request of the Town Board. Once the Committee has done an inventory, they will list priorities and make budget considerations and recommendations. Ms. Adams thinks this is a fine approach – a committee sets up priorities – the other things the Board can handle as always. Mr. Barber would like recommendations as they come in, not presented all at once.

Councilmember Dominic Frongillo -

- The Planning Board continues to look at site plan review – meets this week – 2nd Thurs. at 6:30. Ms. Adams will attend, as Ms. Weiser and Mr. Frongillo are not available.

Councilmember Aaron Snow –

- Mr. Snow provided information about the Youth Employment Service program. They would like to develop worksites in the Town of Caroline for local youth. Information will be put on the website in March to get residents thinking about sites for next summer.

Transfers - None

Approval of abstracts

Resolution 110 of 2012**Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Highway Fund voucher numbers 103 through 129 for \$102,173.94.

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

Resolution 111 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 11 and 12 for \$536.16.

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

Resolution 112 of 2012**General Fund Abstract**

A motion was made by Mr. Frongillo and seconded by Mr. Barber to approve payment for the General Fund voucher numbers 183 through 216 for a total \$ 85,576.85.

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

Resolutions**Resolution 113 of 2012****Resolution of the Town Board of the Town of Caroline to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending Before New York State Appellate Courts**

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

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Caroline Town Board hereby determines that it is in the public interest of the citizens of the Caroline to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.
2. The Caroline Town Board does hereby authorize and direct the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Caroline Town Board as the Supervisor deems necessary or

appropriate to carry into effect the foregoing resolution.

3. The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

A lengthy discussion followed regarding the definition of "Home Rule". Ms. Adams and Mr. Barber disagree about the intent of the concept – Mr. Barber believes home rule gives the Town more opportunities for decision-making on land use issues, and Ms. Adams believes land use regulations then become the decision of this five-member board and takes away the right of the individual landowner. Mr. Barber believes by endorsing Amicus Curiae, defends our right to establish land use and defends a practice that already exists in the Town of Caroline (by definition of the Comprehensive Plan). Ms. Adams disagrees about how and what landowner's rights and powers are and where those rights and powers come from. She is not convinced that this is in our best interest. At this time, Mr. Frongillo called the question: the vote was as follows

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

Resolution 114 of 2012

Resolution on Library Banner

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

Whereas to encourage more patronage in the Caroline Community Library since the library moved into the Annex building, and

Whereas library volunteers have this year begun serious efforts to promote and publicize this community resource, and

Whereas the Library has recently created a new Young Adult Fiction section and greatly expanded its holdings for young residents of Caroline, and

Whereas students at the Caroline Elementary School will be carrying home a letter to remind them of the library's offerings over the summer, and

Whereas there is no identification on the exterior of the Town Hall Annex to indicate that it houses a library.

Therefore be it resolved that the Caroline Community Library place a banner on the west side of the Annex building that reads Caroline Community Library and has the Tompkins County Public Library Logo.

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

Discussion of prohibition of Gas Extraction Local Law - input to date and process for further gas drilling discussion: Board members decided to hold another work session – June 28th at 7:00 PM at the Town Hall. Mr. Barber will put together an announcement for the website and list serve.

Adjourn

Hearing no other business, Mr. Barber made a motion to adjourn. Seconded by Mr. Frongillo. Carried unanimously. The meeting adjourned at 9:10 P.M.

Respectfully Submitted,

Christine Wilbur, Deputy Town Clerk