

Caroline Town Board Meeting Minutes of February 8, 2011

Supervisor Don Barber called the Town Board meeting held on February 8, 2011 at the Caroline Town Hall to order at Time 7:02 p.m.

Attendance:

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

Recording

Secretary: Marilou Harrington, Town Clerk

Also in attendance: Bruce Murray and Ronald Spada

Privilege of the Floor

Bruce Murray, had been approached by AT &T to put a cell tower on his property. After working out a deal to have the tower situated in an "out of way place", the company changed its offer of the location fee and he turned them down. Bruce was concerned about the placement of the Tower so as not to be a "visual" hindrance to any of his neighbors. AT & T came to Bruce because he has the number 1 location that the company would like to place a tower but the original price they were quoting went down. Bruce, this past week saw someone on the boarder of his property (that he recently had surveyed) and he was told they were resurveying his border and the adjoining property that belonged to Beatrice Raponi. The stakes the surveyors set were next to Bruce's property line. Bruce came to the Town Clerk's office for a copy of the local cell tower law *A local Law Regulating the Siting of Telecommunications Towers, Antennae and Related Facilities (1998)*, and read through it. Bruce requested that all Town Board members read the law. The way he read the law is that it can be revisited at anytime and changed through the appropriate channels. He said the law reads that the special permit fee is \$2000 and the co-location fee is only \$300. Bruce feels the company will make millions of dollars on the co-location fee and he asked why the Town wouldn't want to amend that amount so it was more profitable for the town. Linda Adams said it is not the intent of the Town to stop communications. It helps to centralize the communications so that there isn't a need for multiple towers. Bruce would like to see the board increase the insurance requirement (up from 1 million) and the fines which is \$350 the first, second and third offense. He stated that the fines, to a company that is worth millions, would hardly be more than a slap on the wrist if they do something wrong. Ronald Spada said it might be beneficial for everyone to look at this law and read the details before offering a permit to anyone who was looking to put a cell tower on their property. Ron said he is not against having a cell tower, but where the site is being considered, it would be very visible and he is concerned that the towns people would have trouble looking at the a cell tower up on Bald Hill. It would also stand in front of the view from his home. Ron said according to what he has read in the local law that there is a provision to keep the tower from blocking his (or anyone else's) view. He stated a lot of people will be impacted by the tower; in some ways negative and in some ways positive. The board, along with Bruce Murray and Ron Spada, agreed it would be nice to have cell service in the Brooktondale and surrounding area.

Department, Committee, & Liaison Reports

Mr. Frank Proto, County Legislator

There was a discussion at the County level about the proposed road use law. Attorney Guy Krogh came as a representative for Ithaca. Thirty-five to forty people were in attendance. There were many representatives from commercial haulers at the meeting. All expressed concern about the proposed road use law. The idea behind the meeting was to gather public input. Frank Proto asked the public if anyone would be interested in helping draft a law. Concern was centered around how to ascertain who will actually cause damage to the roads. How do you value what the bond amount would be? Kim Whetzel who also attended the meeting, Frank said he described about how to calculate the fee. The following night they held a public hearing. No one opposed the law, the

public just want it to move on it a little slower.

Frank is on a special commission of agriculture for NYS with 45 other representatives. Frank has a representative working on the equine piece. The issue that raised the greatest concern was the permission to slaughter horses and use them for dog food. Rather than trying to bury a horse on your property the former is a recommendation. At this time many horses are shipped out of State or out of the country to Canada to be disposed of. There is no slaughter house in NYS designed and used for horses.

The Governor is proposing 10 economical zones in NYS and agriculture was not on the list as one of them. Our economy is driven by agriculture.

Frank wanted the board to know that supervisor Baber had written a statement that wasn't appreciated by the chairman of the Tompkins County board, Government Operation Committee who verbalized his disapproval about (Don) changing his view about support and non support. Frank said if you read the statement that Don had prepared that it was clear that Don did not change his mind. Frank thinks if the chairman had a problem there was a more appropriate venue than a public meeting to state his opinion especially in light that he had the wrong information. Frank said "It is terrible when you try and do the right thing and then you get lambasted for it." Frank believes the chairman owes Don an apology.

Mrs. Cindy Whittaker, Highway Superintendent

No report

Mr. Toby McDonald, Town Board

Absent

Mrs. Linda Adams, Town Board

No report

Mr. Dominic Frongillo, Town Board

No Report

Mr. Peter Hoyt, Town Board

Recreation Partnership – Peter said the committee members will be reviewing the language of the Recreation Partnership contract, while urging them to change as little as possible. In March there will be a meeting to talk about the programs being offered, who participates, etc. Peter to e-mail the exact date of the meeting to the Town board.

Don Barber, Supervisor

Correspondence of Note:

1. Letter from TC Planning RE; Flood Hazard Mitigation Program
2. Copy of RFP for Road assessment 27;50 min
3. Association of Towns resolutions

Report:

1. Met with Brooke Greenhouse regarding warranty work at Office bldg.- drywall cracks and door latches

Discussion 31

2. Still Supplying paperwork for NYSERDA Energy Conservation grant
3. Abigail Smith, SPCA Director, moving on Feb 15th

4. Youth Division reported to TCCOG on Municipal Youth Services System- differing programs around County to meet community needs. Funds are distributed by Youth Services Board which Caroline has an open seat. Staff and Municipal commissions working on program recommendations with reduced (and possibly no) County funds. Next meeting in March.
5. Meeting this Thursday with CU Local Roads about culvert sizing and installation.- looking for info to develop Road Excavation fee schedule. Town Supervisor Don Barber and Code Officer John Daniels will be attending the meeting.
6. Meeting 2/28 with County and other Muni's about Road preservation- including a rep from Chesapeake Energy. Don asked if he would attend the Town meeting .
7. Community Foundation- philanthropic- will be hosting a listening session for needs and avenues to funnel CF grants into Caroline on March 22 at 5 PM Town hall
8. CCE looking for grant application for Beautification projects. Bruce Murray offered granite rocks to be used in the beautification project
9. Steve Nicholson brought down roof snow removal equipment and has specified a roof rake which I will order <\$100

Discussion and Action Topics

- Transfers (8:00)
- Approve Abstracts: Highway, General, Lighting (8:05)
- Resolution to Request Reduction in Speed Limit on West Creek Road (8:10)
- Discuss Merging Subdivision and Mobile Home Park Local Laws (8:15)
- Approve Workers Comp Sharing Contracts with Fire Districts (8:30)
- Property Tax Cap Coupled with Reduction in State Mandate Resolution (8:35)
- Association of Towns Resolutions (8:45)

Approval of Abstracts

Resolution 44 of 2011

Fire Protection District Abstract

A motion was made by Mr. Barber and seconded by Mrs. Adams to approve payment for the Fire Protection Fund voucher numbers 1 and 2 for \$63,250.

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

Resolution 45 of 2011

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 31 through 69 for \$87,135.

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

Resolution 46 of 2011

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 13 through 36 for \$114,418.84.

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

Resolution 47 of 2011

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Streetlight Fund voucher numbers 2 and 3 for \$447.85.

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

Resolution 48 of 2011

Motion made by Mr. Barber and seconded by Mr. Frongillo

Resolved, the Caroline Town Board hereby requests that Tompkins County Highway Manager apply to NYS Department of Transportation to reduce the speed limit in the hamlet of Speedsville on CR 115 from the intersection with 76 Road and continuing 1000 feet south from the current 45 MPH to 35 MPH. This section of road is in a densely populated area.

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

Resolution 49 of 2011

Motion made by Mr. Hoyt and seconded by Mr. Frongillo

Resolved, The Town board hereby sets a public hearing date for March 8, 2011 at 700pm for the modification of the subdivision law to include mobile homes and to repeal the existing mobile-home park law.

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

Resolution 50 of 2011

A motion made by, Supervisor, Mr. Barber and seconded by Mr. Frongillo

The Caroline Town Board authorizes the supervisor to sign the GML 11900 agreement for proper procurement and agreement for insurance.

Premiums for both Slaterville and Brooktondale Fire districts.

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

Resolution 51 of 2011

A motion was made by Mr. Barber and seconded by, Mr. Hoyt

Urging NYS to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases before Imposing a Property Tax Cap

WHEREAS, New York property taxes are nearly eighty percent (80%) above the national average, and

WHEREAS, New York municipal leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local property tax burden for decades, and

WHEREAS, Governor Cuomo and many State Legislators support a cap on local property tax levies of

two percent (2%) or the rate of inflation, whichever is less, but the current crop of property tax cap proposals does nothing to reduce or eliminate current State mandates on local governments or prevent new mandates, and

WHEREAS, arbitrarily capping property taxes without addressing root causing would cripple local governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap, and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up local property tax levels for decades, and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including for example:

- Payments by all local governments to the New York State Retirement Systems are expected to rise forty percent (40%) in 2011 and by a similar amount in 2012, and have grown by over one thousand percent (1,000%) since the year 2000, due to generous benefit expansions determined by the State Legislature and Governor.
- Since 2005, the local share of Medicaid costs has increased at least three percent (3%) each year and sometimes by double-digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-2010 and 2010-2011 State budgets by more than \$400 million in human services delivery alone, and

WHEREAS, our State government has both consistently reduced State Aid to Municipalities and has failed to amend the formulas which place municipalities with significant percentages of tax exempt properties at a considerable disadvantage in how it raises the moneys needed for the delivery of essential services, and

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State services that local municipalities must pay for and implement at the local level; in fact a property tax cap preserves the unjust system of taxation, where local taxes pay for state programs, and

WHEREAS, there is a fundamental differences between the state paying for a service and local governments paying for it, since New York State is the only entity that collects income tax, so a person pays state taxes according their ability to pay. Property tax is not charged according to ability to pay, which is why it is unjust to rely on it to pay for State programs, and

WHEREAS, this injustice drives people and businesses out of New York and acts as a deterrent to relocation to our state, and

WHEREAS, the Governor's property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State, now therefore be it

RESOLVED, That the Caroline Town Board, urges New York Stae to take fiscal responsibility for services over which it has decision making authority, rather than require local governments to pay for its decisions, this will in turn reduce the property tax burden and not preserve the status quo,

RESOLVED, That Caroline Town Board stands with school districts in opposing the property tax cap without mandate relief,

RESOLVED, further, That Caroline Town Board, urges the Governor and State Legislature not to impose a local property tax cap (itself another State mandate) unless and until it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases or to develop an aid formulas and Home Rule Legislation authority to recognize the burdens borne by local

governments

RESOLVED, further, That copies of this resolution be sent to Governor Cuomo, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, State Senate Leader Dean Skelos, Senate Minority Leader John Sampson, State Senator James Seward, Assemblywoman Barbara Lifton, and the New York State Association of Towns.

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

Town Business

Proposed 2011 Association of Town resolutions- see attachment 1

Board discussion- Dominic Frongillo is fine with all of the resolutions except number 11 because we aren't involved in the Adirondack Park Agency problem. Linda asked Don Barber if each resolution could be voted on individually and not as "a packet". Don responded in the affirmative, that each resolution is voted on independently from each other. He said that some of the resolutions have been voted down in the past. Peter Hoyt is concerned about resolution number 8. (Resolutions 6, 7 and 8 involve home rule on land use.) He said he is generally in favor of the concept of home rule (even though we might not want to exercise it in the Caroline area.) He said his feeling was in general, that the town should have the option to exercise it. He said that resolution 8 didn't read very well and he couldn't see that even if it passed that any law could be created from it. Don said that it is part of State law in Pennsylvania. Peter asked how the posting of road construction securities could be enforced. Don said whoever has a road use agreement would post a bond. Dominic said it is a question of whether you would want the State to have authority the agreement or the local towns. Linda asked Don if resolution 8 didn't pass this year, could he make a recommendation to have it worded differently. Don said there would be a meeting where he would bring up the boards suggestions.

Adjourn

On a motion by Mr. Barber and seconded by Ms. Adams for the meeting was adjourned at time.8:31 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk