

Caroline Town Board Meeting Minutes of March 8, 2011

Supervisor Don Barber called the Town Board meeting held on March 8, 2011 at the Caroline Town Hall to order at Time 7:04 p.m.

Attendance:

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

Recording

Secretary: Marilou Harrington, Town Clerk

Also in attendance: Tony Tavelli, Caroline Planning Board; Barry Goodrich; Frank Proto, County Representative and Bill Turner

Privilege of the Floor

No comments, questions or reports.

Public Hearing: Amended Subdivision Local Law

The Public Hearing was opened at 7:04pm by Supervisor Don Barber.

There were no comments or questions.

The Public Hearing closed 7:05.

Department, Committee, & Liaison Reports

Don Barber, Supervisor

In the correspondence file 2 items Supervisor Barber brought to the boards attention:

- The Health Care Consortium financial will be still adding to our reserve.
- The Emerald Tree ash borer task force will be meeting at Cornell Plantations at 9 am and they are asking each municipality to send a representative. The meeting will be addressing issues of how to deal with dead ash trees in the County caused by the Ash tree borer.

The Health Care Consortium- to work on providing dental insurance equal to or better than what the highway department employees already have. The consortium will provide up to \$5000 of out of pocket cost for the insured. The insured already have \$3250 coverage for out of pocket expense so the Consortium will pick up the difference of \$1750. This resolution would only cover the current year and would be re-addressed in 2012. The consortium will continue to look for other dental insurance companies. The union workers (Highway Department) in Caroline, Cayuga Heights and Dryden would be covered. The Health Care Consortium would underwrite this amount. Pete Hoyt expressed concerns about the Consortium being responsible for covering this amount.

AoT Report- Supervisor Barber attended a seminar about Labor Negotiation by Michael Richardson. He covered many subjects including health insurance and retirement. (See attachment x -Information in the correspondence file)

Subdivision Committee-Important to have 4 hour training requirement for both the subdivision review committee and the planning board. This is a NYS law and the training has to be done annually.

Road Preservation- A meeting will be held 3/21/2011 with County and other municipalities about road preservation and how we are going to move a head with the process.

Solar information- As of 2/21/2011 the solar collectors has produced 11000 kilowatts of energy. The annex building and historic building together has used 143011 kilowatts in that time. Up through December the usage was virtually the same. We lost some of our savings over the last 2 months because of the snow on the roof blocking the panels.

Mr. Frank Proto, County Legislator

Mr. Frank Proto, TC Representative gave the County report. He called for a health and human services meeting today to discuss the Governors proposed budget. Youth Services, Office for the Aging, DSS, the Health Dept, Mental Health, the Human Services Coalition, Tompkins Community Action, the Racker Center, Challenge Industries, Family and Children's Services, the United Way, Cayuga Medical Center were invited to the meeting. Unfortunately, not all could attend. There is a regular committee meeting tomorrow. In meeting was to address the proposed budget and in regards to the 2 % tax cap and no formidable mandate relief. Without the comp mandate relief the taxpayer will spending 88% of all of the County tax money that is raised to address the nine major mandates that the Sate requires us to pay. That means that aprox.12% of the money is left for fixing roads, recycling, the Sherriff Dept, Emergency Services, etc which is not enough money. The impact of the proposed budget is a major concern for what it will mean for the 2011 and 2012 budget. Of all the County departments, the largest hit is DSS. The net effect is under a 1 million. The total budget short fall could be as much 7-12%.

Mrs. Cindy Whittaker, Highway Superintendent

No report

Pete Hoyt commented that he was happy to have Les Dean was available to help-out as an on-call employee for the town. He said having some of the previous highway department employees to work when the highway department is extremely busy is a valuable asset to the town. As an example, he said that Les helped with getting a snowplow truck out of the ditch on a day that the weather was extremely bad. That it was great to have someone there with a lot of experience to work with the other highway employees.

Mr. Toby McDonald, Town Board

No report

Mrs. Linda Adams, Town Board

No report

Mr. Dominic Frongillo, Town Board

Planning board has been seeking direction from the Town board a number of agenda items they had been looking at, as examples the industrial site plan review and critical environmental areas. The Planning board was asking for direction on what was expected to be delivered to the town Board; seeking clarification on what the Town board would give to the Planning Board to work on. Dominic Frongillo has 2 resolutions to bring forth for the Town Board to consider.

Energy Independent Caroline- Cornell University is interested in doing a pilot study into how the Town of Caroline uses its energy. They will be meeting with the Energy Independent Caroline committee on Monday, March 21st.

Community Service Award- the committee has received nominations. They will be meeting in the next few weeks to discuss which nominations will be accepted for the award.

Mr. Peter Hoyt, Town Board

No report

Discussion and Action Topics

- Transfers (8:10)
- Approve Abstracts: Highway, General, Lighting (8:15)
- Adopt Amended Subdivision Local Law (8:20)
- Flood Plan Appeals Process resolution (8:40)
- Fireworks Permit discussion (8:50)
- Road Use Agreement – Road Use Regulation (9:00)

Resolution 54 of 2011

To clarify direction to the Planning Board for Industrial site plan review

Motion made by Dominic Frongillo, seconded by Linda Adams

Whereas, NYS ECL articulates that gas drilling well pads, operations, and storage wells are not within the scope of a local municipality's industrial site plan review process, and

Whereas, chemical storage areas, compressor stations, wastewater treatment, and wastewater transfer sites are necessary support services for shale gas extraction and are within the scope of a local industrial site plan review process, and

Whereas, the Town of Caroline culminated a multi-year process of gathering community comment by adopting a Comprehensive Plan which articulates a vision for the community and the community attributes it wants to maintain and pass along to next generations, and

Whereas, an industrial site plan review process would allow the community's vision articulated in the Comprehensive Plan to be considered during the development of an industrial project,

Now Therefore Be It Resolved that the Caroline Town Board directs the Caroline Planning Board to investigate and prepare a report to the Town Board of their investigation and recommendations for an industrial site plan review process, including language that will define industrial and commercial activity to be considered for a site plan review process, definitions of proposed review criteria, and a compilation of community comments on adopting an industrial site plan review process, and

Be It Further Resolved that the Planning Board is directed to provide the report to the Town Board by September 6, 2011.

Motion by Pete Hoyt to table Resolution 54 for 1 month (to readdress at the April agenda meeting); Toby McDonald seconded

Tabled Barber: Nay; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Discussion:

Tony Tavelli- questioned whether the resolution has any effect on the items listed. Natural gas is not regulated by the Town, though he feels it should be. As far as his understanding, the Town does not have any say over what they do. Tony sent an e-mail to Peter Gregs from the DEC asking for his input as to his understanding. Tony is asking that the resolution be tabled until it is decided whether it can accomplish its objectives. He said he likes the idea of having some say as far as compression stations and water treatment plants. He questions if it is possible for the Town to be able to enforce these areas or not.. He is concerned about "back door" zoning and if this is likely then he wants to be aware of the implications. Why he is asking for it to be tabled at this time is because if the resolution passes and it is sent to the Planning Board then it is no longer a consensus of what the Planning board may want. The outcome could be decided by 3 people instead of a general consensus of all 5 members. If the Town Board as information that it can be excluded and the objectives can be regulated then he would like to

know it. He does not want a site plan review law that is land control.

Don Barber- We are not regulating any accessory support business. The site plan review only talks about mitigating impacts. Site Plan Review cannot regulate where development can be placed. It determines any impacts with the certain criteria that the Town Board or the Planning board has set up so if the review criteria are noise, or surface discharge, Site Plan Review requires developer to explain how their project will be designed to mitigate the impacts that it has but it doesn't say where it can be or separated. It is not land use regulation like zoning. State is very explicit that it has regulatory over wells but does not cover compressor stations or produced water storage and transfer areas, etc. Those are the reasons that the Town Board would request the Planning Board review this topic and talk about it within the committees and communities outside of the Town of Caroline (with those that has experience in this area), as well as with individuals within the Town.

Tony Tavelli- So if a station was to be set up, the Town of Caroline would be able to tell the company to some extent, what it was going to look like?

Don Barber- For example compressor stations can be noisy and be of concern to the to the Town's people. So the Industrial Site Plan Review board would talk about it and how to contain the noise. We have knowledge that gas companies can contain the noise by building structures around the station so that the noise is forced up into the air or over top of the containers and the building. If noise is a concern, you would ask the Industrial Site Plan Review board to address the problem. That would be their function. Instead of sighting where the compressor station could be (so many feet from a home or school, etc) the committee would address how to work with the situation to alleviate the problem. We have the right and the responsibility to the Town's citizens to address the problems.

Pete Hoyt- the Planning Board can consider what they want to in this process.

Don Barber- the Planning Board is the advisory board to the Town Board

Critical Environmental Areas

Resolution 55 of 2011

To Clarify Direction to the Planning Board for Critical Environmental Areas

Motion made by Dominic Frongillo, seconded by Don Barber

Whereas, New York State grants local agencies authority under NYCRR 617.14(g) of SEQR regulations to designate as Critical Environmental Areas (CEA) specific geographic areas within their boundaries that may have features with inherent ecological, geological or hydrological sensitivity which may be adversely affected by physical disturbance,

Whereas, a CEA designation serves to alert SEQR Type I project sponsors to the agency's concern for the resources or dangers contained within the CEA that warrant consideration during a SEQR review,

Whereas, that the U.S. Geological Survey report shows the Town of Caroline's unconfined aquifer, area East of Flat iron Road to the Town of Caroline's border is vulnerable and may warrant special consideration during a SEQR process afforded to Critical Environmental Areas,

Now Therefore Be It Resolved that the Caroline Town Board requests the Caroline Planning Board to review findings of the CEA subcommittee and the unconfined aquifer east of Flat Iron road, conduct research and public discussion, and prepare a report to the Town Board on recommendations for this CEA to consider within the Town of Caroline, including detailed boundaries, characteristics that warrant the area's consideration for adoption as CEAs.

Be It Further Resolved that the Planning Board is requested to provide the report to the Town Board by July 5, 2011.

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

Discussion: the board discussed the wording of the resolution and made a few amendments to the original resolution. The 2nd to the last paragraph was amended (Now Therefore Be It Resolved....) and a one word change was made in the last sentence from “directed” to “requested”, (Be It Further Resolved that the Planning Board is requested...)

Approval of Abstracts

Resolution 56 of 2011

General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the General Fund voucher numbers 70 through 98 for \$8811.27.

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

Resolution 57 of 2011

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Hoyt to approve payment for the Highway Fund voucher numbers 36 through 52 for \$ 62,112.07.

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

Resolution 58 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 4 and 5 for \$ 594.09.

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

Resolutions

Resolution 59 of 2011

Adoption of Local Law: Town of Caroline Subdivision Law

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

Resolved, the Caroline Town Board voted to adopt the amended Subdivision Law, Local law 1 of 2011; A local law entitled “Town of Caroline Subdivision law to supersede Local law 4 of 2000 entitled “A Local Law of the Town of Caroline, State of New York, providing for the Town of Caroline Subdivision Law”.

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

*For full local law see attachment or view on Town website.

Town Business

Road Preservation -Managing the roads and extending their usage is an important item to review (whether gas drilling trucks use of the road or not.) Pennsylvania uses Road Use Agreements (RUA) because they have a law that require companies to bond for road damage. In NYS this may not happen, so the Road Use Regulation (RUR) is what the county is proposing. It catches everyone with some threshold and it would move forward from there. See attachment 1 about the Road Use Agreement and

Road Use Regulation processes.

The Road Use Agreement (RUA) is a contract between the developer and the Town. One of the pros is it has been used other places and isn't new to the industries. It uses existing laws so no new laws are created. It is a private contract so it is less subject to Federal intervention.

Road Use Regulation (RUR) is mandatory and doesn't allow voluntary participation. No negotiations are needed because all the requirements are stated in the local law.

Don Barber discussed with the board about the RUA and RUR and the pros and cons of each.

Fire Works- The permit process was discussed and the changes to section k. An e-mail of the changes was sent to each board member to review (see attachment 2) and discussion of the resolution passed in the summer of 2010. Bill Turner a licensed pyrotechnician asked about an email that was sent to the Attorney General to clarify some points that were different from the lawyer from the department of labor and the town attorney. (Information from both attorneys made sense so the attorney generals office was asked for clarification about which information was correct.) Don Barber said the e-mail had been sent but there had been no response as of yet.

Flood Plains Law- The DEC has asked to have reviewed the Flood Plains appeals process. The town attorney, Guy Krogh reviewed the law and his reading of it is that it is fine and shouldn't have to be changed.

Adjourn

On a motion by Mr. Barber and seconded by Mr. Hoyt for the meeting was adjourned at time 9:38 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk