

## **Caroline Town Board Meeting Minutes of February 12, 2013**

The Town Board Business meeting held on February 12, 2013 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

### **Attendance:**

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

### **Recording**

**Secretary:** Marilou Harrington, Town Clerk

**Also present:** No residents of the Town of Caroline attended the meeting

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### **Privilege of the Floor**

No one present

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### **Reports**

#### **Cindy Whittaker, Highway Superintendent (Given by Councilmember Irene Weiser)**

No report

#### **Frank Proto, County Representative**

Not present

#### **Don Barber, Town Supervisor**

Correspondence of Note:

1. Letter from DEC announcing Audit of MS4 Compliance
2. Response from Caroline Code Officer regarding Code Compliance of Historic Town hall

Report:

1. Conversations with Congressman Reed's office about FEMA reimbursement of Beaver Creek \$66K and approval of stream bed plan for Banks - \$300K
2. First Road Preservation Forums 1/23 thank 3 of you for attending- engineering background on roads and engineering structures, effect of moisture and seasons, how they respond to loading, ESAL's and axles, and road failure in terms of cost to road user
3. Next forums 2/21/2013 @ 7 p.m. at the Historic Town Hall - Road system, road repair costs, baseline traffic, Strength of Caroline roads & 3/21 legal frame work and committee discussing factors they are considering in developing thresholds.

#### **Aaron Snow, Town Board**

Councilmember Snow sent an e-mail to Janice Johnson from the Recreation Partnership about coming to March or April to a board meeting to speak with the board about a new contract with Town of Caroline.

#### **Dominic Frongillo, Town Board**

No report

**Irene Weiser, Town Board**

CIT committee had not seen committee to review contract with BrightWorks and then send to the Town Attorney, Guy Krogh for his review and input.

One applicant who applied for the position to oversee the website and other communication support for the Town was over qualified, so Councilmember Weiser spoke with him about joining the CIT committee. He is the Network Supervisor for the City of Ithaca. He lives in the Town of Caroline as is possibly interested in joining the other members on the CIT committee.

MS4 Compliance audit Monday March 11<sup>th</sup> in the morning; 9am-12 noon. Councilmember Weiser requested that Councilmember Snow attend the audit meeting as well. There was a board discussion about the MS4 compliance; with Councilmember Weiser requesting any additional information to do with the MS4 reports. She asked Councilmember Adams if she had any additional information that supported the reports that were submitted each year. Councilmember Adams responded that the hard copies of the files that she had already turned over to Councilmember Weiser and she also suggested that she speak to Barry Goodrich who kept a Journal and notes on all of the proceedings.

**Linda Adams, Town Board**

No report

**Transfers****Resolution 49 of 2013****FUND TRANSFER RESOLUTION**

Motion made by Ms. Barber; Seconded by Mr. Frongillo

**Be It Resolved the Caroline Town Board makes the following 2013 Fund Transfers**

\$ 418.00 from General Fund Account A 9040.8 Workers Comp to General Fund Account A 9055.8 Unemployment Insurance

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

**Resolution 50 of 2013 to amend resolution 6 of 2013- Mileage Reimbursement**

Motion made by Ms. Barber; Seconded by Mr. Snow

Be It Resolved, the Caroline Town Board rescinds resolution 6 of 2013 and replaces it with mileage reimbursement for Town officials and Town employees for the use of their personal vehicles for Town business to the rate \$ .565 per mile.

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

Discussion: Councilmember Weiser made a suggestion of doing a resolution that did not include the amount of the mileage reimbursement since it changes approximately every year and the resolution could just refer to the State index of mileage reimbursement instead of a specific number.

Councilmember Adams said one advantage that having the stated amount makes it easier to confirm the reimbursement (in case it does change in mid-year), because trying to track the specific days an employee claims mileage reimbursement would be more difficult to pinpoint.

Councilmember Frongillo said he could see consequences either way, but he could see both points, and Councilmember Snow said that he could see both points too. He said having the rate in the resolution once a year seemed to work. Councilmember Frongillo also mentioned that if the resolution was amended then someone administratively would have to keep track of the rate.

Supervisor called for a 2<sup>nd</sup> if Councilmember Weiser decided she want to present an amended resolution to make a change to the current one. She declined.

**Resolution 51 of 2013** (Resolution needed to be passed before resolution 52 of 2013 Caroline Fire District Abstract could be considered by the board for payment)

**Brooktondale Fire Protection District**

Motion made by Mr. Weiser: Seconded by Mr. Frongillo

Resolved, the Caroline Town Board hereby appoints the Supervisor, Don Barber to sign the contract with the Brooktondale Fire District for Fire Protection District in 2013.

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

**Approval of Abstracts**

**Resolution 52 of 2013**

**Caroline Fire District Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Caroline Fire District Fund voucher numbers 2 and 3 for \$66,676.00

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

**Resolution 53 of 2013**

**Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Streetlight Fund voucher numbers 3 and 4 for \$635.48.

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

**Resolution 54 of 2013**

**Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 7 through 27 for \$ 78,516.10.

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

**Resolution 55 of 2013**

**General Fund Abstract removal of abstract 35 - for payment to the Community Science Institute**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to remove abstract 35 from the General Fund voucher payments until discussion with Mr. Pendergrass of CSI has taken place about why there is a 36% increase in the 2013 bill.

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

Discussion: Supervisor Barber had a question about one of the abstracts; 35. The Community Science Institute (CSI) contract had increased its requested payment by 36%, and increase of aprox. \$922.00. The Supervisor had budgeted an increase of 3% for the 2013 budget based on the 2012 cost of \$2561.00. (This would be an increase of \$76.83 with the total budget being about \$4000 to cover this bill and other items.) But the new bill is requesting a payment of aprox. \$3600 that would use up almost the whole budget for the year. He said the work, which is important, is done in many different areas, and one of the Supervisors main concerns is that the increase is fairly calculated based on the portions the other areas pay for the watersheds. He is concerned, as part of the governing body about the increase of taxpayers money to pay for this increase. He also said that the board should be part of the conversation about the what the contract covers and when the bill is brought forward for approval that there would be some sense of the why that particular amount is requested to pay for the services.

Councilmember Weiser said that there had not been an increase in prices since 2008. The program has expanded too, along with doing the water testing in Six Mile Creek, expanded to testing tributaries in Six Mile Creek in various areas. Incase of any toxic spills these areas would need to be identified. Red Flag testing largely testing in Owego Creek, but there is some money involved in field-testing.

Councilmember Adams said their were 8 locations tested since 2006. If the draining shed testing is new, is it new to this year or was it done last year? She also said that CSI are very good at quantifying so the Town could ask how many additional sites did they add? Councilmember Weiser said that 2 additional sites were added this year. Councilmember Adams said if they have added 2 more sites, then we need to make sense of the 36% increase. She said CSI does a wonderful job but she agreed with Supervisor Barber that it is only fair to know if the other partners are also experiencing such an increase as the Town of Caroline. We don't want to say to our tax payers that we are paying for West Owego water testing. It is one thing to pay for a portion as the geological layout is similar to the Town of Caroline, but what the Town is paying for should be sorted out.

Questions that Supervisor Barber would like to have answered by CSI, (and the other board members agreed); How does it make sense to have a 36% increase to last years budget? Does it make sense to pay for West Owego Creek Watershed testing? Who are the other partners in this contract? Did the other partners have a 36% increase?

The abstract will be pulled from this months (February) payments and after the Town gets the answers to the questions the abstract can be resubmitted in the March abstracts.

### **Resolution 56 of 2013 General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the General Fund voucher numbers 28 through 61 (minus voucher number 35) for \$69,010.96 (\$ 72,471.96- \$3461.00).

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

## **Resolutions**

### **Resolution 57 of 2013**

#### **Youth Commissioners**

Motion made by Mr. Barber: Seconded by Mr. Snow

Resolved that the Caroline Town Board appoints: Jennifer Soprano (Buffalo Road), and Sue Funicelli (Mussel St-Dryden Rep) to serve as Youth Commission members.

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

### **Resolution 58 of 2013**

#### **Youth Services Contract**

Motion made by Mr. Barber: Seconded by Mr. Snow

Resolved, the Caroline Town Board hereby appoints the Supervisor, Don Barber to sign the contract with the Cornell Cooperative Extension of Tompkins County (CCETC) for Youth Services for 2013 .

Motion made by Ms. Weiser; Seconded by Mr. Frongillo

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

### **Resolution 59 of 2013**

#### **Building Permit Fee Increase Resolution Amendment**

Motion made by Mr. Barber: Seconded by Ms. Adams to amend the following resolution.

Resolved, the Caroline Town Board hereby amends the Town of Caroline Building Permit Fee Schedule in the following ways:

Cost for new Construction (including modular and manufactured homes) for up to 1500 square feet \$375.00 and \$75 for each additional 500 square feet or part thereof : ~~Penalty Fee for Construction projects that have started or taken place without required permits: \$100~~

(As amended a motion was made by Ms. Adams: Seconded by Mr. Snow to remove from the about mentioned resolution the last sentence (and discuss at a later date): ~~Penalty Fee for Construction projects that have started or taken place without required permits: \$100~~

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

Discussion: Supervisor Barber suggested to do outreach to the community about the possibility of penalty fees; that residents know that the town may be considering fees to charged to those who go without a permit; to let the public know that that the Department of Assessment does “fly overs” to look at new housing additions. Councilmember Frongillo suggested sending the information in the Town’s News Letter, that Councilmember Weiser is working out.

### **Resolution 60 of 2013**

#### **Building Permit Fee Increase (Resolution as amended by resolution 59 of 2013)**

Motion made by Mr. Baber: Seconded by Ms. Adams to amend the following resolution.

Resolved, the Caroline Town Board hereby amends the Town of Caroline Building Permit Fee Schedule in the following ways:

Cost for new Construction (including modular and manufactured homes) for up to 1500 square feet \$375.00 and \$75 for each additional 500 square feet or part thereof.

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

Discussion; Councilmember Snow thinks the fees were too high for people trying to build on a limited income. Supervisor Barber said that the building code office is an unfunded mandate from the State and the costs goes up about 3% per year. The cost of having low building permit fees collected mean that the additional costs gets passed off to the tax payers. The Town of Caroline permit fees are lower than any other town in the area (except of the Town of Harford who parodies the Town of Caroline).

### **Resolution 61 of 2013**

### **Award Ceremony Selection Committee**

Motion made by Mr. Frongillo: Seconded by Ms. Weiser

Resolved, the Caroline Town Board appoints Cal Snow, Lezlie Kennedy and Dominic Frongillo are nominated to on the award ceremony selection committee.

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

Discussion: Nominations will be taken in late March and the Awards Ceremony will be on April 1, 2013.

### **Associations of Town Resolutions:**

Home Rule Resolution- Councilmember Adams wouldn't support the resolution the way it is written; she wanted to know how the term "strengthen" is being used in that context. Councilmember Frongillo's interpretation is that the "strengthen" is used in the way of "bringing the Town back to the way it used to be."

Natural Gas Drilling-Councilmember Adams would not support this resolution, and the other board members would support it.

The Town Board discussed the other resolutions presented and were supportive.

### **Town Business:**

There was a discussion of the process to address the deficiency in Article 9 "Unsafe Buildings" of Local Law #2 of 2006 providing for the Administration and Enforcement of the NYS Building Code.

The intent of the Town Board is to review the law and the part which law has a deficiency; no due process to tear down unsafe structures. The board will work on wording to adjust the current law, specifically Article 9.

Councilmember Adams was positive in her opinion about updating the law; part of article 9. It was suggested to review the Genoa law and use some of the language.

### **Approval of Minutes**

#### **Resolution 62 of 2013**

##### **Minutes of the End of Year Meeting held December 28<sup>th</sup> 2012:**

A motion was made by Mr. Barber and seconded Ms. Weiser to accept the minutes of the December 28<sup>th</sup> 2012 meeting as submitted by the Town Clerk.

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

#### **Resolution 63 of 2013**

##### **Minutes of the Organizational Meeting January 2<sup>nd</sup> 2013:**

A motion was made by Mr. Barber and seconded Ms. Weiser to accept the minutes of the January 2<sup>nd</sup> 2013 meeting as submitted by the Town Clerk.

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

#### **Resolution 64 of 2013**

##### **Minutes of the Business Meeting January 8<sup>th</sup> 2013:**

A motion was made by Mr. Barber and seconded Mr. Frongillo to accept the minutes of the January 8<sup>th</sup> 2013 meeting as submitted by the Deputy Town Clerk.

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

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**Audit Resolution**

**Resolution 65 of 2013**

Resolved, the Caroline Town hereby reviewed and approved the books for the Town Court Clerk and the Town Justices.

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

Adjourned on a motion by Mr. Barber and seconded by Ms. Weiser the meeting adjourned at 9:07 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk