

## **Caroline Town Board Meeting Minutes of September 11, 2012**

The Town Board Business meeting held on September 11, 2012 at the Historic Town Hall was called to order at 7:05 p.m. by Supervisor Donald Barber.

### **Attendance:**

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

### **Recording**

**Secretary:** Marilou Harrington, Town Clerk

**Also present:** About 70 people attended the meeting with the majority of attendees living or owning property in the Town of Caroline.

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### **Public Hearing: Environmental Assessment of Impacts from Local Law to Prohibit Gas Extraction**

The Public Hearing opened at 7:05 p.m.

Bert Cooley spoke about the Environmental Assessment Form, section C. He spoke about the “adverse effects or non effects” and that nothing in section C. addresses lost revenue. He spoke about how the impact may affect rental properties, or new businesses that come to the area; hotels, restaurants, etc. The Environmental Assessment Form only addresses the impact if gas drilling comes to the area but does not address “the losses” to the community if this local law about banning gas drilling is passed. He suggested that the board review this section of the assessment form and do a study –get numbers not only addressing the adverse impacts of gas drilling but the other impacts relating to loss of revenue .

Closed the Public Hearing at 7:08 p.m.

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### **Privilege of the Floor\***

**\*Please note the public comments during Privilege of the Floor are not verbatim but rather a summary of some of the points made by each individual.**

Suzanne Yaple- Says she thinks the local law about the Gas drilling Ban is a bad idea. She said she thinks the Board is taking easy way out and is ignoring the work the DEC had done to work on safe gas extraction, the benefits to the Towns neighbors and benefits to the school district and area businesses and the possibility to lower taxes. She is worried about years of litigation that could bankrupt this town.

Tony Tavelli- He said he thought that the community was made up of friends, family and neighbors and that the people could sit down, talk and everyone would be heard and come up with the plan. He said he was very discouraged and dismayed with what he sees as dishonesty in the local government. And that land owners rights are being ignored. He publically announced that he was resigning as a member from the Town of Caroline Planning Board.

Joe Wiiki- He agreed with what Suzanne Yaple and Tony Tavelli had to say and he is against having a ban. He is for safe drilling and for landowners’ rights. He feels that land owners are losing more and more and yet the Town is expecting more taxes....”something has got to give....” He said he hasn’t met one person in the Speedsville area who was for the ban. He feels that the more the landowners’ rights are taken from people that we are working toward a socialist State.

Peter Hoyt- He said he is opposed to passing the ban. He addressed new board members Aaron Snow and Irene Weiser. He said he realized that they ran a campaign and were voted into office because of their view on banning hydrofracking, He wanted to remind them that there as been a lot more information brought forward about safe drilling and told them that it is okay to change your mind. He said “...it is not an ethical violation or a violation

of principals or honesty to change your mind.”

Bill Podulka- For the local law banning the hydrofracking: see the attachment 1. He wanted to thank the current board and the previous board (whether they were for the ban or not) for working with integrity.

Cyrus Umriger- He thanked the board for their democratic way of handling the ban and the coming vote on the local law for banning hydrofracking at this meeting. He urged the board to vote to pass the ban. He spoke about the landowner rights for people who supported the ban. He said he hears about landowners rights of the people who are against the ban but what about the rights of landowners who are for the ban? He asked if drilling was safe then why would the gas companies ask to be exempt from clear air and clean water laws?

Pat Dubin- She supports the ban. She wanted to thank the board for facilitating the meeting so everyone could come and share their opinions. She said from all she has heard that the majority of the community supports the ban and that the Town needs the ban in place to protect the community and landowners. She said that she read and was worried she could be held legally responsible if drilling was done underneath her property and if her neighbors had a problem as a result. That she as the landowner would be responsible and not the gas company.

Lincoln Adams- Asked Supervisor Barber a question regarding the expenses that the Town would incur if gas drilling were brought to the Town. He asked if one of those expenses would include the road. (supervisor Barber answered in the affirmative.) Linc Adams spoke about the SGEIS and where it said that preemptively the gas companies would know that they are responsible for any road repair caused by high amounts of traffic with heavy loads.....so it would not be a cost to the Town. He also spoke about the “rift” between the community and that Speedsville might very well decide to form their own Village and become part of a different Town.

Bill Crispell- He spoke about democracy and that if any board member caused by their vote any physical, mental, financially they could be held responsible and that each board member should think about it. He said that the Town already has a moratorium so the Town doesn't need a local law supporting a gas drilling ban. He said everyone should be able to work together for the common good and that everyone should be heard.

Bruce Murray- Said he was very honored that board has worked in a democratic way, and how the local law about the ban had been handled. He said once the problem is here that you won't be able to protect yourself and that he is happy that the ban local law would offer protection.

Milt Taam- He read a quote from the Ithaca Journal that Supervisor Barber had written in November of 2011. Milt Taam encouraged the board not to vote for the ban unless they were sure that it would lead to a path that was best for most of the Town

Zan Garrity- Said she was a Town of Caroline land owner. She wanted to thank the board for bringing forward the ban law supporting what the majority of the Town has spoken so loudly in favor of passing. She said this is a victory which is defined “...as a success and struggle against formidable odds.” This is a loud call to action.

Iga Alexander- Thanked the board for supporting the ban. She said there are multiple reasons to support the ban and those reasons have been brought to the board many times along with people who have reasons to not support the ban. The majority has spoken, and in support of the ban. She said as a tax paying landowner she supports the ban.

Michelle Brown- Thanked the board for supporting the ban as she said she feels that is the only way her property can be protected. She said when it comes down to compulsory integration where she can be forced to have drilling go underneath her property she said needs to be protected. She spoke about people who suggested compromise and she wishes those people would speak with the gas companies to stop compulsory integration.

Kim Whetzel- He spoke about Speedsville becoming a separate community and joining Tioga County. He said he wished the board would represent the whole community and consider those who own large areas of land in the Town of Caroline. He talked about how other communities prosper with change. He said the DEC has been working on this area of fracking since 2008 and that the reports aren't out yet but people are speculating the pros and the cons. He is against the ban and encourages the board to vote no.

Kelvie Lowry- Against the ban – He feels this a State issue and that until the State comes forward with its ruling about the gas drilling then the ban is just a “feel good” gesture. And passing it can open the Town to litigation. He heard the Governor speak on the radio in the am and he said the Governor said nothing was going to be happening in the near future. So if the State is in no hurry, then what is the rush for the Town to pass a ban?

Alyssa Wilson- For the ban- the first responsibility is to our children and future generations and she wants them to have clean air and water. The property she lives on has great well water and she wants to be able to pass that down to her children.

Ann Harch- She thanked the board for all their hard work on the ban and she is strongly in favor of the ban. She has a background in Geology. She said the kids in their 20's working on the oilrigs are working with extremely dangerous chemicals and they work 12 hour shifts back to back. She said that there is a thousand ways mistakes can be made that contaminate water across the country. The reason that it is not documented or better known is because it hit everyone unaware and there has been no baseline testing to go by. She said she feels unconventional shale gas drilling should not be done anywhere because it is an extremely dangerous process.

Marie Sazone- For the ban- She said it is not hard to see the impact that gas drilling will have on our environment. She said it comes down to the risks and benefits and the risks out weight the benefits. Once the damage is done it is irreversible. And because the risks are so high she doesn't believe that any compromise can be obtained or is relevant.

Gail Flannery- Against the ban- for compromise. She said the Town has a moratorium in place and since the DEC report has not come out yet, then what is the hurry to pass the ban? The DEC has spent thousands of dollars and a lot of man hours to work on this report so why does the Town have to move so fast on passing the ban? Why can't we wait to see what the State has to say and how it is going to protect the rights of all? There is a moratorium the towns has in place so no one can frack or have a permit.

Christine Elgie- For the ban- She bought a house where the land was leased and the mortgage company required an affidavit she had to sign saying she would deter the gas company from drilling on the property. She said she was scared she could lose her house and that is what he land rights where all about.

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## Reports

### **Cindy Whittaker, Highway Superintendent (given by Aaron Snow)**

See attachment 2

### **Supervisor's Report**

#### **Correspondence of Note:**

17 comments on Ban LL- 12 supporting and 5 opposing

Report:

1. FEMA: Boice Creek and 600 Road work is complete
2. Banks Rd mitigation- Permit has been issued, JB Construction has begun work. FEMA approval of new scope of work is still pending- reportedly State office of Emergency Management (SOEM) has signed off and now at FEMA. The Highway abstract has a bill from Soil & Water Conservation District (SWCD) with attached documentation from JB Construction looking for \$115K. If the Town Board agrees, we can use funds remaining from Boice Creek (\$30,736) and funds remaining from 600 Rd (\$29,383) and use nearly all funds from Water Quality Reserve Fund (\$27,531) and pay \$87,650. A voucher is in the abstract for this amount and a resolution to use water Quality reserve funds – which is subject to a permissive referendum
3. Subdivision Review Board (SRB)- approved the proposed expansion of Boiceville road development

### **Frank Proto, County Representative (not available)**

The County Planning Board passed the Liken Resolution and the County supports it completely.

**Irene Weiser-** Aquifer Protection Committee no quorum so meeting was cancelled. The

Communications, Information and Technology Committee discussed items for the budget and made a recommendation to the Town Clerk's office regarding office equipment.

**Aaron Snow- no report**

**Linda Adams- no report**

**Dominic Frongillo- no report**

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### **Contract Change Order**

#### **Resolution 139 of 2012**

Motion was made by Mr. Barber: seconded by Ms. Weiser

Resolved, The Caroline Town Board authorizes supervisor Don Barber to sign the Contract Change Order Form for the 600 Road Rebuild for the new total amount of \$21,050 and Contract Change Order Form for the Boice Creek Wall project for the new total amount of \$17,726.

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

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### **Transfers**

#### **Resolution 140 of 2012**

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

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

\$10,000 from Highway Fund Account DA 5142.1 Snow and Ice PS to Highway Fund Account DA 5110.1 Repair PS

Be It Further Resolved that the Caroline Town Board, subject to 30 day notice to the public to allow for petitioning for a Permissive Referendum, withdraws \$27,531.00 from the Water Quality Reserve Fund to provide partial payment of construction work on Six Mile Creek at Banks Road.

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

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### **Approval of Abstracts**

#### **Resolution 141 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 172 through 188 for a total of \$149,231.82.

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

**Resolution 142 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 16 for \$433.09.

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

**Resolution 143 of 2012**

**General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the General Fund voucher numbers 280 through 308 for \$62,452.65.

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

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**Resolutions**

**Resolution 144 of 2012**

**Environmental Assessment Form**

A motion was made by Mr. Barber and seconded by Ms. Weiser

Resolved, the Town Board authorizes the Town Supervisor to sign the State Environmental Quality Review Short Environmental Assessment Form and check No Significant Environmental Impact box.

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

**Resolution 145 of 2012**

**Justice Court Assistance Program Grant**

A motion was made by Mr. Barber and seconded by Ms. Weiser

RESOLVED, the Town Board authorizes the supervisor to sign the grant application for the Justice Court Assistance Program.

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

**Resolution 146 of 2012**

**Caroline Council's Commitment to Highway Facilities Upgrade**

A motion was made by Ms. Adams and seconded by Ms. Weiser

WHEREAS the Caroline Highway Department operations address public safety, quality of life, and support positive economic development

WHEREAS, historically half or more of the Town's budget is wisely invested in annual operations of the Highway Department

WHEREAS Several past Town Councils are on record recognizing the need for facilities upgrades and with the conclusion of our investment in the Town Office Annex in 2013

THEREFORE, BE IT RESOLVED that we the current sitting Caroline Council dedicate ourselves as a top priority in the time, financial, and networking resources prudently needed to see this task completed, to be initiated by the formation of a Highway Facilities Committee

**Discussion:** Supervisor Barber asked to have the resolution amended removing the word "top" from the portion of the resolution as follows.

THEREFORE, BE IT RESOLVED that we the current sitting Caroline Council dedicate ourselves as a ~~top~~ priority in the time, financial, and networking resources prudently needed to see this task completed, to be initiated by the formation of a Highway Facilities Committee.

The board discussed what the word meant in conjunction with other Town decisions and decided by majority that making something a "top" priority might usurp other priority matters that should be addressed in a timely matter. Councilmember Adams disagreed with other board members in that making ".....the time, financial, and networking resources prudently needed to see this task completed, to be initiated by the formation of a Highway Facilities Committee..." a "top" priority would just show the importance of how the board was viewing this matter.

A vote was taken and the majority agreed the word "top" will be removed from the resolution.

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

**The following is the amended resolution with the word "top" removed:**

#### **Resolution 147 of 2012**

#### **Caroline Council's Commitment to Highway Facilities Upgrade**

A motion was made by Mr. Barber and seconded by Mr. Frongillo

WHEREAS the Caroline Highway Department operations address public safety, quality of life, and support positive economic development

WHEREAS, historically half or more of the Town's budget is wisely invested in annual operations of the Highway Department

WHEREAS Several past Town Councils are on record recognizing the need for facilities upgrades and with the conclusion of our investment in the Town Office Annex in 2013

THEREFORE, BE IT RESOLVED that we the current sitting Caroline Council dedicate ourselves as a priority in the time, financial, and networking resources prudently needed to see this task completed, to be initiated by the formation of a Highway Facilities Committee

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

## **Resolution 148 of 2012**

### **Likens Conservation Easement**

A motion was made by Mr. Barber and seconded by Mr. Frongillo

Whereas, the proposed Likens conservation easement will permanently protect significant natural resources within the Town of Caroline while providing for traditional agriculture, forestry, and limited residential use; and

Whereas, the Likens property is located within a natural resource focus area identified in Tompkins County's Comprehensive Plan and also within the Emerald Necklace Greenbelt – a priority project of New York State's Open Space Plan; and

Whereas, funds are needed to cover transaction costs associated with completion of the conservation easement as well as to provide for long-term monitoring of the land; and

Whereas, the Town of Caroline has a \$1300 Stewardship Reserve Fund whose donors support using these funds to cover transaction costs and long term monitoring of this land,

Now Therefore Be It Resolved that the Caroline Town Board will release the entire amount of this Stewardship Reserve fund (\$1300) when invoiced by the Finger Lakes Land Trust after Conservation Easement has been executed.

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

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## **Town Business**

Board members discussed the “Compromise: Potential Solutions Gas Development 09/04/12” – that Councilmember Adams distributed at the 09/04/12 meeting (see attachment to 09/04/12 meeting minutes for full version). The summary of the compromises are:

- Establish a Special Improvement District;
- Establish a LDC (Local Development Corporation);
- Establish a Speedsville Village and Consolidate with a Neighboring Town in Tioga County

Most Board members felt the ideas put forth were without merit or legal standing, and that if further supporting information was obtained, it could be presented to the Board at any time. Councilmember Adams was hopeful that the Board would delay any action on the proposed Ban on Gas Drilling, but that was not the case.

Board members each read a statement or made comments about their feelings about the ban local law. There statements and comments will be made available on the Town of Caroline website: [Townofcaroline.org](http://Townofcaroline.org).

## **Resolution 149 of 2012**

### **Adoption of Local Law 3 of 2012**

A motion was made by Mr. Barber and seconded by Mr. Frongillo

Resolved, the Caroline Town Board voted to adopt Local Law 3 of 2012 known as A local law “to effect a Prohibition Within the Town of Caroline of Natural Gas And Petroleum Exploration And Extraction, Activities, The Underground Storage of Natural Gas And the Disposal of Natural Gas or Petroleum Extraction, Exploration, And Production Wastes.”

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

**(Please note that the whole local law as well as the board statements can be seen at the Town of Caroline Website: [www.townofcaroline.org](http://www.townofcaroline.org))**

•Adjourn

On a motion by Mr. Barber and seconded by Councilmember Weiser, the meeting adjourned at 10:33p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk