

Caroline Town Board Meeting Minutes of April 6, 2010

The Town Board agenda meeting held on Tuesday, April 06, 2010 at the Caroline Town Hall was called to order at 7:03 p.m. by Supervisor Don Barber.

Attendance:

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

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Pat Brehl, Bob and Rosie Anderson

Reports

Dominic Frongillo, Town Board

Emergency management sponsored by county; communication between towns in any kind of emergency, i.e. ice storms, H1N1, terrorism, etc. Don said we are blessed to have Beth Harrington as the liaison from to the county Emergency Service Planning Board. But it is part of her job. The Town needs to find another person to be the liaison. It is possible that Mike Moran will replace Beth as the liaison. Cindy Whittaker has an interest in helping too.

The Caroline Planning Board's Critical environment areas subcommittee (sent out over 1000 letters to households,) inputted information and is making recommendations from the responses they received. They presented the information to the Planning Board this month whom will review it, discuss the findings and then bring the information to the Town Board.

Industrial Site plan review will be revisited.

Energy Independent Caroline was awarded over \$26,697 for energy upgrades at the Town Hall as well as the Town Barns. The next step in the process is for the Buildings and Grounds Committee to be putting out an RFP. NYSERDA who supplies the funding has asked for preliminary information to be sent back to them and it will be approximated. May when they give us the okay to send the RFP out. We will receive 80% of the cost from NYSERDA.

The Recreation Partnership had their annual meeting.

Peter Hoyt, Town Board

No report

Linda Adams, Town Board

Caroline Watershed Committee Report- Aquifer Study: Todd Miller (of USGS) did a presentation March 17, 2010 on the now completed Upper Six Mile Creek and nearly complete West Branch Owego Creek aquifer study. Bound hard copies of the Upper Six Mile Creek study are at the Caroline Library. People may access the report online. <http://pubs.usgs.gov/sir/2009/5173/>

An estimated 750 people rely on ground water from these aquifers in the Township of Caroline. The report is full of local geohydrology information, water quality data, flow rates, etc. Todd Miller made the general recommendation that it is a good idea for people to have their domestic water tested for naturally occurring and manmade elements. Contact Linda Adams at 607-657-4402 or email <mailto:laataffy32@gmail.com> for further information on water testing facilities.

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Toby McDonald, Town Board

In January the NYS dept of labor gave the Town a notice of violation and order to comply. One major issue was we had no policy for employees to follow about violence in the workplace. We needed to have this policy in place and it needed to have employee input. We do have a policy in the employee handbook, section 904.

Toby handed out surveys to Town employees. He received 9 of them back and conducted 4 personal interviews. It is Toby's belief after conducting the interviews and reading the surveys that the Town does not need to alter the handbook policy we have in place. We do need to do a few things to comply with the NYS Dept of Labor.

Two issues need to be addressed one is a training session for our town employees with Mark Smar from the NYS Dept of Labor about violence in the workplace, the other is the Court grant for \$16,000. Toby spoke with Paul Grennel about thins the court office would like to do with the courtroom. Part comes from a safety issue whereas they want to remove anything that can be used as a weapon or have it bolted down so it can't cause harm. Some of the things they are considering; benches, ½ door for the court clerk's office, a rail, a buzzer on the front door, get rid of folding chairs, and discuss about a movable rail

Cindy Whitaker, Highway Superintendent

Roadwork

Sweeping roads

Patched pot holes on both gravel and paved roads

Shoulder repairs

Truck maintenance and repairs

Starting next week

Cutting trees and brush

Cleaning ditches

Maintaining and installing signs

Misc.

Employee Hearing test scheduled for next week

Storm water training this month

New 10 Wheeler has arrived

Replaced several road name signs that have been stolen or damaged the over the last several months

Junk clean up has been scheduled for May 3rd – 8th.

6am to 4pm Monday – Thursday

There will be no one available Friday to help unload

Saturday hours will be 8am to 11am

No hazardous materials and or household garbage

Don Barber, Town Supervisor

County Youth Contract- The contract contains an evaluation form to be filled out by the youth group. The county reimbursement will not exceed \$1415.00 summer camp. Cooperative Extension will help with other expenses during the year.

Dog control- The budget projects is about -\$8000 for the year, (they guaranteed they would stay with their rates and that is where the projected budget came out.) 1st qtr report next meeting. We are part of seven towns in Tompkins County area working with SPCA on dog control. The SPCA wants to stay in business, which is a change from a year ago. Current State government budget being cut for dog licenses (Ag and Markets), which means, if adopted, licenses will be sold at a local level only. This will take affect in 2011. Toby said we are required by NYS to have a dog control plan and the TC SPCA seems best equipped and most cost efficient.

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Budgeted for dog numeration- A local citizen, Jim Raponi interested in being the numerator.
Building and Grounds committee will be meeting on April 27th at 1:30 p.m . At the meeting last month the committee reviewed the maintenance schedule for both buildings.

Town Business

Applicants to Planning Board

Erica Frenay has lived 6 years in Caroline. She has experience with planning and community organizing when she lived in Portland Oregon. She does feel that there is a place for planning, as issues seem to arise without some sort of planning in place. She has a background in Holistic Management, which is a process, which helps people make sound decisions in complex situations. She is interested in gas leasing and protecting the interest of landowners, her neighbors and the agriculture. Though she doesn't have a strong opinion either way about gas leasing she is interested in how it is perceived by the community. She is the program manager for the Cornell Small Farms Program and has a BS from Cornell in Ecology and Community Development. She stated that she is a clear and critical thinker and a good listener. She has experience in, "how not to throw gasoline on a fire." People have to feel trust and that they are listened to. She is currently affiliated with Energy Independent Caroline, Cornell Cooperative Extension, Holistic International and Northeast Organic Farming Association. She would like to be on the Planning Board because she cares for the community and believes she has talents to offer.

Kate Mackenzie has lived for number of years in Brooktondale. She is a little hesitant to be on the Planning board, but because there have been 2 vacancies for quite sometime she feels her background and experience could be an asset. She feels that it is important for every citizen to be involved in the community. When the issue of gas drilling came up her background and degree in environmental toxicology seemed to fit. She has concerns. She feels that our Town is facing many changes and challenges in the coming years. She would like to meet with these changes in a responsible and careful way while maintaining the rural character of our Town. She has experience in grant writing and risk assessments, analysis, statistics and government reports.

Mark Witmer is a biologist who lived in Caroline as a grad student from the 80's and 90's and moved back in 2003. He is interested in this position to be able to contribute to the welfare of Caroline. He believes planning has a role to play in making the community work. He and his neighbors get a long very well with mutual understanding. He grew up in the west, and he felt planning was non existent or poorly done. He believes if we want Caroline to be all it can be as described in the Comprehensive Plan very well then planning does have a role. Having said that he realizes that it is a delicate issue and he would try and look at different perspectives and every body's input. What he would bring to the table, he said he was not a planner built he believed the Comprehensive Plan is where Caroline should be Linda asked if he thought drilling is inevitable. He answered that it is likely to occur. He is opposed to it. He opposes it on environmental grounds (hydrofracking leads to benzene contamination/ the companies will injecting lethal chemicals into the ground.) He also opposes it on the fact that he believes in carbon free energy sources for power. Linda asked is the power NY gave land owners enough to mitigate the downside or does it has to be done through government. He believes it has to come through the government, that the government has a role to play in protecting all of its citizens.

Cindy Smalt has lived in Caroline for 24 years she ran for the Town board for the 2010 term. She would like to serve in another capacity, on the Planning Board. Her thoughts on the town planning and growing hasn't changed since she ran for office and she feels that being on the Planning Board would be the best way to serve the community. Though she agrees with much of what the other candidates had to say her experience doesn't come from a technical background but a much more heartfelt and down to the earth process; she brings a different point of view than the technical or critical thinker to the platform. She worked 6 years in the State as a chairperson to a property casualty insurance company in risk management. Working with diverse people where everyone had different needs being a liaison between a lay-person and corporate America and trying to find some resolve in the middle took compromise, a lot people skills and those type of things. She thinks that is probably her strongest asset. Having the listening skills and caring about what the people want, even if you don't get a consensus, you can still canvas in a respectful way so

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everyone feels heard and then take those messages back to the Town Board.

Dominic asked when she went door to door what she was hearing from her constituency. She said people were afraid of change, upsetting their lives making them start over where everything they know is different. The people she spoke to really wanted hands off government and not being told what to do. She said this was one of the worst years to be campaigning because people were weary of all government. Don asked if she felt there was a positive role for planning in the community and if yes what would it be. She said absolutely, to get the information, it is fact finding, and it is research, looking at all different facets from a technical and financial point of view. To look at it from the view of the comprehensive plan and decide are the ideals we have in place still the same? Sometimes ideals change in time and sometimes we have to look back and say maybe this wasn't the best approach as it was 5-6 years ago, maybe we should change some things. I think you have to view it in a lot of different ways not just one before making an informed decision.

Pat Brehl asked who has read the Comprehensive Plan. Kate Mackenzie and Mark Witmer have read the whole Comprehensive Plan, the other candidates have read parts of the plan.

Cindy Whittaker and Don Barber attended a presentation given by Delta Engineering. Delta has gotten started with a multi-municipal task force in Sullivan County. They were looking at the impacts of a lot of heavy trucks on their roadways. Delta proposes developing a process based on engineering and not on emotions. They have come up with what is called the "Equivalent single axel load" (ESAL) which is recognized as a fair way (by ASHTO) of normalizing traffic. A proposal from Delta Engineering for road preservation; they would come to Caroline, look at 20 miles of road and tally up traffic usage of the road, etc. From the information they would gather they would come up with a base line of usage. School buses, gravel trucks, garbage trucks, etc would all be in the baseline. Anything currently in the system would be "grand fathered" in. Then if a developer came and had a major trucking operation (like when the State came in and used South Road to get to Camp McCormick and caused a lot of damage), this process would create identify excessive loads on a road before there was a problem. So it would help determine how much weight a road could carry or it would look at road width to be sure roads are not wide enough for a large truck and a car to drive without one pulling to one side to let the other get by. The road would have to be brought up to standard necessary to carry the additional ESAL by the developer to compensate for these problems. The developer would fill out a town application stating weight and frequency of travel and then be required to pay for an engineer to assess these roads. These requirements would be put in to effect by a Local Law. Pete asked what in the enabling State legislation that would empower the Town to be able to pass such a law. Don answered that the Town roads are a public asset and we can pass a local law to protect that asset.

There is a meeting tomorrow evening in Danby with the engineer from Delta. Cindy expressed concern about having to use a certain engineering company. Don explained that Delta won the contract with Sullivan County so they have has 1 ½ years of experience in doing this type of work, however there is nothing to say we have to use them as a company that we work with, and we are free to pick and choose who we want. Delta has a good comprehensive understanding of what is going on in these situations so it would be worth hearing what they have to say and use it as a way to gather information. As a Town Board, serious consideration should be given in how to protect our roads from being trashed by companies that come in to Town and pay little if any taxes. But we have time to gather information and do research before making any decisions.

Bob Anderson made a comment that he felt the roads should be protected by a local law, that the burden should not fall on the taxpayer, and that payment from the developer should be based on usage of the road. His concern is to make sure that the legal basis on which the law is being founded is allowed so the Town does not wind up in litigation. He urges the Town Board to use the utmost care in determining the legality of the issue. Don hasn't seen the actual law but the lawyers who are working on it are from Whitemann, Osterman, and Hanna in the Albany area. He said nothing has been released to the Association of Towns so he doesn't think it has been committed to paper as yet.

Toby said he thought it was a good idea to put everything on hold with Delta and not to make any decisions

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right now with them or any other company. Don agreed but said we can have Delta in at any point and at least listen to what they have to say. Toby would like to see how things play out with Sullivan County and whether the law, that the board is working on, gets challenged by the gas companies. He doesn't want Caroline to be part of a "test case" to find out that the local law isn't permissible. Pete agrees with Toby, and would like to see more information gathered. Don concurs and reminded Board that DEC endorsed Road Use Agreement to be developed between municipalities and the gas companies in the supplemental GEIS.

Road Construction Law-Don discussed the Road Construction Law with Cindy. She would like The Code Enforcement Officer to issue the permit but with do it with the input from the Highway Superintendent. Code officer would not be able to waive anything only the Highway Superintendent would have that right or the Town board. If someone is to put a culvert in at this time the expense is just the cost of the culvert and the contractor to put it in. (It is a possible in this law to keep he same cost for a residential culvert installed.) Gas lines that cut across roads, can cause road issues for years, if not backfilled properly. Since the county already had a policy in place then we can work off what the county has already written, using what we like and not using what we don't. Pete - if we pass a law then the Town board should enforce it. Pete would like the document shortened. Town board can delete sections or change wording. Bob Anderson asked if there was legal process to qualify a road as officially abandoned. Don explained there are two abandonments, full abandonment, where there is no right-of-way at all and qualified abandonment where the road still has a right-of-way but the Town does not work the road at all. The process is the same.

Office Building Open House, May 1st 10:00am to noon. Tony will be there to represent Finlo and Brooke Greenhouse to represent Cayuga Country Homes

Approval of Minutes

Minutes of Agenda Meeting

A motion was made by Mr. Barber and seconded by Mr. McDonald to accept the minutes of March 2, 2010 as submitted by the town clerk.

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

Minutes of Business Meeting

A motion was made by Mr. Barber and seconded by Mr. Hoyt to accept the minutes of March 9, 2010 as submitted by the town clerk.

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

Agenda Items

- Planning Board Applicants
- Local Law- Road Construction
- Delta Engineering
- Annex building Open House- May 1st
- Dog control activities with TCAC

Adjourn

On a motion by Mr. Barber, and seconded by Mr. McDonald, the meeting adjourned at 10:09 p.m.

Respectfully Submitted,

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Marilou Harrington, Town Clerk