

## **Caroline Town Board Meeting Minutes of June 8<sup>th</sup>, 2010**

The Town Board meeting held on June 8, 2010 at the Caroline Town Hall was called to order at 7:00 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

**Privilege of the Floor:** No one present

### **Highway Superintendent Report: Cindy Whittaker, Highway Superintendent (report by Toby Mc Donald)**

The highway dept has been cutting brush on Banks, Thomas and Taft roads. Many of the gravel roads have been graded and the roads have been oiled for dust. This work has primarily been done at nighttime because of cooler temperatures and lighter traffic as the road generally needs to be closed for 1-2 hours. Cindy is attending Highway school for training this week. The 2010 Capital improvement monies (CHIPS funds) have been approved in Albany.

### **Supervisor Report: Don Barber, Town Supervisor**

1. Health Insurance Consortium: There was a discussion last month about adding to the reserving with other municipalities to come up with \$1.22 million of contingency reserves. We are still \$1 million short for incurred by not reported (IBNR) reserves that the NYS Insurance Department is looking for. Don sent a letter out, as chair of that board, to our senator and assemblywomen along with other politicians, as well as the deputy superintendent in charge of health at the insurance department. As a result of the letter, Don will meet with the assembly committee chair, Joe Morelle, Assemblyman and Chair of the Assembly Insurance Committee from Monroe County. They are trying to set up a meeting with Senator Seward and the insurance dept to try to move ahead with the process. In the past month there has been significant progress with the Union voting issue. Most unions are willing to go with two voting seats. The board of directors has adopted the two seats and a consent letter is circulating- leanings from NYSID suggest that if most of the employees go along with two seats and they will as well.
2. All the easements for Barille II have been signed. We have a contractor mobilizing and will start work on the project next week. Don, project engineer and representatives from SWCD will meet with the contractor at the beginning of next week before the work actually starts. Pete asked to be kept up to date on the pre-construction.
3. NY Land & Lakes slowly working on easement language. They thought they needed a local law passed to continue but that is incorrect so everything seems to be progressing.
4. The Subdivision Review Board met with Mr. Schickel regarding expanded development across Boiceville Road from his current project. These units would be closer to Slaterville Road and he is hoping to put in some single and multi-family units. The committee expects to have a Preliminary Plot Plan and application sometime this month. The chair of the Subdivision Review Committee is Richard Andersson.
5. The contract for the Beautification Project (landscaping for the front of the annex and historic Town Hall buildings) is \$5000. Approved vouchers of purchases made for the Beautification Project will be reimbursed to the Town with funds from the grant. Beautification Grant comes from Tourism fees and is managed by Tompkins County Cooperative Extension.
6. Affordable housing-A water and sewer study is complete and a copy is in correspondence folder analyzing the current capacity in the County. Before this study was put together, there was concern from

the county that we did not have enough space for affordable housing that would have water and sewer available. The study showed the county has approximately 6000 places/lots currently available for hook-up that have both sewer and water.

**County Representative Report: Frank Proto, County Legislator (report given by Dominic Frongillo)**

- The TC Soil and Water was spending a significant amount of time on Barille 2.
- A meeting was held on the Budget and Human Services. The county has asked their departments to cut 6.9 % in their budgets to make the county's goal of a 5% levy.

Craig Schutt said yes to tire collection at the town barns in the fall.

**Department, Committee, & Liaison Reports**

**Toby McDonald, Town Board**

No report

**Dominic Frongillo, Town Board**

Energy Independent Caroline –Regarding \$29,000 from NYSERDA to do energy upgrades for the historic Town Hall and Highway building, committee is in the process of drafting RFP while waiting for the go-ahead from NYSERDA. The paper of record will be listed in part in the Ithaca Journal, with the whole document kept in the Clerk's office for contractor/public review.

**Peter Hoyt, Town Board**

No report.

**Linda Adams, Town Board**

No report.

**Transfers**

**Resolution 6-1 of 2010**

By Mr. Barber; Seconded by Ms. Adams

**Resolved**, the Caroline Town Board hereby authorizes the Supervisor to transfer 2010 funds as follows:

\$ 1,500.00 from General Fund Account A 1110.4 Legislature CE to  
General Fund Account A 1420.4 Attorney CE

\$ 2272.00 from General Fund Account A 1990.4 Contingency CE to  
General Fund Account A 1420.4 Attorney CE

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

**Approval of Abstracts**

**Resolution 6-2 of 2010**

**General Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the General Fund voucher numbers 211 through 232 in the amount of \$13,119.40.

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

**Resolution 6-3 of 2010**

**Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the Highway Fund

voucher numbers 113 through 125 in the amount of \$21,392.50.

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

#### **Resolution 6-4 of 2010**

##### **Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the Streetlight Fund voucher number 12 and 13 in the amount of \$585.70.

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

#### **Approval of Minutes**

##### **Resolution 6-5 of 2010**

##### **Minutes of Agenda Meeting**

A motion was made by Don Barber and seconded by Pete Hoyt to accept the minutes of May 4<sup>th</sup>, 2010 as submitted by the deputy town clerk.

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

##### **Resolution 6-6 of 2010**

##### **Minutes of Business Meeting**

A motion was made by Don Barber and seconded by Pete Hoyt to accept the minutes of May 11<sup>th</sup> 2010 as submitted by the town clerk.

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

#### **Town Business**

**Dental Benefit:** The Board discussed medical and dental insurance for Cindy Whitaker and whether it is more cost effective with the Teamster's or Blue Cross/Blue Shield. It was looked at from the point of view of being able to offer similar coverage with the medical and dental insurance. Cindy is considering her options and the subject will be addressed at the July meeting. Cindy's husband is considering retirement, which may or may not affect which insurance is available. Don will get the retirement information for the board to review at the July meeting, he will also talk with TC Personnel for additional information.

#### **Disability Insurance-**

##### **Resolution 6-7 of 2010**

##### **Disability Insurance for Part-time Town Employees**

By Don Barber; Seconded by Dominic Frongillo

RESOLVED, The Caroline Town Board authorizes the Supervisor to complete and sign the forms necessary to purchase Short term disability insurance for its non- Highway full and part-time employees, and Be It Further Resolved, that the covered employees with contribute the maximum amount allowed by law toward this insurance benefit.

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

The Town will purchase short-term disability insurance through Zurich for its non- Highway full and part-time employees, and the covered employees will contribute toward the premium. The cost to the Town is \$20.00 for men per year and approximately. \$45.00 for women per year for this insurance benefit. The benefit will cover for 8 weeks at 50% of pay or \$170.00 per week, which ever is the lesser amount. This disability insurance is required as per the Town Personnel Manuel section 804. This benefit would cover the five non-elected Town employees, with the cost per employee being approximately .60 cents per week.

**Dog Census letter-** Don wrote a letter to send out to the Town's regarding upcoming dog census. (see attachment

2). The letter-requests people to license dog's they own and may not be licensed. The Board discussed offering a discount to people who came forward to license their unlicensed dogs but that would require changing the local law about dog licensing fees. The Board also discussed creating a fine for people who do not respond to the letter and the dog census enumerator finds you are in violation of owning an unlicensed dog that a fine would be incurred by the owner to offset the cost of paying the person conducting the census. Pete asked about the local law that was in effect which is; \$7.50 for a spayed/neutered dog and \$20.50 for an unspayed/unneutered dog, with a discount for senior citizen's. The monies collected by the town go toward dog control and a percentage to NYS Ag and Market. Pete wants to know if people respond to the letter if the enumerator will still go to the person's house. The discussion by the board was if the people respond then a enumerator would not have to visit each house. Don feels he would trust people to be honest and if people are provided with the facts that they will do the right thing. He said the letter would bring awareness to people about the importance of having your dog vaccinated for rabies and licensed. Toby feels the letter should go out and those who respond either claiming to own or not own a dog should be put on a list of respondents and then the dog enumerator should visit those who do not respond.

### **Local Law # \_\_ of 2010 EXCAVATION AND CONSTRUCTION IN MUNICIPAL ROADWAYS AND HIGHWAY RIGHTS-OF-WAY**

Supervisor Barber introduced this local law for consideration by the Town Board and the public.

Pete and Dominic question about criminal penalties and not civil penalties. Don will follow up with legal counsel regarding criminal penalties. Next step, pending no further comment from town Board is to set a public hearing.

Dominic asked, why in Section 6 permits are issued by code officer and not the highway superintendent?

Don responded that with discussions with Highway superintendent, she did not want to be issuing permits. We have a similar model for Storm water permits where Permit is issued by code officer and Highway superintendent will provide technical support and assist in inspections.

Board discussed requiring contractor's one million dollars insurance. This is the level required by the county and Town of Caroline resolution.

Pete asked what if the person wants to do work themselves.

Don responded the person doing the work must be skilled. This is public property, not private property. It is our job as Town Board to protect and see that public property is protected.

Pete is against this law.

Don responded Culvert policy is already in effect that town individuals cannot put a culvert on town property. Cindy is in favor of this local law.

The Board seeks opinion and comments from Cindy—suggested having Cindy come in and talk about it.

Toby gave explanation as to why the law should be pursued.

Pete will vote no.

Don will present resolution for public hearing of this local law at next meeting.

### **Resolution 6-8 of 2010**

#### **Notice of Intent to Declare Town to be Lead Agency for Road Construction Local Law SEQR Review**

A motion was made by Don Barber and seconded by Linda Adams

WHEREAS the Town Of Caroline has authority granted under and pursuant to Town Law § 64, Highway Law § 136, Articles 39, 40 and 41 of the Vehicle and Traffic Law, and §§ 10(1)(a)(6) and 10(1)(a)(12) of the Municipal Home Rule Law, to adopt this Excavation and Construction in Municipal Roadways Local Law to preserve and protect highways and related rights-of-way, and to ensure safe travel for all persons travelling there upon. and,

WHEREAS there are no other permitting agencies involved with adoption of this Excavation and Construction in

Municipal Roadways Local Law, now therefore be it

RESOLVED that the Caroline Town Board declares itself to be the lead agency for purposes of evaluating the Full Environmental Impact Statement for the Excavation and Construction in Municipal Roadways Local Law, and be it further

RESOLVED that the Town will notify the following agencies as Interested Agencies with a copy of the Full Environmental Impact Statement for the Excavation and Construction in Municipal Roadways Local Law for their comments:

Tompkins County Planning Department  
NYS Department of Transportation  
Tompkins County Highway Department

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

Don presented an Environmental assessment for the Road Construction and Excavation local law (see attached).

The Board discussed the need for a SEQR determination of the Road Excavation and construction local law.

This resolution establishes the Town board as the Lead Agency for the SEQR determination of significance.

The agencies listed in the resolution have 30 days to respond that they want to be the lead agency. If they concur that the Town is lead agency, then the Town can set a public hearing on the Environmental assessment at least 10 days later.

**Resolution 6-9 of 2010  
Beautification Grant**

By Dominic Frongillo; Seconded by Don Barber

RESOLVED, the Caroline Town Board authorizes the Supervisor to sign the Contract with Tompkins County for \$5000 Beautification Grant.

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

Appointment of negotiating team for Contract negotiations with Highway employees bargaining unit:

**Resolution 6-10 of 2010  
Teamsters Union Negotiation Resolution**

By Don Barber; Seconded by Linda Adams

RESOLVED, the Caroline Town Board authorizes Toby McDonald and Dominic Frongillo as the negotiating team for contract negotiations with the Teamsters the Union.

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

Contract negotiations are held with the union representative or shop steward. Toby asked when it begins and how often the meetings occur.

Don responded that he just received a letter from Teamsters saying they would like to begin contract discussions. In the past, Teamsters have presented a contract for Health Insurance with fixed three-year premium.

**Discussion of the law-Supporting State Legislation to amend current enabling Laws regarding sustainable**

**energy financing.**

Pete was not available at the time of the (PACE) discussion at last week's Town Board meeting so Dominic gave a synopsis of the discussion in support of amending sustainable energy financing programs being offered by NYS for residential and commercial properties. The background is that there exists some serious financial barriers to residents making energy improvements and sustainable energy efficient upgrades. There is high upfront costs to the homeowner which if the homeowner decides to sell their house then it can be hard to recoup the costs associated with the improvements. The law would allow municipalities to finance the homeowners (by paying the contractor directly for the energy improvements to the house) and then the homeowners would have a voluntary tax assessment placed on their property and they would pay back the amount financed through their taxes. Dominic explained the reason for the resolution is that currently NYS does have a law where municipalities can set this process up, but only with the use of Federal funds. Tompkins County applied for this Federal grant and was denied. NYS legislator is considering this bill where municipalities can bond to capitalize this fund in which they can use to help residents. Pete asked if Tompkins County is supporting this law then why does the Town need to lobby for this bill. Dominic said that this would have a huge impact for our local economy in terms of jobs created and energy saved. That there is a huge amount of interest in this financing mechanism and from other municipalities it seems to have been very effective. Pete said citizens should write to their assembly member and senators and he wasn't sure if the Town should be involved. He is leery of local government getting "mixed up" with State government. Linda interjected that since Caroline residents are also Tompkins County residents that they would benefit. Pete said he still doesn't think this is the business of the Town but of the people and they should contact their representative in the Congress. Don asked what Tompkins County's plan is if this State law passed. Will they use local or Federal or State funds? Where were they going to come up with the seed money for the program? Dominic said they still could possibly get a Federal Grant, that he thought they didn't originally get it because it was very competitive. He thought if the law was passed that Tompkins County would be able to come up with the money. Tompkins County along with several other Towns have passed a resolution in favor of this law. Pete doesn't feel five council votes will make a difference. Toby said he could see the benefit locally, the benefit of having control closer to home. Linda said she can see that the States hands are tied since the money is only available at this time Federally.

**Resolution 6-11 of 2010****Supporting State Legislation to Amend Current Enabling Laws**

**RESOLUTION: SUPPORT TO AMEND EXISTING ENABLING LEGISLATION (A40004)  
REGARDING MUNICIPAL SUSTAINABLE ENERGY FINANCING PROGRAMS**

**WHEREAS**, most energy consumed in the Tompkins County community is used for heating and lighting buildings, making retrofitting the existing building stock key to making significant strides in reducing energy use in the community; and

**WHEREAS**, in November 2009, by Chapter 497 of the Laws of 2009, the State of New York authorized an amendment of the General Municipal Law by creating Article 5-L to allow municipalities to create Property Assessed Clean Energy Programs (known in New York State as "Sustainable Energy Financing Programs") to promote the deployment of renewable energy systems and energy efficiency improvement measures at residential and commercial properties; and

**WHEREAS**, Sustainable Energy Financing Programs assist property owners interested in making energy efficiency improvements or installing renewable energy systems in their buildings by providing a new financing mechanism to augment federal and state incentive programs; and

**WHEREAS**, Sustainable Energy Financing Programs are self supporting and designed to have no adverse budgetary impact to the municipality administering the program, and will be an "opt-in" benefit affecting only those residents who choose to participate; and

**WHEREAS**, the Town of Caroline wishes to increase the energy efficiency of existing buildings, reduce energy costs for residents, reduce carbon emissions to help mitigate climate disruption, reduce the negative health effects of fossil fuel emissions, create and retain local jobs in the energy audit and energy contracting sector, and bolster the local economy by saving residents monies which would otherwise be spent on energy costs; and

**WHEREAS**, the Town of Caroline wishes to explore mutually beneficial ways of:

- Leveraging private sources of capital with other public and private resources to accomplish these objectives; and
- Coordinating efforts with Federal, State, and other agencies and authorities to assure that activities are compatible with the plans and programs of the cooperating municipalities; and

**WHEREAS**, the Sustainable Energy Financing Program enabled by Article 5-L should be amended to allow broader sources of funding while securing and facilitating such programs, and such legislation is now pending in the New York State Senate and Assembly, now therefore be it

**RESOLVED**, That the Board of Town of Caroline supports pending legislation in the NYS Senate (#S7683) and companion legislation in the NYS Assembly (#TBA) to amend, strengthen and correct technical deficiencies within the current enabling laws authorizing Sustainable Energy Financing Programs,

**RESOLVED**, further, That the Town of Caroline Clerk is authorized to forward this resolution in support of amending current enabling laws authorizing Sustainable Energy Financing Programs to Governor David A. Paterson, Senate Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Senator George Winner, Senator James Seward, Senator Michael Nozzolio, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Assemblywoman Barbara Lifton, and the New York State Association of Counties/ New York State Association of Towns/New York Conference of Mayors.

By Dominic Frongillo; Seconded by Don Barber

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

**Adjourn**

On a motion by Don Barber and seconded by Pete Hoyt, the meeting adjourned at Time 9:17 p.m.  
Respectfully Submitted,

Marilou Harrington, Town Clerk

