

Caroline Town Board Meeting Minutes of April 9, 2014

The Town Board Business meeting held on April 9, 2014 at the Caroline Town Hall was called to order at 7:00 p.m. by the Supervisor Don Barber.

Attendance:

Don Barber, Supervisor - Councilmember
John Fracchia, Councilmember
Irene Weiser - Councilmember
Mark Witmer, Councilmember
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: County Representative Dan Klein, Bruce Murray, Chris Payne, Chad Novelli, Lois Lounsbery, Ed Wurtz and Pat Dubin..

Privilege of the Floor

No members of the public spoke under Privilege of the Floor.

Reports

Cindy Whittaker, Highway Superintendent

Roadwork

Crew has been patching out patching Town & County roads

Roads are in rough shape after hard winter, some will settle back down as frost subsides.

Snow & Ice

There has been extra hours for plowing BUT also extra revenue from the County.

Trucks & Equipment

Repairing equipment

In the future we'll be replacing 1 Ton truck - this has been budgeted for. Cost ~ \$58K

(The old one ton is falling apart and starting to become costly to repair).

This truck will be purchased off of the Onondaga County bid and is a complete ready to use package (Includes plow equipment, emergency lights etc.)

Misc.

Bills for Home Rule for Local Speed Limit introduced in Senate and Assembly.

This will cost the local municipalities as it will be the town's responsibility to hire certified engineer - a function now done by the State DOT.

(Unfunded mandate if this passes)

We'll be working with Tompkins County Highway on Culvert replacement on Seventy Six Road, (the 3 large culverts in our parking lot) hoping to keep the total road closure to a minimum.

Culvert replacement will be done after school lets out for summer.

Spring Junk Days -- Apr 28 - May 3rd.

No tires. ** Town of Caroline junk only. Last year a resident tried to truck in junk from their properties

downtown...

Need to move along on New Hwy Barns - currently storing the chipper truck at Brooktondale Fire Hall. Outside shell on main highway barn is spreading rapidly, also not enough clearance around trucks as required by OSHA.

Don Barber, Town Supervisor

Correspondence of Note:

1. Letter from DOT stating \$40 million available Statewide for mitigating impacts of severe winter
2. Letter from Empire State Dev Corp- Public hearing at Caroline Town hall regarding State share of flood hazard mitigation funding for 600 Road project
3. Notice from TC Assessment that County has approved "green buildings"
4. CDRC training: "Effectively Facilitating Heated Meetings"- 4/26 and 5/1

Report:

1. Pushing hard with other TC municipalities against unfair property tax freeze proposal and characterization of local officials by the Governor- meeting with Lifton and Seward
2. Working with Road preservation Committee to get a local law developed by Summer 21 min ad a bit more.
3. Tompkins County Dog Consortium had no bites on 1st RFP for dog enumeration- trying again with targeted audience.
4. Will report of status of Collective Bargaining Agreement in Executive Session. Comments 23 min

Tim Seely, Town Board

The Town of Lansing, Ithaca, Caroline and the Village of Cayuga Heights discussed the proposed By-laws at the Tompkins County Youth Commission meeting. All suggested "add in's/changes" from the Caroline Town Board at the April 1st, 2014 meeting were incorporated into the proposed by-laws. The committee of 10, will have the representation from the above named towns and village was part of the change (the original proposed bi-laws stated 5-10 committee members). The Town of Ithaca asking to have 4 representatives because they supply the majority of the funding.

John Fracchia, Town Board

No additional information from last week's report

Irene Weiser, Town Board

Broad band proposal special use. There is a question if the Town will get the coverage that Chuck Bartosh (Clarity Connect) said it would? Chuck is reluctant to be of much help by adequately responding and disclosing information to the questions of the Engineer. The Engineer reported cost is for \$9,000 (the Town contracted for up to \$10,000). Is there redundancy in certain places that Chuck wants to place 2 poles within less than a mile of one another? Chuck told Councilmember Weiser that a hill blocks the coverage and the poles need to be placed to cover in both directions. This seems to contradict the projections/findings of the Engineer.

Supervisor Barber said that Chuck needs to be able to show why his projections differ from that of the Engineer.

Councilmember Fracchia said due diligence was done by hiring the Engineer and that it would be

beneficial to at least have a phone conference with all parties involved; Chuck Bartosh, the Engineer and a Town Board member(s).

Councilmember Weiser said that the Engineer has worked with Chuck on previous projects and they are in conversation about this project.

Mark Witmer, Town Board

Councilmember Witmer wanted to thank Chris Payne for putting together a spreadsheet for doing a catalog of watershed projects/issues in Caroline which included status, funding, risks.

Dan Klein, County Representative

Green buildings tax exempt County just passed a \$100,000 lead certify project.

85% public buildings are tax exempt

Tioga County Transit- Medicaid pays for transportation. Almost 100% of their budget was from Medicaid. The Government has changed to sending Medicaid patients via taxi which means TCT will lose about 98% of their income. Aside from saving money for medical appointments but it will discontinue buses that are used for other reasons.

County Budget- tax freeze. County may not override tax cap this year. Which the funds barely covers the increase in pay, and does not cover all programs.

Fund Transfers

Resolution 88 of 2014

Motion by Don Barber and Seconded by Tim Seely

Be It Resolved the Caroline Town Board makes the following 2014 Fund Transfers

\$ 4,000.00 from Highway Fund Account DA 9040.8 Workers Comp to Highway Fund Account DA 9050.8 Unemployment

Be It Further Resolved that the Caroline Town Board makes the following 2014 budget adjustment:

\$10,000.00 Increase Highway Revenue Account DA 2300 by \$10,000 and increase Appropriation Account DA 5142.4 by \$10,000

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 89 of 2014

Motion by Don Barber and Seconded by Irene Weiser

Whereas, check 20262 in the amount \$58.00 was made payable to the Town of Caroline United States Postal Service on 11/13/2013 for a post office box for the Town of Caroline's Court offices and whereas an alternative method was used to pay for the post office box rendering the check unnecessary. Therefore be it resolved, that the check for \$58.00 be returned to unexpended fund balance.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Approval of Abstracts

Resolution 90 of 2014
General Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Witmer to approve payment for the General Fund voucher numbers 109 through 142 for \$14,560.52.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Councilmember Witmer explained that the NYSEG bill was very high compared to previous months because NYSEG had not done an actual reading since November 2013. The previous month's estimated amount was \$3.39. Now that the actual reading has been done the amount owed for the past 4-5 months (to catch up) is approximately \$500.00.

Resolution 91 of 2014
Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Fracchia to approve payment for the Streetlight Fund voucher numbers 6 and 7 for \$581.93.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 92 of 2014
Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Fracchia to approve payment for the Highway Fund voucher numbers 61 through 84 for \$52,300.52.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 93 of 2014
Bond Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Bond Fund voucher number 1 for \$63,746.53.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolutions

Resolution 94 of 2014

A motion was made by Mark Witmer and Seconded by John Fracchia to amend the following resolution;
Resolution Urging Amending the Constitution of the United States with Respect to Corporate Personhood and Political Speech

Discussion: Councilmember Witmer suggested removing the word "fictions" in the 4th whereas (as shown below).

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, are entirely human-made ~~fictions~~ construct that exist solely through the legal charter imposed by the government of We The People, and.....

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 95 of 2014

A motion was made by Don Barber and Seconded by Tim Seely

Resolution Urging Amending the Constitution of the United States with Respect to Corporate Personhood and Political Speech

WHEREAS, the founding documents of the United States, including the Constitution as adopted and amended, refer to The People in enumerating the rights of citizens, and do not refer to corporations; and

WHEREAS, those rights, such as the right to bear arms, freedom of religion, and freedom of assembly, could only have pertained to human beings; and

WHEREAS, corporations are not mentioned in the Constitution, and The People, through legislative bodies, have never granted constitutional rights to corporations, and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, are entirely human-made construct that exist solely through the legal charter imposed by the government of We The People, and

WHEREAS, interpretation of the US Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People, and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and

WHEREAS, corporations do not vote in elections, that right having been reserved to People; and

WHEREAS, free and fair elections, and the right of all People to speak and be heard, are bedrock principles of a democratic form of government; and

WHEREAS, the U.S. Supreme Court, in its decision *Citizens United v. the Federal Election Commission*, extended previous judicial interpretations of corporations as people and the spending of money as speech, allowing unlimited corporate spending to influence elections and public policy; and

WHEREAS, the democratic principle of one person, one vote, is incompatible with the concept of monetary expenditure as speech, given that individuals and corporations possess unequal ability to spend money to influence elections; now therefore be it

RESOLVED, that the Caroline Town Board urges the United States Congress to call for an amendment to the United States Constitution to clearly and unambiguously state that inalienable rights recognized under the Constitution belong to human beings only, not to legal entities such as corporations or political action committees; and that money is not speech, and thus regulating political campaign contributions, and political campaign spending, does not abridge free speech, and thus would allow federal and state governments to limit the spending of corporations and other limited-liability entities with respect to influencing the outcome of political elections, and Be It Further

RESOLVED, that political parties, as defined under state constitutions and/or election law, should continue to be allowed to raise and expend money for election purposes, as permitted under the laws of the states, and Be It Further

RESOLVED, that the Caroline Town Board supports education to increase public awareness of the threats to our democracy posed by Corporate Personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats, and be it further

RESOLVED, that a copy of this resolution be sent to the Tompkins County Legislature, members of the state legislature and New York congressional delegation representing districts in the Town of Caroline, U.S. Senators Charles Schumer and Kirsten Gillibrand, and the media.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 96 of 2014

A motion was made by Don Barber; Seconded by Irene Weiser

Broadband Infrastructure

Resolved the Caroline Town Board determines a “Negative Declaration of Environmental Significance” for the Broadband Infrastructure Construction stated in the Special Use Permit Application for this project.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 97 of 2014

A motion was made by Don Barber; Seconded by Tim Seely

Site Plan Review Local Law

Resolved, The Caroline Town Board will hold a public hearing to hear any and all comments regarding local law #1 of 2014 Establishing Site Plan Review Process on May 6th at 7:00 P.M. at the Regular Agenda meeting Caroline Historic Town Hall

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 98 of 2014

A motion was made by Mark Witmer; Seconded by John Fracchia

Resolution on Draft New York State Energy Plan Urging Critical Evaluation with Explicit Goals and Timelines for Achieving 80% Reduction in Greenhouse Gas Emissions by 2050.

WHEREAS, the 2014 Draft New York State Energy Plan (Draft Plan) for New York State's energy future was released on 7 January 2014, with a revised deadline for comments of 30 April

WHEREAS, climate change is already disrupting climate patterns, species abundances and distributions, and impacting human welfare in generating climate extremes of drought and precipitation that harm agricultural production and destroy infrastructure (Intergovernmental

WHEREAS, human production of GHG emissions by combustion of fossil fuels threatens to push atmospheric GHG levels to thresholds where increases in global temperature will produce positive feedbacks that lead to irreversible warming within the next two decades

WHEREAS, methane gas is 84 times more powerful Greenhouse gas than carbon dioxide

WHEREAS, the Town of Caroline ~~strongly~~ endorses New York State's commitment to 80% reduction in Greenhouse Gas (GHG) emissions by 2050, but he Town of Caroline strongly endorses a an 80% reduction in all GHG including methane with an interim goal of 50% reduction in GHG emissions by 2030 as a response to the threat of climate change

WHEREAS, public policy decisions as articulated in New York State's Draft Energy Plan will determine whether New York State reaches these goals

WHEREAS, success in achieving GHG reductions will require specific, demonstrably effective

WHEREAS, such evaluation, actions, and goals are not in the current Draft Energy Plan

WHEREAS, the evidence now available shows that natural gas development and use will have negative impacts on fresh waters, landscapes, air, local rural economies, will divert resources and societal action from transition to conservation and renewable energy, and will aggravate climate change by virtue of combustion and methane leakage during ~~hydraulic fracturing~~ natural gas extraction, transportation,

and use (Tompkins County Council of Governments 2011: Community Impact Assessment: High Volume Hydraulic Fracturing.

THEREFORE BE IT RESOLVED, that the Caroline Town Board calls on The State to revise the Draft Energy Plan to include all GHG ,so that it identifies specific actions and timelines that will produce the specified GHG reductions of 50% by 2030, 80% by 2050 **;

FURTHER BE IT RESOLVED, the Caroline Town Board is signatory to the Elected Officials to Protect New York resolution to continue the moratorium on high-volume hydraulic fracturing and to advance a renewable energy economy in New York State

FURTHER BE IT RESOLVED, the Caroline Town Board endorses in full Resolution 2014-46 of the Tompkins County Legislature providing useful guidelines for revision of The Energy Plan. We also call on New York State to use its authority in protecting the welfare of New Yorkers to require new buildings to achieve net-zero energy use in the near term. We strongly urge that The Plan include in its market-based approach penalties for GHG emissions (especially a carbon tax and dividend, as proposed by James Hansen: http://www.columbia.edu/~jeh1/mailings/2008/20080604_TaxAndDividend.pdf) and financial incentives for energy conservation and

RESOLVED, that a copy of this resolution be sent to the State Energy Planning Board; John B. Rhodes, NYSERDA President and CEO, Governor Andrew Cuomo; Senator Dean Skelos and Senator Jeffrey Klein, Senate Republican Conference Majority Leaders; Senator Andrea Stewart-Cousins, Senate Democratic Conference Leader; Assemblyman Sheldon Silver, Majority Leader; Assemblyman Brian Kolb, Assembly Minority Leader; Aubrey Zibelman, Chair, New York State Public Service Commission; Senator George D. Maziarz, Chair of the Senate Energy and Telecommunications Committee; Assemblywoman Amy Paulin, Chair of the Assembly Energy Committee; Senator James Seward; and Assemblywoman Barbara Lifton.

** Jacobson et al. 2013, and references therein: Examining the feasibility of converting New York State's all-purpose energy infrastructure to one using wind, water, and sunlight. <http://www.stanford.edu/group/efmh/jacobson/Articles/I/NewYorkWWSEnPolicy.pdf>). To accomplish this: 1) include in the assessment of actions for the Energy Plan the full life-cycle GHG emissions

(carbon dioxide, methane, and other greenhouse gases) of all fossil fuels under consideration for New York's energy future, including the processes of mining, transportation, as well as combustion, 2) critically evaluate the GHG and economic costs of required infrastructure (e.g.,

storage facilities, transportation technologies like rail or pipelines, 3) and assess the effectiveness of each proposed initiative to reduce energy use and/or transition to renewable energy sources toward realistically achieving the GHG reductions by the specified target dates..

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Councilmember Seely, asked mixing the 2 issues with the gas hydrofracking and the green house gas emission. Worried about alienation of certain constituents. What does hydrofracking have to do with the useage of gas. Aren't people still going to use gas from other sources.

Councilmember Witmer what he tried to construct was the urgency of the situation. The impacts of gas had to be evaluated based on the best science we have available today. Felt like it was important to be heard or to take a stand.

Councilmember Fracchia agreed with Councilmember Seely that the use of wording "hydraulic fracturing" can create an issue with many people. That the resolution pertains to the result of effects of methane and Greenhouse Emissions. He suggested changing the wording from hydraulic fracturing to natural gas extraction.

Resolution 99 of 2014

A motion was made by Don Barber; Seconded by Tim Seely

Contract with Scott and Crispell for Mowing of Town Grounds and Cemeteries

Resolved the Caroline Town Board hereby authorizes the Town Supervisor Barber to sign a contract with Scott and Crispell for lawn mowing services of Town Grounds and cemeteries in the amount of \$3000 for 2014.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 100 of 2014

Technical Support Contract with Soil and Water Conservation

A motion was made by Don Barber; Seconded by Tim Seely

Resolved the Caroline Town Board hereby authorizes the Town Supervisor Barber to sign a contract with Soil and Water Conservation for soil erosion and storm water technical support.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 101 of 2014

Award Ceremony Selection Committee

A motion was made by Tim Seely; Seconded by Irene Weiser

Resolved, the Caroline Town Board appoints Tim Seely, Lezlie Kennedy and Sandy Schoenfeldt to the award ceremony selection committee.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution Establishing Public Notification Process for Public Hearings

A motion was made by Irene Weiser; Seconded by Tim Seely

WHEREAS democracy is strengthened when residents are informed about and engaged in local government, and

WHEREAS the Town of Caroline desires to encourage participation of residents and recognizes the importance of making available accurate, timely and widely accessible information on the activities of local government to all interested residents, and

WHEREAS the State's requirement for posting notice of public hearings by Legal Notice in the paper of record 10 days prior to the hearing is insufficient to adequately inform Caroline residents of the important action being taken by their local government, and

WHEREAS the Town has established the following methods for regular communication with residents: Town website, listserv, notebooks, therefore

BE IT RESOLVED that in addition to posting a Legal Notice in the Ithaca Journal, the Town Clerk shall collaborate with the Town Supervisor to develop a notice about the public hearing that will include, at a minimum, the following information: Purpose, Date, Time and Location of the public hearing; a brief description of the action that is being contemplated and it's importance to the community; all relevant documentation; instructions for participation in the public hearing and an address and email address to which comments may be sent if the public is not able to attend the hearing, and further

BE IT RESOLVED that the above information shall be forwarded by _____ to the Communication Support Specialist with instructions to post the information on the Town's website, send to the Town's listserv, and copied and placed in the Town notebooks at least 10 days before the hearing is to take place, and further

BE IT RESOLVED that this protocol shall be made part of the resolutions proposed at the organizational meeting at the beginning of each year.

Discussion: The Town Clerk stated to Councilmember Weiser that she follows the protocol of the law in the advertising of all legal ads including public hearings and it is not the boards place to change the duties of the clerk by resolution. That as of last month's meeting the clerk agreed to copy Councilmember Weiser and the Town Supervisor on the legal ads submitted to the Ithaca Journal and that these functions did not constitute a resolution.

Councilmember Weiser said she thought since the clerk was the Public Information officer that these

duties would fall under those mentioned in the resolution. *

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Supervisor Barber also submitted for review a different version of the above resolution:

Public Hearing Notices

Resolved, that the Town Board will also notify the Town Communication Support Specialist of All Public Hearings who will post notice and supporting documents of Public Hearings on the Town website, listserv, and place hard copies in the Town notebooks at the Caroline Library, the Brookton Market, the Dandy Mini Mart, and the Speedsville General Store and further

BE IT RESOLVED that this protocol shall be made part of the resolutions proposed at the organizational meeting.*

*The discussion of the **Public Hearing Notice** resolutions will continue at the May 6, 2014 Agenda meeting.

9:30 p.m. Executive session (about Highway Department contract negotiations).

9:49 p.m Executive session ended

----**Adjourn**----

Adjourned on a motion by Don Barber and seconded by Tim Seely the meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk