

Caroline Town Board Business Meeting Minutes of March 9, 2022

The Town Board Business Meeting was held both electronically and in-person, and was called to order at 7:05 p.m. by Supr. Witmer

Attendance:

Supervisor Mark Witmer
Councilmember Tim Murray (via zoom)
Councilmember Cal Snow
Councilmember Katherine Goldberg
Councilmember Kate Kelley-Mackenzie (via zoom)

Recording Secretary: (via zoom)

Jessica L. Townsend, Town Clerk

Also Present: 41 members of the public; Hwy Supt. Bob Spencer

Via Zoom: 16 members of the public; Judge Reinbolt

Supr. Witmer summarized the Privilege-of-the-Floor policy and then led the Pledge of Allegiance.

Privilege of the Floor

Kim Whetzel – (1:50) Local businessman and property owner since the 1970's. Spoke in opposition of zoning. Caroline is one of two towns in Tompkins County that currently does not have zoning in place. Sees zoning as a restriction on what he does with his properties and businesses. Does not believe that zoning will give the protections that they think it will. Encouraged all Board members to be present at the meetings and give an explanation as to why they want zoning.

Tonya VanCamp – (5:49) Moved to Caroline in 2006 and dreamed of eventually owning a home here. She is a Certified EMT and worked for Slaterville Ambulance. Purchased her home in 2018. Has read the proposal more than once, and devastated her. Listed a number of items in the proposal that would cause great hurdles for herself and others. Would like to see the Town encourage and support the low-income community members and their small businesses, and not set further obstacles in front of them.

Tony Tavelli – (9:48) Shared his deep concern about a past meeting when, during the Pledge of Allegiance, a Board member left the room. Shared further concern regarding unconfined aquifer. Lastly, he admits that when having a previous discussion with the Supervisor early on during the zoning initiative, he was in favor of minor regulations, but as the process continues, he no longer supports those efforts. The potential regulations scare him.

Jay Payton – (15:22) Gave an example as to how regulations can get very carried away.

Pete Hoyt – (16:50) Inquired about the 3 empty seats on the Zoning Commission. He recommended the Board look into filling those seats to better serve the public and its process. He also stated that although Clm. Murray described the “draft” law as a working document rather than a first draft, on the Commissions webpage, Commission Chair, in fact describes the document as its “first draft”.

Linda Crispell - *letter was read aloud by her daughter, Hannah* (19:47) – Lifelong resident – Spoke in opposition of zoning. Believes this was initiated by a Dollar General proposal in the Town. Her and her husband operate a 7th generation farm. Requested the Board reconsider or abandon the zoning initiative.

Steve Nash *letter was read aloud by Hannah Wyllie*– Had many questions and deep concerns regarding the initial overall cost of forming a zoning law, what the cost will be once enacted, paperwork, neighbor disputes, trespassing, and violations. Many of these questions have kept him up at night.

Supr. Witmer stated that the draft was an internal document and was released to the public for transparency. The first draft will likely be very different from the first working document. He added that they all appreciate the small businesses in Caroline and the intent is not to restrict those.

Corina (26:01) – Grew up in Slaterville. Lived briefly in Danby where she was given land from her family and she wanted to build a home. She was denied because of restrictions of placement of the home on the property. She left Danby because of the restrictions and bought a home here in Brooktondale. She now worries about being restricted here. Has dreams of opening a pottery studio and is concerned about the limitations and cost of pursuing her dreams. Agreed that she, like others, do not want to see big box stores here, but does not want laws that will restrict her from doing what she wants with her property.

Bill Case – (29:00) Is a property and business owner in the Town. He started with nothing and has worked his whole life to have his land and his business. Will not be told what he can and cannot do with his property.

Court Report by Judge Reinbolt

Judge Reinbolt gave a report for the Court – (*ATTACHMENT #1*)

Reports

Supervisor Mark Witmer –

Correspondence of Note

- Tompkins County Youth Services Department requesting T. Caroline town board liaison for the Youth Services Advisory Board. Cln. Kelley-Mackenzie has accepted that request.
- Seeking an additional representative on the T.C. Joint Youth Commission

Supervisor's Notes

- Completion of LED streetlight conversion project pending. Update expected on 3/11.
- Received Battery Energy Storage System Siting Law from the Planning Board. Under review by the town attorney.
- Building energy benchmarking nearly complete.
- Local Advisory Board of Assessment Review date is being set. It will be a day (3-6 pm) from 10-20 May.

Town Clerk, Jessie Townsend – Continuing tax collection. Clerk's Collection Report for February is as follows: 34 Dog Renewals, 10 Building Permits, and 1 Impoundment Fee. Check No. 267 was written to the Supervisor on March 2, 2022 in the amount of \$2,946.00.

Bob Spencer, Highway Report – The new one-ton has been delivered. He noted prices and availability have gone through the roof. There has been an obvious increase in the fuel bills. He added that tires have tripled in price and have an estimated 6-month delay. Prices and availability are through the roof.

Clm. Murray – Ben Carver, Deputy Mayor of Trumansburg, gave a presentation about EMS in Tompkins County. The Ithaca Voice wrote an elaborate summary on it earlier this week - he recommends the read. *Zoning Commission (ZC)* – Next meeting on 3/22 at 7:15 p.m.,. Earlier this week, Wil Lawrence announced her withdrawal from ZC, but will stay on the Planning Board. The 3 remaining Planning Board members are currently serving the ZC. The majority of the ZC feels they do not need to add any new members and he recommends to leave the seats open, unless otherwise requested by the ZC. *Court* – Reminded Supr. Witmer to remind the Court that there is no liaison at this time.

Katherine Goldberg – Ag Committee – Meeting on Sunday, March 13 at 2pm held at 262 Harford Rd.

Cal Snow – No Report – Inquired about the Code Office. Supr. Witmer stated that the Code Enforcement Officer position ad has been extended and can be found on the Tompkins County website. He currently has 4 applications for review. Clm. Snow recommends having a town resident serve the position.

Wil Lawrence – Age Friendly Caroline – Wil's report is attached (ATTACHMENT #2)

Dan Klein, County Legislature Rep. – Dan was not present at tonight's meeting, but submitted the following report:

The final sales tax receipt numbers from 2021 came in last month. It was a record year. Receipts were up 21% from 2020, which was a very low sales tax year due to the shutdown of the local economy. But 2021 receipts were also up 7% from 2019, which itself was a record year. It's hard to say exactly what accounts for this increase, but the likely contributors are pent-up demand and high gas prices. The Town of Caroline sees a share of these sales tax receipts.

Many Caroline residents received their new assessments, and a lot of people are shocked and angry. I don't know if this makes it any easier for people to take, but here are a few things I've been advising people to consider that aren't immediately obvious in the assessment notices.

The first thing to understand is that an assessment increase is not the same as a tax increase, despite what the notices said. The best analogy I have is that the total taxes levied are a pie, and assessment just says how big your slice is.

Assessment is an attempt to estimate how much your house would sell for. No matter what other issues get tagged on, that is the bottom line: Is this assessment number accurate in terms of how much your house would sell for?

Most people are re-assessed once every three years. So if you divide the percent increase on that notice by 3, you will get an average annual increase. That number will seem much more "reasonable" to a lot of people. The online real estate site Zillow reports a 12.4% increase in the sale price of houses in the 14850 zip code last year, and predicts a 14.7% increase this year. Multiply those numbers by 3 and you will see that the assessments are in line with reality.

There are a few ways to challenge your assessment. One is to compare your property to other similar properties that have sold recently. Another is to let the Assessment Department know if they have incorrect information about your property. You can request the Assessment Department to come to your property so you can show them things they were not aware of.

The simple, anonymous online cell phone reception survey that I had previously spoken with you about is now live. It asks 3 questions: where do you live, who is your cell phone company, and rate your cell phone reception on a scale of 1 to 5. This information will help generate a map showing where the zones of poor cell phone reception are. I'm not sure yet if or how we are going to be able to use this information to address the problem, but I do know that identifying the problem is the first step to solving it. Find the survey at tompkinscountyny.gov/cell_survey, or just google "Tompkins cell survey".

Resolution on Public Meetings regarding the Town's Zoning Initiative

Discussion: (1:20:45) Supr. Witmer began by recapping what the meetings are for. The Board understands that the public would like to speak to them and share their personal thoughts and feeling about zoning in Caroline. He recommends that the public meetings be framed as listening sessions. The Board will need to decide where the meetings will be held, how those meetings will be structured, and to make sure the discussions are articulated clearly before the meetings. He emphasized that everyone who attends feel safe and welcomed. Respectful discourse is required.

Clm. Snow recommended holding three meetings, one in each hamlet. He would also like to try and answer some questions if they can answer. Clm. Goldberg agreed and added that interactive communication is necessary.

Clm. Kelley-Mackenzie agreed that the meetings are important but disagrees that they should answer questions regarding the law because they have not received a draft yet. She added that it may be helpful to have the meetings overseen by a mediator or another outside representative to help steer the discussions. It is important to her to not, in any way, interfere with the Zoning Commissions work. Clm. Murray also liked the idea of a mediator and doesn't know how to draw a line for a Q&A. He added that there needs to be at least one meeting that's held hybrid or virtual so that all residents have an opportunity to join. Supr. Witmer wants to frame the meetings to listen to public comments rather than answer questions. Clm. Snow penned additional language to the proposed Resolution and the Board discussed.

Discussion regarding scheduling of meetings and whether all Board members are required to attend all three meetings. Attendance will not be required at all three.

Further discussion regarding Q&A's. The Board agreed that the meeting will be focused on listening to the public and answering questions relating to process, if possible.

The meetings were set as follows:

Speedsville Community Center on Saturday, March 19th at 1pm

Town Hall will be a hybrid meeting Saturday, March 26th at 1pm

Brooktondale Fire Hall on Saturday, April 2nd at 1pm

Resolution 61 of 2022. Public Meetings to hear feedback from Residents on the Topic of Zoning

Motion by: Clm. Goldberg Seconded by: Clm. Murray

WHEREAS zoning is an issue of great importance, impacting all residents of the Town of Caroline, and

WHEREAS the Town is currently engaged in consideration of adopting zoning for the first time, and

WHEREAS the Town Board represents the residents of the Town of Caroline in its decision-making authority, and

WHEREAS the Zoning Commission continues to welcome, encourage and respond to public feedback to the greatest extent possible as they engage in their work to develop a draft zoning law, and

WHEREAS, many residents hold strong opinions on both sides of the "need for zoning" issue and have used the Zoning Commission meetings as a venue to express their opinions, which is not a topic within the Zoning Commission's scope of work to advise the Town Board, and

WHEREAS the Town Board has received requests from residents for the opportunity to provide public feedback on the topic of zoning,

BE IT SO RESOLVED that the Town Board will hold three (3) public meetings in three (3) locations throughout the Town (Brooktondale, Slaterville, Speedsville).

Saturday, March 19 at 1 PM in Speedsville

Saturday, March 26 at 1 PM in Slaterville Springs

Saturday, April 2 at 1 PM in Brooktondale

Each meeting with a duration of 2 hours maximum, structured to allow residents the opportunity to provide in-person, public feedback to the Town Board, for the express purpose of hearing public comment about the topic of zoning. Guidelines and ground rules will be established and communicated to the public ahead of these meetings.

NB: Such meetings will provide opportunity for the Town Board to hear public feedback, thus increasing opportunity for thoughtful deliberation on the topic of zoning in the Town of Caroline. This is a distinct and separate goal from receiving specific public comment on the draft zoning law which is currently being revised by the Zoning Commission.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 62 of 2022. Partnership Pledge with Age Friendly Community

Motion by: Clm. Goldberg **Seconded by:** Clm. Murray

WHEREAS the Tompkins County Age Friendly Center of Excellence Pledge is in line with Caroline's values around participation in our Age Friendly Community

BE IT SO RESOLVED, the Caroline Town Board will engage in the Tompkins County Partnership Pledge as presented.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 63 of 2022. Approval of Vouchers for Payment of Town Bills

Motion by: Supr. Witmer **Second:** Clm. Snow

Resolved, the Caroline Town Board approves payment of vouchers for bills in the amounts of \$12,885.73 for the General Fund, \$160,903.38 for the Highway Fund, \$240.05 for the Streetlight Fund.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Discussion of planning assistance for the Zoning Commission

Planning Assistance is near the budgeted amount for 2022. Clm. Murray outlined the process of hiring the Planning Firm that was selected. He stated that they (ZC) have been well served thus far and are now at a point in the process where her expertise is extremely needed, and he does not recommend that they end her contract. He also added that they need to consider the planning assistance they will need once the draft is completed and delivered by the ZC. Supr. Witmer agreed that it would be disruptive to cut ties at this point. Brief discussion regarding the pay schedule and Supr. Witmer stated that she is paid on an hourly basis and submits a monthly invoice. Supr. Witmer will put forward a Resolution to sign a new contract with Community Planning & Environmental Associates at the next Board meeting.

Planning for Highway Barn Site Selection

Discussion regarding site visit. At previous meetings, the Board was to schedule a time to go visit the three highway sites. To date, a time has not been scheduled. Hwy Supt Spencer feels frustrated that this

has been discussed for months and no one has found the time to fit it in. He also shared frustration that the Town has spent over \$19,000 for an Engineering Firm to evaluate the three potential sites, that work has been completed and they have submitted their recommendation to the Board. Clm. Murray responded that they are committed to doing a site visit. Board members will work on visiting soon.

Discussion on Bioretention Feature at Town Hall

Hwy Supt Spencer spoke on this subject and noted that this has been in discussion for over a year. Last year, the Hwy Dept paved the parking lot in a way that purposely diverts all water to the street into a storm sewer. He does not support this project and stated that in having previous conversations with the Town's Stormwater Manager, Barry Goodrich, he, too, believes this project has no merit. Supr. Witmer disagreed with that assessment and still wants to do the project. He further stated that this is an opportunity to do a beautification project and that residents have volunteered plantings and maintenance. Supr. Witmer will get the project notes together and they will discuss details later.

Discussion of use of ARPA Funds and Reporting Requirements

Supr. Witmer received information on the deadline. Originally, he thought the plan was due the end of April 2022, but it's the reporting of funds that has a deadline. Another change is they will have flexibility in the spending of those funds. Questions regarding broadband and what the limited funds would do to improve such. Discussions will be forthcoming.

Approval of Minutes

The Town Board reviewed and approved the Minutes of March 2, 2022, as submitted by Town Clerk, Jessica Townsend.

A motion to adjourn by Supr. Witmer and seconded by Clm. Snow at 10:03 p.m. and was carried unanimously.

----Adjourn----

Respectfully Submitted,

Jessica L. Townsend, Town Clerk

Statement Regarding Court Operations

Judge Gary V. Reinbolt

March 9, 2022

First, in the interest of full disclosure, I have a vested interest in the matter I'm discussing today, but that doesn't mean that what I have to say is inaccurate.

I am here to clarify two false concepts regarding the operations of the court asserted and placed on the record in the agenda meeting January 4, 2022. They are case count, which I have just provided to the board at their request, and public hours. Let us begin with case count.

Last year the court brought forth the case count information during the budget cycle which commenced in early September; and the evaluation was supposed to be used to determine whether or not the judges should get a raise. This year the court had been requested to bring forth this information much earlier for a very critical reason.

The town board is engaged in focused activities which, if successfully accomplished, will lead to firing one judge and cutting the salary of the one remaining. This will require the general public voting on a referendum in November. Because it will be up for a vote, the town will vigorously market this idea to the voters. I feel that the court needs to make clear to the general public what the terms the town is using to justify this action actually mean.

Over the objection of the judges, the town adopted a philosophy toward its court that the true measure of the worth of a judge is in the volume of his output. The more arrests that are made, and the more quickly they are processed, the more justice is being done."

I will point out there is no statute, regulation, or judicial decision which defines the concept of the case count, nor mandates a quota the judges must reach in order to be considered competent.

However, the court has no authority over how the town chooses to evaluate its judges. Picking a quota based on performance criteria that has nothing to do with the actions of the judge seems misplaced, but management has the right to mismanage.

In the last budget cycle, the court provided the case count that the town requested. The supervisor ran an evaluation, and the result demonstrated that, in relation to all other courts in the county, the judges were under compensated. It showed that in order to achieve parity as described by the supervisors formula, the judges should receive an increase of 4 ½% above and beyond any cost-of-living adjustment.

I want the general public to remember this. Case count was portrayed over and over again as the gold standard to assess the judge's performance. In fact, it was a critical, essential, and almost the sole determiner of the judge's worth. The data gathered by the supervisor; analyzed by the supervisor; and issued by the supervisor; showed that the judges should get an increase in pay. However, they did not receive it. It turned out that case count only counted if it provided the answers you wanted.

So when the Board posts the referendum, and starts to market it to the town invoking case count, please remember that case count is only a valid argument if it proves a negative against the judges. If case count turns out to be an advantage to the judges, as it was in the matter of salary, case count doesn't count. It becomes a nonstandard standard.

Now let us turn to the reappearance of the supervisor's creation of something out of nothing, public hours.

Let me say this categorically: there is no such thing as court public hours. We do not see the public. We see a certain small select portion of the public that has, for one reason or another, business before the court which is handled on an appointment basis in every case. Everyone who has business before the court is in possession of a piece of paper that specifies a date, time, and location, as well as the name of the judge who will, at the appointed time, pay attention to them exclusively. If the time specified creates an undue hardship, all that is required is for the individual to contact court and he will be issued a mutually agreeable time at any time and on any day in the week. In the past 2 months I have held court on Monday evening, Tuesday afternoon, and in December I handled an arraignment at 2:30am on a Sunday morning.

We work by appointment because judging is a complex duty. Contrary to the town's portrayal of its judges, we are not merely assembly-line workers processing fairly simple and routine tasks. Whether it is a civil or criminal matter, the individuals before the judge should have an expectation that the judge will have the necessary paperwork, understand the law that is being discussed, understand the circumstances that each participant brings, understand the rights of the accused and the prosecutor in regard to the matter before them, and understand the limits which the state has imposed on the court for any given procedure. We do not do walk-ins. Occasionally, if we are already in session, we will accept someone with a traffic violation who wishes to plead guilty, but that is not standard practice, nor is the absence of an open "meet the judges" court a reason to terminate a judge's employment.

So let me say this again. There is no such thing as public hours. Like case count, there is no statute, regulation, or judicial directive that specifies a definition of public hours, nor sets a quota for judges as to how much time should be devoted to these public hours, because there are no public hours for judges within the court system.

I would say to the Supervisor and the board—please put this vile little canard away. It is ignorant, misguided, and continues the overt hostility the town displays toward its court. And again for the general public, as with case count, when the Board rationalizes its push to fire one of the judges citing lack of public hours, please remember that there is no such thing.

The judges, exercising their autonomy, discretion, knowledge of operations, and the current situation regarding virtual hearings, electronic communications, and the state of the pandemic have directed civil and criminal cases to separate calendars to more accurately serve its petitioners, defendants, District Attorney's Office, Troopers and Deputies, and defense attorneys. That is who we serve, not some nebulous and ill defined public.

Unless someone can cite legislation giving the town authority over the judges, we aren't required to secure consultation, permission, or authorization from the supervisor; or the court liaison to determine the methods the court uses, especially when it comes to complying with a regulation that exists only in the minds of the supervisor and the court liaison (a position, by the way, that also doesn't exist anywhere in the law).

The United States Constitution clearly specifies a separation of powers between the executive and judiciary branches. The President does not supervise the Supreme Court. The New York Constitution clearly specifies a separation of powers between the executive and judiciary branches. The Governor does not set the hours of the New York Court of Appeals. And a town supervisor cannot direct, compel or coerce the town court to follow his dictates. We are a separate branch of the government. Our supervisory judges receive regular reports of our financial responsibility, our education credits, and our monthly reports. The town board is attempting to assume a role that is outside that prescribed by law. The only power they have is the one they are proposing: eliminate the judges who won't accede to the will of the town.

The town has every right to take the action it is taking, and is not required to give a reason. However, when it chooses to give reasons to justify its actions those, reasons should not be fabrications and willful misdirections regarding how the court operates.

Wil Lawrence 3/9/22

I'm here about Age Friendly Communities. I've been involved with local Age Friendly Community efforts since 2017. This is a movement that started with the World Health Organization. Age-friendliness is an umbrella concept that covers a wide range of livability topics-- housing, outdoor spaces, transportation, civic participation, social inclusion, health services, emergency preparedness, and more!

The idea is to make communities livable for people of all ages, throughout their entire lifespans. To date, the focus has mainly been on youth and seniors. And usually, the effort involves a five-year plan.

Tompkins County is now putting together their second five-year plan. This is an opportunity for the Town of Caroline to provide input to the plan and to benefit from the efforts of organizations within the county. I'm asking the town to consider signing a Partnership Pledge.

In 2020, Tompkins County was selected as a Center for Excellence to document the best practices resulting from its first five-year plan. This resulted in a report on the response to people in our town and county who were food insecure during the pandemic. There was also a follow-up analysis of comprehensive plans from several towns in Tompkins County, looking at their age-friendly provisions. Educational workshops for local organizations were conducted by Zoom. Much of this work was also presented at the annual meeting of the Upstate NY section of the American Planning Association. If you would like to read any of the reports, I would be happy to provide them.

Out of this work came a new recognition of a growing urban-rural divide and a shift in focus to the needs specific to rural areas of the county. So far, the town of Caroline has been the only town in our county to actively, but informally, participate. This would be a chance to more formally participate and to have help from agencies in the county. Our participation could be further strengthened by the current role of Dan Klein as the legislative liaison to the advisory board for the County Office for the Aging—that office directed the development of the first five-year plan.

To recap, new efforts will be focused on developing resources and strategies aimed at improving the health and well-being of rural residents of all ages. The partnership pledge is a commitment to work with the other partners, to help in tracking progress, and to help in identifying future opportunities.

I am looking to the town board for direction on how to proceed. Would you like more information to look at on your own? Would you like a 15-minute presentation or a Q&A session? Is this a decision for the Town Supervisor to make independently, or does it require the vote of the Town Board to recommend that the Town Supervisor sign the pledge?

On a different note, I'm planning to resume my monthly updates to the Board. We're hoping the Caroline Seniors will be able to resume their monthly gathering in April or May.