

Caroline Town Board Business Meeting Minutes of April 13, 2022

The Town Board Business Meeting was held both electronically and in-person, and was called to order at 7:07 p.m. by Supr. Witmer

Attendance:

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

Recording Secretary:

Jessica L. Townsend, Town Clerk

Also Present: 19 members of the public

Via Zoom: 11 members of the public

Supr. Witmer led the Pledge of Allegiance.

Privilege of the Floor

John Morse – 80 people spoke in opposition of zoning at the listening sessions. He is disappointed that there was not a Board discussion at last week’s meeting following those 3 sessions. He heard the Board react to those sessions by describing what people said, and not about how they feel regarding the zoning draft. He asked that they have a conversation about it tonight. Questioned the survey that was sent to residents by the Planning Board during the Comprehensive Plan process. He feels that the questions were constructed in support of zoning, instead of asking people if they want to have zoning or not. Asked what the town is trying to stop. Any zoning will not stop suburban sprawl. Shouldn’t be doing this while there still is a board member that is not present at the meetings. Why is it ok to push this through now? Asked for an open discussion about zoning.

Chad Tibbals – These policies are affecting the younger generations more than anyone. The focus needs to be more on the next generations in Caroline.

Bruce Murray – Spoke regarding extending the Land-Use Moratorium – He wanted to remind the Board that a petition in support of a Moratorium that had over 711 signatures on it, helped drive the vote to impose that law. Later, it was said that 238 signatures were those of residents of the town and questioned the legality of that petition. There was also a petition opposing the law, and that had over 279 signatures from residents. He asked that the Board invite the Attorney to be present while they discuss extending the Moratorium once again.

Rob Swansbrough – Supervisor has said that the Board has no influence on the Zoning Commission. On the Town website, it lists the members of the Commission and Clm. Murray is listed as the liaison. At listening sessions, he heard the Board say that they didn’t really know what zoning is. He read the definition from Webster’s dictionary and the definition from a Code Enforcement Officer. To him, zoning means restriction of rights to his property. He asked what Clm. Goldberg meant when she said she has comments to make but was told she couldn’t and by whom. He feels bullied into zoning the Town. Lastly, he issued a formal Complaint regarding the Brookton Market. It is his opinion that the tent on the premises is not in compliance with NYS Code and poses multiple safety concerns. He apologized to the

Board for the Complaint but, NY building code is in place to protect the safety of all individuals, including business owners. He will wait for a response from the Board regarding this issue. Supr. Witmer responded to his concern and clarified that the Code Officer is aware of the issue and is working to resolve it.

Hannah Wyllie – Recently visited the Town of Danby and noticed an alarming number of new houses, most in farming fields. Danby has zoning in place, and it didn't stop the sprawl development. Opposes zoning in Caroline.

Holly Magee – Opposes zoning and the extension of another Moratorium.

Supr. Witmer – Addressed a few of the comments made tonight. He did share his thoughts and reflected on what he heard at the listening sessions last week. He added that he is committed to this process. This is an initiative that they've undertaken and recognizes that there are philosophical differences but, he is not doing this for personal gains, he is doing this for the future of the town. He then responded to the idea of an illegal petition. Petitions are brought forward for the board's evaluation, and they determine the merit of said claims. The petition that is in question was regarding a Dollar General and at the time, the Planning Board was in the process of completing the Comprehensive Plan and therefore a Moratorium was imposed while that work was being done. Lastly, he agreed that zoning is to zone certain sections of the town to allow for growth in one area and not in others. All zoning plans are very different and can be scaled to fit individual towns, and information and recommendations that residents have given has helped to construct the law.

Clm. Murray clarified that NYS requires a Town Board to establish a Commission if zoning is being considered for the first time. There is complete separation from the Town Board and the Zoning Commission. He serves as a liaison and his role is to help communicate with between the Board and the Commission and he clarified that he plays no role in decision making on the Commission. Supr. Witmer further described what a liaison does for any committee, and that is that they serve as a communication channel between that committee and the Town Board.

Janet Nash - Has read that it is important for a town to ask its citizens how they feel about zoning and asked what it would take to prove the clear opposition for zoning, from the town residents, and what it would take to change their minds on proceeding with the law. Supr. Witmer responded that the Board is sensitive to what residents are telling them. When it is time for the Board to look at the final draft, if they don't support the principles of the final draft, they will not vote it in. There are still a lot of people that support proceeding with the law, and they are waiting to see what the Commission comes up with. Janet further shared concern that the Board may believe certain things might work for the town that won't.

Andrew Dygert – There is a desire to have conversations about zoning legitimacy as a tool and, what other alternative land preservation tools can be used other than zoning. Offered to share some of the research he has done on some of these alternate tools with Supr. Witmer and he so agreed.

Further conversation between the Board and members of the public regarding how to further engage with public comment and when to move on with large agenda tonight. The Board allowed 5 more minutes for discussion.

Bruce Murray – Asked for truthfulness and disagrees on how the process has gone thus far. Believes if the process had been done differently, we wouldn't be where we're at today. Supr. Witmer responded that they have been honest and have had extensive dialogue about the process. He does not deny that there are fundamental differences and welcomes conversation about other ideas.

Pete Hoyt – Because there cannot be a public vote on zoning, he asked the Board to wait to vote on the law until the next election. Supr. Witmer responded no.

Sam Philips – Questioned a signature on the petition for zoning stating that one of the electronic signatures was falsely applied.

Resident – Asked if the Board is following the process by law. Asked if there were legality issues and the Board votes yes, would it then be null and void? Clm. Goldberg offered ways for the public to communicate with the Board, other than during the public meetings, is to email, coming to the Town Hall, or send letters to the Town Clerk. Legality questions can only be answered by the Attorney.

Scott Conover – Spoke regarding the Moratorium – described his current issue between his business and the Town. Stated that the Board has hired a Code Enforcer specifically to target his business and try to shut it down because they say it was built during the Moratorium. He was instructed by the previous Code Officer that he would need an Occupancy change once that law expired. Has been forced to hire an Attorney to defend his business. His business has existed prior to the Moratorium is therefore exempt from the Waiver that the Board is now asking him to do. He wants them to know they are good people and just want to continue with their business and this to end. Supr. Witmer replied that this is a Code Enforcement issue, and that the Moratorium extension is up for discussion, and they will not be deciding tonight.

Trisha Ward (read by Cal Snow) – lives next door to a solar farm. Concerned about the safety of her children. The farm was supposed to be secured by a fence and trees. Worries her kids will climb on one and get hurt. Town Board discussed and will need the Code Officer to review the Solar Siting Law and make sure that the properties are complying.

Discussion with Jay Franklin, Director of Assessment regarding property tax exemptions

Jay came to discuss the property exemptions that are currently offered and to mention others that they may be interested in. Local municipalities offer what New York State authorizes them to offer. Caroline has opted to allow exemptions for low-income senior citizens, low-income disability, Agriculture, and a Veteran exemption. He has worked in the Assessment Office for 26 years and is here to highlight some of the exemptions offered and not to make recommendations of any. The Town does offer an exemption for low-income seniors' disability currently for \$1,000 less than what NYS does allow for, which is a 50% limit. If the Town adopted the maximum allowance, that would have raised last year's tax rate \$0.697, on average an increase of \$1.15 per tax bill (median assessed home). Income scale is roughly defined by adjusted gross income, minus any IRA distributions, plus non-taxable social security, and capital losses. Other exemptions are available: Capital Improvements for Residential Properties; Green Building Exemptions, and an Infrastructure Exemption. For further information on these exemptions, please visit: <https://tompkinscountyny.gov/assessment>

Reports

Supervisor Mark Witmer – Correspondence of Note

- Received notice from Committee on Open Governments that executive session may be called for discussion of legal strategy, but not for matters that might result in litigation.
- received letter from Town of Dryden to NYS legislators in support of Assembly bill 6763-A and Senate bill 594-B to provide legal clarity to enable municipalities to own and operate municipal broadband.

Supervisor's Notes

- Substantial Completion of LED streetlight conversion project by New York Power Authority on March 31, 2022. 76 of 79 streetlights have been converted to LEDs and are functioning and communicating via cellular nodes. Completion of project pending (parts and scheduling). Annual estimated maintenance and energy cost savings = \$8,317. Net Project Cost = \$34,535. Payback = 4.15 years.
- Submitted LED Streetlights High Impact Action Item completion to NYSERDA.
- Building energy benchmarking for town-owned buildings is nearly completed.
- Charging Station annual cloud services fee (\$690) is due. Provides station status and location on GPS-enabled devices, usage reports, station programming, and station-owner support (parts and labor coverage, station monitoring). Our current rate is \$0.15/kWh (NYSEG electricity cost is about \$0.10 over last 4 years). Usage at our station in 2021 was about 1,000 kWh, resulting in \$50 operational revenue. Doubling the rate to \$0.30/kWh would provide \$200 operational revenue at 1,000 kWh/year (CCE is at \$0.15/kWh, Dryden is at \$0.30/kWh). If we drop Chargepoint's cloud services, we lose Chargepoint services, and charging would be free.
- Clm. Snow and I met with Susan Holland from Historic Ithaca to examine the Historic Town Hall and discuss planning for improvements to the exterior. She followed up with grant information. Recommend that we submit a grant for the 2022 funding cycle. She said that the building was in very good condition.
- TCCOG Emergency Services Planning committee: for the past two years I have been chairing this TCCOG subcommittee working to identify and implement robust solutions to the problem of rural emergency services in New York State which have traditionally been provided by volunteer ambulance and fire departments.
- Our Local Advisory Board of Assessment Review date is scheduled for **Wednesday, May 11th, from 3 - 6 pm at the Caroline Town Hall**. Len Pogorzala, Cal Snow, and Katherine Goldberg have volunteered as local representatives. T.C. Legislator Dan Klein and two personnel from Tompkins County Assessment Department will be present.
- Judge Reinbolt provided 2021 summary caseload information for the Caroline Town Court and commentary at our March 9 Town Board Meeting (see [Attachment #1](#)), which the town board has requested for the last three budget cycles but not received. For the 2022 budget, we used population served in the absence of summary caseload information to assess the workload of the court relative to other town courts in the county. We evaluated and adjusted the salaries of each elected office in this manner. The town board increased the justices' salaries 19.1% in 2020 and 8.5% in 2022.
- Val Warke status on Zoning Board is inactive. Will accept his resignation.

Town Clerk, Jessie Townsend – Tax package was sent to the County Finance Office and we are working to complete the collection season. March Report was as follows: 27 dog license renewals and 1 impoundment; and 6 building permits. Total revenue was \$1205.00 and check #270 for \$1167.00 was submitted to the Supervisor on April 11th.

Bob Spencer, Highway Report – No Report (Absent)

Clm. Murray – The next Zoning Commission meeting will be held hybrid and is set for April 14th at 7:15 p.m.

Clm. Goldberg – Ag Committee – Met on Saturday. Ag Committee requested to speak to the Board regarding sharing thoughts related to Ag usch as land-use and taxation. Also, she will bring forward a Resolution to appoint Andrew Dygert, Chair to the Ag Committee. Next meeting date TBD.

Clm. Snow – Working on getting a route for a Generator for Town Hall buildings. There was a recommendation by an Architecture student to move the stormwater away from the building. He will move forward with getting a design of the gutters for the Historic Town Hall.

Dan Klein, County Legislature Rep. – Board of Assessment Review – the local review will be held on May 11th at 6pm at the Town Hall. While they can't make final decisions on your assessment, they can make recommendations. County's review session is May 24th, walk-ins are welcome. Swift 911 – the emergency alert system has switched over to a new similar but better system called Siren. Broadband – Danby paid Clarity Connect to drive and survey fiber for coverage in their town. The map is on the Danby website. Town of Newfield has done the same. He hopes that if they start a broadband initiative, it will not be a town-to-town initiative but, a County one. NYS will also be mapping areas and the State map should be available soon. Cell Phone Survey – over 2,000 responses countywide. Data is being analyzed and he will be helpful. AT&T tower is active and helping some areas in the town.

Discussion of new highway facilities site selection

Board has reviewed the Engineering Report from LaBarge Engineers and discussed the rankings of the report and their final recommendation of Site 3. The Board has heard the Hwy. Superintendent's concerns with Site 2 and acknowledges his preference of Site 3.

Clm. Murray – Shared that he would prefer not disturbing virgin land (Site 3). He likes the idea of renovating the building they currently have and building new out back of the current site (Site 1). That would allow for the improvements to the current facility needs and be functional in the future for cold storage and other needs. They know the current site needs but there would be significant cost savings with repurposing what they already have on site such as the salt storage shed and the fuel units, among many others.

Supervisor Witmer – Agreed with Clm. Murray's analysis and supports Site #1.

Clm. Goldberg – Cannot support a site of virgin land disturbance when they are committed to responsible land-use planning and such a huge current topic. Also supports Site 1 and to do it well.

Clm. Kelley-Mackenzie – Agreed with Clm. Goldberg and noted there is a lot of space out back of the current site.

Supr. Witmer – Agrees and supports rehabilitating and reusing the current site.

Further discussion regarding RFP for designing, planning and grant funding. In the meantime, assessment needs to be done to the current building and address the immediate issues of the current facility.

Resolution 65 of 2022. Site Selection for New Highway Barns

Motion: Witmer Seconded by: Kelley-Mackenzie

Resolved, the Caroline Town Board selects Site 1 for the new highway facility and recognizes that this selection is strongly in line with the Town's Comprehensive Plan and is the best way to direct the Town's development going forward.

Motion carried.

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

Nays: None

Discussion of ARPA funds

Supr. Witmer is still hopeful to use funds for broadband. The Association of Town's will be hosting a meeting on the administration of the funds that he and Velvet will attend. Clm. Goldberg concerned how they will dedicate this money for broadband when it's still unknown what the State and County will do with their recent surveys and mapping. Further questions regarding what could be achieved with \$350,000. Supr. Witmer gave a brief background on past buildouts here by Haefele. Clm. Goldberg wondered if they find broadband is not possible, what the funds would do to help Emergency Services or to assist other needs such as land preservation. Clm. Murray suggested that Supr. Witmer reach out to Lee Haefele to get some of these questions answered in order to make a decision on broadband or not. Hwy Supt has also asked for half of the funds (\$180,000) to purchase an Excavator for the Highway Dept. Clm. Murray would prefer to use the money to help the community and take advantage of the money that otherwise they wouldn't have the availability for. Clm. Snow also noted they could use the funds or a portion of it, for restorations of the current highway facility.

Discussion of extension of Land Use Moratorium

The Moratorium will expire on August 1, 2022.

Clm. Goldberg has concerns about extending the Moratorium primarily because residents are presently sharing their fear of restrictions. She would like to reduce barriers and restrictions for people in the town but recognizes that there is critical work happening that deserves a pause. Interested in investigating the legality of creating ways to lessen the burden on residents that want to build here, while still restricting other outside big businesses from developing here, if that is the concern.

Supervisor Witmer agreed that the Moratorium can be tailored to reduce some of the barriers that the community is concerned about.

Clm. Murray was pleased with the benefit of having the Moratorium in place to this point. Recommended they start thinking about how they will process and structure their work on the zoning law and the timeframe they think they'll need once the Commission turns the document over to them. The length of time of the current Moratorium was based on the recommendation given by the Town Attorney and he is sure that he will weigh in again.

Clm. Kelley-Mackenzie – Has spoken to residents that live on Middaugh Rd and they have shared their concern with her about what will happen on a neighbor's property that has had significant land disturbance once the Moratorium is lifted.

Clm. Snow – Asks that if they do decide to extend again if they could try to have more explicit and direct rules so there is no confusion on what's allowed. Clm. Murray agreed and added they keep in mind that there were revisions made to the prior Moratorium which required more time, so it's good they are discussing now and try to have a plan together at least by June to allow time for changes, if needed.

Clm. Goldberg – Her preference is to do whatever they can to do to strongly secure and strengthen their Site Plan Review Law and other existing laws so that they do not have to extend the moratorium. She asked the Supr. to describe what the concerns are and why we have a Moratorium. He answered that they are concerned about the location of development that can only be restricted by zoning. He believes zoning is the only tool towns can use to guide what goes where.

Clm. Kelley-Mackenzie agrees with the concerns related to what goes where. She also has concerns about truck travel and the damage and cost of the repair to the roads, among other things.

Clm. Murray clarified that the Land-Use Task Force did review and make recommendations to the current Site Plan Review Law and the Board asked the Zoning Commission to review that and fold it into a zoning law. Clm. Goldberg was concerned that the revamping of the Site Plan Law is only folded into the zoning document and the only way to have it is to pass the zoning law. She questions why they can't do it while the process continues so they have the protection they desire and don't need another Moratorium. Further discussion regarding the Board speaking with the Town Attorney to gather more information and discuss further at the next Business Meeting.

Zoning Commission member, Bruce Murray stated that the Commission in no way should feel rushed to conclude its work because of the Moratorium deadline. Supr. Witmer offered clarification that he is looking for an estimated timeline to help in the extension consideration and that the decision is the Board's, not the Commission's. The Board then discussed revisiting meeting standards and the necessity to reduce public interruptions and to insist on respectful discourse so that meetings can move forward productively.

Resolution 66 of 2022. Supporting Assembly Bill 6763-A and Senate Bill 594-B to provide legal clarity for municipalities to own and operate municipal broadband.

Motion by: Witmer Seconded by: Goldberg

WHEREAS, robust internet access is inadequate in many rural areas of New York State, as is true for Caroline; and

WHEREAS, the Caroline Town Board has engaged with private Internet Service Providers (ISPs) over the past decade to promote buildout of high-speed internet to all residents in Caroline; and

WHEREAS, the Town of Caroline supported the successful Round II and III New York State Broadband Program grants to Haeefe TV for buildout of high-speed internet to 136 residences, but many areas of the town remain underserved; and

WHEREAS, municipally-owned broadband enables municipalities to provide comprehensive internet access within the town and enhance local competition; and

WHEREAS, municipally-owned broadband ensures that internet fees paid by customers go exclusively toward supporting local internet service; therefore be it

RESOLVED, the Caroline Town Board hereby calls for passage of Assembly Bill 6763-A and Senate Bill 594-B to clarify the legal authority for municipalities to own and operate municipal broadband; and further be it

RESOLVED, this resolution with a letter from the Supervisor shall be sent to the Honorable Kathy Hochul, Governor of New York State, Honorable Andrea Stewart-Cousins, Majority Leader, New York State Senate, the Honorable Rachel May, Member, New York State Senate, the Honorable Peter Oberacker, Member, New York State Senate, and the Honorable Anna R. Kelles, Member, New York State Assembly.

Motion carried.

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

Nays: None

Resolution 67 of 2022. Approval of Vouchers for Payment of Town Bills

Motion by: Witmer Second: Snow

Resolved, the Caroline Town Board approves payment of vouchers for bills in the amounts of \$22,863.05 for the General Fund, \$56,675.91 for the Highway Fund, and \$368.79 for the Streetlight Fund.

Motion carried.

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

Nays: None

Resolution 68 of 2022. 2021 Budget Transfers

Motion by: Witmer Seconded by: Murray

(PS = personnel services, CE = contractual, EQ = equipment)

Resolved, the Caroline Town Board makes the following 2021 budget transfers:

\$82.50	from A1110.4 Court CE	to A1420.4 Legal CE
\$863.98	from A1110.4 Court CE	to A1670.4 Print/mail CE
\$6.13	from A1110.4 Court CE	to A1220.4 Supervisor CE
\$2.00	from A1620.1 Cleaning PS	to A7510.102 Deputy Historian PS
\$252.89	from DA5140.1 Miscellaneous PS	to DA5110.1 General Repairs PS
\$612.51	from DA5140.11 Misc. PS OT	to DA5110.11 Gen. Repairs PS OT

Motion carried.

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

Nays: None

Resolution 69 of 2022. Set the Rate for the EV Charging Station

Motion by: Witmer Seconded by: Snow

Resolved, the Caroline Town Board hereby sets the rate for the Caroline Town Hall EV Charging Station at \$0.30kwh to help offset the cost of the Maintenance Software.

Motion carried.

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

Nays: None

Resolution 70 of 2022. Appointment of Andrew Dygert as Chair to the Ag Committee

Motion by: Witmer. Seconded by: Snow

Resolved, the Caroline Town Board hereby appoints Andrew Dygert as Chair to the Caroline Ag Committee.

Motion carried.

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

Nays: None

Approval of Minutes

The Town Board reviewed and approved the Minutes of April 6, 2022, as submitted by Velvet Lyke

A motion to adjourn by Supr. Witmer and seconded by Clm. Snow at 10:32 p.m. and was carried unanimously.

----Adjourn----

Respectfully Submitted,

Jessica L. Townsend, Town Clerk