

Caroline Town Board Agenda Meeting Minutes of July 6, 2022

The Town Board Meeting was held hybrid at the Caroline Town Hall and was called to order at 7:01 p.m. by Supr. Witmer. *This meeting was recorded and posted to the town website.*

Attendance:

Supervisor Mark Witmer
Councilmember Cal Snow
Councilmember Tim Murray
Councilmember Katherine Goldberg
Councilmember Kate Kelley-Mackenzie

Recording Secretary:

Jessie Townsend, Town Clerk

Also present in-person: 30 members of the public. **Present via zoom:** 15 members of the public

Supr. Witmer opened the meeting and led the Pledge of Allegiance.

Privilege-of-the-Floor

RC Quick – Spoke regarding the ZC Information Session that was held last week. Deeply concerned with how ZC Chair spoke to a resident, saying to “piss off”. He believes she is feeling the pressure of the zoning process and asked the Board to ask the Chair to resign and stated that this situation is not good for anyone.

Clm. Goldberg responded that in her review of the recorded meeting, the quote was “piss on that” and not “piss on you” or “piss on your grandfather”.

Bruce Murray – Spoke first about the Moratorium Ext. Restated that the original petition that was used as the basis of beginning the Moratorium, and subsequently, the zoning initiative, was based on a petition that had over 800 signatures. He discovered later that petition had in fact only 238 signatures and believes that the Moratorium is illegal, and it should have been brought to a public vote. He then spoke about the proposed Residency Law – Would like the law to state what public officers specifically can reside out of town and is opposed to hiring any public official that resides outside of Tompkins County.

Robert Swansbrough – Asked for the Zoning Chair to step down. It doesn’t matter what the quote was, piss on this, or that, is totally inappropriate, period. The Residency Law - changed in 2020 when Brooke Greenhouse was hired as a Code Officer, now the Board is revising it for the hire of a new Code Officer. Brookton’s Market – read letter from Interim Code Officer, Brian Buttner, summarizing that tent at the Market needs to be taken down.

Supr. Witmer clarified that the owners of the Brookton Market are working with Mr. Buttner to resolve the tent matter and are close to completing the requirements.

John Morse – Agreed that the Zoning Chair went overboard and that it needs to be addressed. Stated that Moratorium needs to end. This was meant to be a temporary law and it has been in place for years now. Town laws are changing rapidly; he is opposed to this. He also feels that public officials should be residents of the town. Neighbors are getting angry at each other and there is tension in the community. The town is not on a good course.

Julie Sorrell – Listened to the video of the Zoning Information Session. The comment made by the Chair was disrespectful to the heritage of Caroline and she should resign. Those are the people who made this

community what it is today. She feels that the Board is changing the town laws when it suits them. She is opposed to opening residency for public officials.

Pete Hoyt – Feels for the Board, believes them to be between a rock and a hard place. If the Moratorium isn't renewed, then the question is what have we done the past two years? If the Board does extend it once again, it doesn't appear that it's a short-term thing. Case law seems to favor shorter rather than longer. Glad that he does not have to make the decision.

Chad Tibbals – Thanked the public for coming tonight. Residents are trying to do what is right. Fighting against zoning is not a waste of their time. States we have a great town, and they just want to keep it that way. If zoning passes, too much will change. Asked the Board to consider the people.

Supr. Witmer responded that we all love Caroline for what it is. Zoning is a proactive measure to protect what we all love. The whole idea of the ZC working with the citizens to construct what we want.

Introduction of A Local Law Amending and Restating Local Law 1 of 2020 as Local Law __ of 2022 to Extend Geographic Area for Eligibility as Town of Caroline Appointed Public Officers

Supr. Witmer introduced the Local Law and explained that the rationale of the law is stated in the law itself. This law was previously amended a few years ago and struggled with how far to stretch the residency requirement. Now in the process of hiring a Code Official and it makes sense to him to broaden the pool of applicants.

Clm. Kelley-Mackenzie explained that there were no applicants from Caroline. Other towns have struggled to hire in house as well.

Clm. Murray stated that this law is consistent with County policy, and he would like to stay on course with them. This was overlooked when it was amended a few years ago, but approves the change be made now.

Clm. Kelley-Mackenzie added that if they don't hire someone that New York State will send someone.

Introduction of A Local Law Modifying and Extending the Existing Moratorium upon Land Use Development Reviews and Approvals and Commercial, Retail, Business, and Industrial Land Development Actions

Supr. Witmer introduced the Local Law and summarized the necessity to extend the Moratorium while the town develops zoning. This law does not apply to farming business, home businesses, and explained that there is a Waiver Exemption. This law only applies to commercial projects and developments that would trigger Site Plan or Subdivision Review.

Clm. Goldberg gave a list of modifications that she would recommend in relation to a section covering agricultural landscape and strategies. Brief discussion amongst the Board and it was ultimately decided to remain unchanged. Clm. Kelley Mackenzie also made a recommendation to Section 2 of the law, Authority and Intent. In the last sentence in the paragraph, "if the Town opts not to proceed with zoning" was agreed to be removed from the clause.

Clm. Murray added that he is in favor of the extension. Feels they need to be consistent in allowing the Zoning Commission to complete its work and there is a waiver process included in the law. In the 2 ½ years that this has been in place, they have only received one appeal, and that waiver was ultimately granted due to hardship.

Cm. Goldberg stated that she has said on numerous occasions that she is opposed to restricting local businesses. Hoped there would be a way to only restrict, for example, national “box stores” but this could not be done. Pointed out that the waiver requires “extraordinary hardship” and asked for clarification on how that will be demonstrated. Believes this to be too tedious.

Supr. Witmer explained that the waiver process is stipulated by State Law. Added that they did negotiate the language, and yes, “hardship” is a judgement call.

Cm. Snow said that Moratoriums should be rare and specific. Didn’t like it from the beginning and has not changed his opinion. Should be working on Site Plan and Subdivision Review regulations and take a step back from zoning process for a few years. Caroline needs planning, not zoning and some act as though those are equivalent, and he disagrees. Doesn’t feel good about the road we’re on.

Cm. Kelley-Mackenzie outlined the zoning process and confirmed that after the Commission finishes its work, they will still need to go through SEQR process. Cm. Murray added that then the Board will most likely share the draft with the Ag Committee, and Tompkins County, and finally NYS Ag & Market. Still much to go through, a year is a fair assessment.

Resolutions

Resolution 84 of 2022. Set Public Hearing to Extend Geographic Area for Eligibility as Town of Caroline Appointed Public Officers

Motion by: Witmer Second: Snow

Resolved, the Caroline Town Board hereby agrees to set the Public Hearing on A Local Law Amending and Restating Local Law 1 of 2020 as Local Law __ of 2022 to Extend Geographic Area for Eligibility as Town of Caroline Appointed Public Officers to be held on Wednesday, July 13, 2022, at 6PM.

Motion carried.

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

Nays: None

Resolution 85 of 2022. Set Public Hearing to Modify and Extend the Existing Moratorium

Motion by: Witmer Second: Kelley-Mackenzie

Resolved, the Caroline Town Board hereby agrees to set the Public Hearing on A Local Law Modifying and Extending the Existing Moratorium upon Land Use Development Reviews and Approvals and Commercial, Retail, Business, and Industrial Land Development Actions, to be held on Wednesday, July 13, 2022, at 6:30PM.

Motion carried.

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

Nays: None

Committee Reports

Cm. Snow – Cornell Design Connect – Received an email regarding a partnership for design and planning services. The deadline for applications is the end of July. He would like to get in touch with Ms. Marquez, a board member of the design group, and discuss a possible beautification design for the space out front of the Town Hall. Met with Steve Gibian and he will be working on the Old Town Hall project. Lastly, he is currently researching replacement doors for the highway dept.

Cm. Murray – ZC – Next meeting has not set yet. Should be posted in the next few days.

Cm. Goldberg – Ag Committee – Meeting tomorrow at 7PM at the Old Town Hall. Minutes have been posted to the Town website. Committee member (Erica) and Chair (Andrew) to meet with Monika Roth

regarding Farmland Protection Plan. Dryden, Lansing, Ulysses and the City of Ithaca all have these Plans and recommends their review. The zoning map for the Ag lands are inaccurate. Would like to get that updated and will send and discuss with the ZC.

Supr. Witmer – Broadband -Haefele will be giving a proposal on developing buildout to 100% coverage. TCCOG – Meeting with Hunt Group to discuss municipal broadband. The Town of Dryden is putting in their own broadband and will see how that goes. The State is supporting rural municipality broadband. Plan for all municipalities to join. If the State Plan is not ready in two years, and Haefele gives a reasonable contract, may want to use ARPA funds to cover the costs and get it in motion.

Clm. Kelley-Mackenzie – Attended webinars for Safe Streets and Roads for All. Meeting with other municipalities to do a joint application for a State grant for Planning. Board will need to pass a Resolution to be a part of it. Deadline is in September.

Approval of Minutes

The Town Board reviewed and approved the Agenda Minutes of June 8, 2022, as submitted by Town Clerk, Jessie Townsend.

Agenda Items for July 13 Business Meeting

Two Public Hearings

Resolution to add Assistant to Town Historian

Resolution to Purchase Snowplow Truck

Resolution to hire new Code Officer

Executive Session to discuss the Code Officer position

----Adjourn the meeting ----

The meeting adjourned on a motion by Clm. Murray and seconded by Clm. Goldberg at 8:44 p.m.

Respectfully Submitted,

Jessica L. Townsend, Town Clerk