

Caroline Town Board Meeting Minutes of December 7, 2021

The Town Board Agenda Meeting of December 7, 2021, was held electronically via zoom teleconference and in-person at the Caroline Town Hall and was called to order by Supervisor Witmer at 7:06 p.m.

Attendance:

Supervisor Mark Witmer
Councilmember John Fracchia
Councilmember Cal Snow
Councilmember Tim Murray
Councilmember Katherine Goldberg

Recording Secretary:

Jessica L. Townsend, Town Clerk

Also Present: 1 member of the public via zoom and 1 in-person

Privilege-of-the-Floor

Nathan Jauvtis – Earlier today he had sent a letter to the town board giving some background on a property located on the seasonal end of Downey Rd and has come tonight to discuss. He is not the owner of the property but is helping her navigate through this process. The owner is interested in making her cabin habitable for year-round stay. They are seeking an address to be assigned and accessibility to the property. Because Hwy Supt. Spencer was not in attendance this evening, Clm. Murray recommended that the discussion be postponed until they could receive his thoughts and comments. Clm. Snow also asked that Nate gather more information regarding the desire and need to have this seasonal end opened.

Review of Highway Facility Site Evaluation Report by Laberge Group

Phil Koziol and Jim Clarke presented and briefly described their feasibility study for a new highway facility. They gave an overview on the report which centered on design and construction, the functionality, and operational needs of a facility for the next 30+ years. They studied three potential sites and outlined the pros and cons of each, the site concepts, cost estimates, and gave their recommendation. Based on these factors and others, they named Site No. 3 to be the most favorable. This site is 48.19 acres of vacant land, adjacent to the Brooktondale Fire Station. The highway facilities would require approximately 12 acres of land, so the Town would have the option to purchase that lot size or purchase the entire lot to reserve the rest for open space. This would align with the Town's Comprehensive Plan.

Clm. Murray was surprised that they found this site to be aligned with our Comp Plan, as he finds it to be the only site that does not conform with our Comp Plan. That instead of using the first 2 sites that are areas already disturbed, this site would disturb open space. Clm. Goldberg agreed.

Discussion regarding grant funding and community loan programs. The probable cost of Site 3 is \$5,900,000.00

Phase 2 includes design, bidding, and construction. Step 1 is to pick a site and then proceed with planning and design services and to then secure funding for the project.

Board members were asked to give questions or leave comments with Clm. Fracchia to pass to Laberge.

This will conclude Phase 1.

Introduction of A Local Law to Opt Out of Allowing Cannabis On-Site Consumption sites as Authorized Under Cannabis Law Article 4

Supr. Witmer introduced the draft cannabis local law.

Discussion: Clm. Goldberg recommended to revise “when” to “if/when” in paragraph 2 Section 1. As she understands it, that to have flexibility in opting out or in, they have to opt out now. This will allow more time to discuss and learn more about this law, she is in favor of opting out of both for now. Clm. Murray recommends that they should watch how the state develops regulations and should they opt-out now to dispensaries, not waiting too long to opt-in and risk the loss of tax revenue while other dispensaries open in neighboring towns. Clm. Fracchia was split. He is in favor of opting out of on-site consumption but opt in for dispensaries. Clm. Snow said that after some consideration, he wishes to opt out of both on-site and dispensaries for now and see how regulations are implemented in NYS. Dispensaries can’t be built right now anyways because of the Moratorium, so there is no need to rush into this. Supr. Witmer was also in support of opting out of both for now. This will allow time to see how things play out as well as giving us the ability to opt in later. The Board must now pass a local law to opt out and the process for opting-in in the future, they will rescind the Resolution.

Local Law No _____ of the year 2021

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4

Be it enacted by the town board of the Town of Caroline, County of Tompkins as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Caroline that would otherwise be allowed under Cannabis Law Article 4.

The Caroline Town Board has made this determination in order to enable it to opt-in if/when the board is satisfied that the Town has full information and has put in place any recommended measures to support the Town’s vision and goals.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Caroline hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town’s jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this

Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution 154 of 2021. Vote on revisions to the Introduced Local Law to opt out of marijuana dispensaries and places for on-site consumption

A motion made by Supr. Witmer and seconded by Clm. Goldberg

Resolved, the Caroline Town Board hereby amends the language of the introduced local law to include the wording as recommended by Clm. Goldberg to Legislative Intent, paragraph 2 ("if/when"), as well as opting out of both dispensaries and places for on-site consumption as authorized under Cannabis Law Article 4.

PASSED: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 155 of 2021. Set Public Hearing

A motion made by Supr. Witmer and seconded by Clm. Fracchia

Resolved, the Caroline Town Board hereby agrees to set a Public Hearing to receive comments on the draft local law as amended, at the beginning of the Business Meeting next Wednesday, December 15, 2021, starting at 7:00 p.m.

PASSED: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 156 of 2021. Delivery of Local Laws

A motion made by Supr. Witmer and seconded by Clm. Goldberg

Resolved, the Caroline Town Board hereby agrees to allow the Town Supervisor to deliver Local Laws to Town Councilmembers by email.

PASSED: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 157 of 2021. Set End-of-Year Meeting

A motion made by Supr. Witmer and seconded by Clm. Fracchia

Resolved, the Caroline Town Board hereby agrees to the end-of-year meeting be held on Thursday, December 30th 2021 at 9:00 a.m.

PASSED: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Committee Reports

Councilmember Murray – Court – Board members received a report earlier today from the Court. This was initiated from several requests by Clm. Murray for clarification as to why the Court decreased from a two-day Court week to a one day per week (Mondays). This is still unclear to him, but the Court Clerk reported to Supr. Witmer that the Judges would rotate every two weeks. This change was announced until the second week that they had made this change. Personally concerned why they have not been given reasonable logic as to why they are cutting court hours to one day per week. Key policy – believed this issue was resolved during their previous meeting with the town and judicial attorneys. Both attorneys had agreed that Town Law provides authority to have access to all town buildings. This materialized after two

separate incidents where a technician could not access the breaker box and the Slaterville Fire Chief could not inspect and evaluate safety of the building. The court has also requested a new liaison be appointed beginning in 2022. Clm. Fracchia recommended that they speak to the town attorney again and ask him to write to the court reminding them of their agreement. Clm. Murray added that immediately after the meeting, they were promised a letter from Attorney Shapiro that summarized the meeting, and he never did. Supr. Witmer wrote a summary letter from their perspective and sent it to all the parties that attended the meeting. Neither the attorney nor the Judges ever informed them of any disagreement to the report they gave. He stressed that they have tried to communicate with the Court despite the Judges claims.

He lastly gave his support and appreciation to Supr. Witmer for his efforts on seeking resolution these issues so that all parties can move on. Clm. Fracchia feels that the necessary steps have been taken to settle these issues. Supr. Witmer added that he advised the Court on Nov. 19, that he had scheduled the key change for Nov. 23rd, a day when the Court Clerk would be in attendance. The morning of the scheduled change, the Court Clerk did not show up. He called and she advised that she was home sick and would not be coming in. A member of the public appeared at noon for Court and was not notified that Court had closed. Supr. Witmer made the decision to send the locksmith away since no one from the Court was present at that time, and the Town was charged \$85.00 for that visit. No further action has been made to date. Clm. Fracchia again recommended speaking to Attorney Krogh. Clm. Goldberg agrees and understands that these events are available, in detail, through the ongoing email exchanges, but she strongly recommends continuing to document all correspondence. She also stressed that this is an incredible waste of time and resources. Clm. Murray added that the Town does have a right to access all town offices, with the understanding that any confidential records be secured, and the Court Clerk expressed her disapproval of this inconvenience. Supr. Witmer has spoken to other Town Supervisors regarding key policies, and they all voiced that it is standard practice to have the Supervisor, Clerk or other town official, hold a master key to all rooms of town space.

Zoning – The 2 public informational meetings were held last Thursday via zoom and Sunday afternoon at the Fire Hall. Notices for these events were sent to all citizens and comment boxes have been left in areas around town (Brookton's Market, Town Clerk's Office, Speedsville Store). The Commission is planning to hold another public meeting in mid-to-late January when more information will be available to the public. The next zoning meeting will be on Tuesday, December 14th.

Councilmember Fracchia – Clm. provided the following report:

Buildings & Grounds/Highway Project

- The draft report from LaBerge was received and distributed to Task Force and Board members. Phil Koziol will attend our agenda planning meeting to take questions and feedback on the draft, which will inform the final report. Receipt of the final report will complete Phase 1 of the project. For continuity, I recommend that Councilmember Snow become committee chair.

Joint Youth Commission

- December 14 will be my last meeting with the Joint Youth Commission (JYC) and I will report any updates at the December 15 business meeting. The Town Council will need to appoint a new board liaison to JYC at the 2022 organizational meeting. As an FYI, there will likely be a JYC Town Representative vacancy as Nancy Kane may have a conflict with her teaching schedule. She will apprise the board as the situation clarifies.

Final Thoughts

When I was elected to Town Council in November of 2013, I tended to view politics and change through a more nationally focused lens. Over the past eight years I have discovered just how critical local government is and how many tangible things can be and are accomplished at the local level, perhaps because of the close relationship we have to the community we serve. I have also learned how painstakingly slow progress can be and that it is frequently incomplete and often incremental.

In my service I am proud that a much greater portion of our town now has access to broadband internet, but disappointed that there are sections that still desperately need it. I am proud of the work that was done to maintain emergency medical service though sad that in the end it was not possible to do so. Some issues, and this is one of them, really need to be addressed at the state and/or federal level. I am proud of my work on the board of the Health Insurance Consortium, which is an outstanding example of shared services and which has helped keep employee health insurance costs down and taxes in check. I am proud that every budget on which I voted came in under the tax cap. I am proud to have been our board liaison to the Joint Youth Commission, which ensures that Caroline youth have access to skill building programs. So much can be achieved at the local level, but it takes a community to get there.

I am grateful to my board colleagues over the years, Don Barber, Megan Barber, Katherine Goldberg Forrest, Tim Murray, Gary Reinbolt, Tim Seeley, Cal Snow, Irene Weiser, and Mark Witmer. I have learned a great deal from all of you. The same is true for the many other elected officials and Town of Caroline employees that I have worked with over the years. I learned from and appreciated all of you.

Finally, I am grateful to the members of the Town of Caroline community. Whether we always saw things the same way or not, you showed up. Your perspectives were tremendously valuable to me over the years and I appreciate your counsel as well as your confidence. It has been a pleasure.

Fare Thee Well.

Approval of Minutes

The Business Meeting Minutes of November 10, 2021, as submitted by Town Clerk, Jessica Townsend was unanimously approved.

Agenda Items for December 15 Business Meeting

Public Hearing on Cannabis Local Law
Transfers
Resolution for wage rates
Discussion to specify terms for the Towns Health Insurance
Discussion on Laberge Report
Update on Streetlights
Discussion on ARPA Funds

Supervisor Witmer called for a motion to enter Executive Session at 9:02 p.m. and was seconded by Clm. Murray to discuss personnel issues and ended at 10:00 p.m. A motion to adjourn carried unanimously

----Adjourn the meeting ----

Respectfully Submitted,

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Jessica L. Townsend, Town Clerk