

Caroline Town Board Agenda Meeting Minutes of July 6, 2021

The Town Board Agenda Meeting held on July 6, 2021 at the Caroline Town Hall and electronically via zoom teleconference was called to order at 7:05 p.m.

Attendance:

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

Recording Secretary:

Jessica L. Townsend, Town Clerk

Also Present: 3 members of the public in-person; 1 via zoom

Pledge of Allegiance was led by Supr. Witmer

Privilege-of-the-Floor

Sylvia Short – Asked the Board for an update regarding the petition sent in March 2021 to table any non-essential resolutions and local laws until open meetings resume in-person.

Supr. Witmer – Shared that the board did respond to the petition at last month's meeting, in addition to a prior meeting. He described that the board has held meetings via zoom for the past year-and-a-half during covid because of the concern of public safety and in doing this, the board has been acting under the guidelines of New York State. They are now transitioning to open meetings and are asking the public to wear masks and social distance during the meetings. The board will be discussing and considering requirements going forward. He understands that attending meetings over a computer is a new realm for many people and they had asked that anyone with concerns should call or write to the board.

Committee Reports

John Fracchia, Councilmember – Building and Grounds

- The contact with LaBerge for consulting services was reviewed by Town Attorney Krogh and we, along with Councilmember Snow, met with Mr. Syden to go over a few small items where we were requesting changes. The changes were agreed to, and a revised contract was received, reviewed, and signed by Supervisor Witmer.
- The Task Force along with Supervisor Witmer met with representatives from LaBerge on Thursday, July 1 for a project intake meeting. After the meeting, the current property and the Perkins Road property were toured.

Joint Youth Commission

- Attended the June JYC Committee meeting. The board is currently considering funding requests from JYC supported organizations. These include: The Learning Web, Cornell Cooperative Extension, the Coddington Road Community Center – Camp Coddington, Youth Employment Services (YES) of the Ithaca Youth Bureau, and the Youth Entrepreneurship Market.
- Progress on 2021 goals were also reviewed, which include:

- Attend at least one municipal meeting per municipality per year on behalf of the JYC
- Monitor year-round programs at least twice per year.
- Ask programs to bring a youth to one of two scheduled JYC meetings per year to provide feedback.
- Quarterly review of progress towards goals.

Misc.

- I would like to express my appreciation to Supervisor Witmer and Town Attorney Krogh for their notification about an updated Pride Flag and ensuring that the TOC displayed it.

Discussion of pros and cons regarding taking a bond considerably early if there are favorable interest rates. The highway committee, along with Laberge, will also be exploring grant opportunities.

Councilmember Snow - None

Councilmember Murray – Zoning Commission – Met 2 weeks ago to work on the language of the preamble. Also began a discussion on what would constitute the hamlets of the Town. The next meeting will be held in-person at the Town Hall on Tuesday, July 13th at 7pm.

Clm. Goldberg shared a document “[Adopting Zoning for the first Time](#)” that may be helpful to residents to better understand the zoning process.

Councilmember Goldberg – Planning Board – Finishing the Battery Energy Storage System Law. This law came from the Solar Siting Law. Two of the Three Fire Chiefs attended the last meeting and discussed what would need to happen to mitigate a fire or hazard at a future site. Thinking of bringing this to TCCOG and if it is a county-wide issue. It also needs to be discussed with TCCOG or a County Coordinator, that if and when a Battery Storage Site is located in the County, there should be a county-wide training for Fire Departments and Code Officers throughout Tompkins County. It was also agreed that there should be a unified standard across municipalities on how to respond to these things. The Fire Chiefs also reiterated that dry hydrants are needed in town for all 3 Fire Districts. Lastly, the members of the Planning Board had discussed 3 areas to split off the zoning work and those would be: critical environmental areas; telecommunications; and easements for preserving open space. This has not yet been determined, more info to follow.

Discussion of court presentation and concerns of June 9th

Supr. Witmer – The town board has been asked to assess the equity of their salary. In 2020, each Justice received a 19% increase. A provision was made at that time was asking for caseload information. This is just basic information that towns use to assess the needs of the Court. This information is required during the annual audit process and was determined to be appropriate by the Town Attorney. The town board is not asking how the Court handles cases, that is not the information they are requesting. Supr. Witmer presented and discussed spreadsheet (ATTACHMENT 1). The spreadsheet shows why case load is an essential necessity when making financial decisions for the town. The information on the spreadsheet are estimates for Newfield and Caroline. At the last board meeting the Justices have asked for a salary of \$18,000/each.

Clm. Murray – Based on previous conversations, the Court has made it clear that they will not give case load information to the town board, and they will have to take that into consideration during budget discussions. He felt that the style and content that was presented by the Court last month was shocking. He visited Ferguson, Missouri one month after Michael Brown was shot down and visited his sister, and

he finds it to be extremely disappointing that the Justices would use that example in a self-interested way to argue for an increase in their salaries.

Clm. Goldberg – Wants to separate their request for a raise and their behavior. Based on no information given and without a compelling argument, is not in favor to give a raise. Does not know if this is something to be voted on now or during budget meetings this fall.

Clm. Murray – Reminded the audience that the Justices were given a 19% raise 2 years ago and that all non-union town employees were not given a raise this year because of budgetary concerns surrounding Covid. At last month's meeting, the Justices have also asked for retroactive pay for this year. Another issue that needs to be considered is buildings and grounds.

Clm. Fracchia – Does not agree with the validity in the metric used on Supr. Witmer's spreadsheet and believes there are other ways to look at it. It also does not consider other aspects of the position and what that is worth. He states that the board and the Justices are at an impasse. This issue has been going on for years and are making zero progress. Would like them to consider taking this to arbitration.

Further board discussion regarding the consideration of whether Caroline should have only one Justice and/or to share responsibilities or consolidate with a neighboring town. Supr. Witmer would like to continue part of this conversation in Executive Session at the end of tonight's meeting.

Supr. Witmer – Budget season is coming, and he is willing to consider other ways to reach a decision, however, is against having budget decisions made by an arbitrator.

Clm. Goldberg – Agrees with Clm. Fracchia that this has gone on too long but feels that is because it has been allowed. Conduct has been a distraction and believes there should be direct communication of their request for a salary increase.

Clm. Fracchia – Agrees that an independent arbitrator should not be making budgetary decisions and believes there are non-binding arbitrators that could render an opinion and give a recommendation. This should be considered and come to a place of neutrality where all parties can be heard.

Supr. Witmer – Budget requests are sent to departments around August 1st, the budget is drafted in September and then several budget workshops are conducted before a final draft is completed before November 20th. There is still time to think about this, but since the Justices are asking for an answer now, will draft a Resolution and vote at next week's Business Meeting and this was unanimously agreed.

Clm. Murray – Reported that the Court is not using the postage meter at the Town Hall but rather purchased stamps at a higher rate and ordered Ace Security to change various locks. Wants the board to be aware that the difference of opinion over governmental facility sharing remains.

Supr. Witmer – Recommends that the board make a policy about keys, management of town records, management of resources, and town spaces.

Clm. Fracchia recommends the Justices Chambers be off limits to any shared space but supports the conference room where the Court is currently storing records be a shared space room and proceed to build or buy a cage to secure court records as discussed before the pandemic. Is pessimistic about there being a resolution between the Justices and the Board on these issues due to the lack of trust and civility.

Clm Murray explained that when he took over as liaison to the Court in January, by mere expression of difference of opinion was taken as aggression and attack but it was not that at all. Does not accept that the behavior between parties is equivalent.

Cltm Fracchia believes that a lot of good intentions were often misconstrued. Last month's demonstration by the Court showed how deep this really is. Agrees it was not helpful or appropriate, but it is borne from the perception of the history. Does not know how all parties will move forward without mediation.

Discussion on ARPA Funds

The American Recovery Plan Act (ARPA) will give direct funding to the town and Supr. Witmer has completed the required paperwork and he has attended several webinars regarding same. The money will be distributed in two bunches, one this year and one next year. It must be covid related impacts beginning March 3rd of 2021. There have been three areas of infrastructure that have been called out for consideration and those are water, sewer, and broadband. There is a broadband study underway now and should wrap up in fall. During the pandemic there were numerous complaints from town residents regarding the lack of broadband and Supr. Witmer supports putting the money towards that service. Clm. Murray read that the funds could be provided to local businesses that were financially impacted the most such as lodging and restaurants. Clm. Fracchia supports both ideas, but particularity would like to provide broadband since it has been an issue for many residents for years. Supr. Witmer explained that there is time to make a thorough assessment and no rush to decide. The board has until 2024 to obligate the funds. Further discussion on these funds will be ongoing.

Approval of Minutes

The Business Meeting Minutes of June 9, 2021, as submitted by Town Clerk, Jessica Townsend was unanimously approved.

Agenda items for July 14th Business Meeting

Approval of 284 Highway Agreement
Resolution for the Court's budget request

Executive Session was called by a motion made by Supervisor Witmer and seconded by Councilmember Murray to discuss possible legal issues and was carried unanimously at 8:50 p.m. and ended at 10:00 p.m.

----Adjourn the meeting ----

Respectfully Submitted,

Jessica L. Townsend, Town Clerk