

## **Caroline Town Board Business Meeting Minutes of July 11, 2018**

The Town Board Agenda meeting held on July 11, 2018 at the Caroline Town Hall was called to order at 7:02 p.m. by Supervisor Mark Witmer.

**Attendance:** Mark Witmer, Supervisor  
John Fracchia, Councilmember  
Irene Weiser, Councilmember  
Cal Snow, Councilmember

**Absent:** Megan Barber, Councilmember

**Recording Secretary:** Jessica L. Townsend, First Deputy Clerk

**Also Present:** 15 people of the public attended

Supervisor Mar Witmer led the Pledge Allegiance to the Flag.

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### **Privilege-of -the-Floor:**

Tony Tavelli - Asked why the topic of appointed vs elected keeps coming up. He believes in majority rules and decision by the people – why give that up?

Bruce Murray – Asks why an appointed position would be better than an elected position. He also expressed concern that the latest position for Town Justice was not advertised. He also reported that the Watershed Committee has obtained a first-time grant to plant trees along creekbanks and other needed areas.

Beth Harrington – Spoke about the New York Health Act and stated that good information was provided.

Pete Hoyt – Spoke about the New York Health Act; and agrees with those not in favor of appointed vs elected positions. He believes in the distribution of power with elected officials and voters don't want their power taken away.

Cathy Mix – Thanked the Board for the flag policy process; and agrees that elected positions assist with distribution of power.

Russell Nelson of Cornell Cooperative Extension – showed the Board a device they would like to place in the Town Hall that monitors energy use. This item was referred to the CIT Committee.

Edie Spaulding – Spoke against the appointed vs elected positions.

Cindy Whittaker – Spoke about the problems ATV operators are having since there is no legal access to ATV trails if crossing or using Town roads is required. She encourages the Board to consider adopting a policy similar to other towns for ATV access.

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## **Presentation on the New York Health Act by Susan Beckley**

Ms. Beckley provided a power point presentation on the New York Health Care Act – which is “A Medicare-For-All Type Universal Health Care Coverage Bill” (Based on Ability to Pay) **Senate Bill S4840**. This proposal has been approved by the State Assembly for the last 4 years, but not by the Senate. She is providing this information to as many municipalities as possible in order to garner their support of a resolution to encourage State Senators to approve this measure. After the presentation, she answered several questions from the audience. According to the information brochure she provided, several million dollars of state and local taxes would be saved and more residents would have a path to more affordable health care.

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## **Interview with C.J. Randall for Planning Services for developing Caroline Solar-and Wind-siting Laws**

Ms. Randall provided Board members with a brief history of the project being brought to the Planning Board for consideration of developing local laws relating to “Community-type” Solar and Wind projects – generally, to develop site plan control in lieu of zoning laws. Her services and expertise would be provided to the Planning Board who would be formulating the laws.

Ms. Randall provided a written list of her qualifications and a list of projects that she has been involved with. She reported that she is self-employed and has provided assistance to many other towns and entities in New York State and is an expert in this area. Along with the development of the laws, she would work with the Town Attorney, Guy Krogh, to develop an Environmental Quality Review Law.

After answering questions brought forth from the Board and the audience, the Board discussed the timeline – the process could begin in early August with periodic meetings scheduled with the Planning Board to address revisions; draft laws could be ready in September or October and presentation to the public by the end of 2018.

The cost for Ms. Randall’s services would be approximately \$100/hr. or a total of approximately \$9,000 for the total project. The Board will consider the proposal later in this meeting.

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## **Additions/Deletions to the Agenda: None**

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## **Reports**

**Mark Witmer, Town Supervisor** – The Supervisor’s Report is as follows:

Town Hall Phones: Comm-Core/Computing Center phone system is installed. Rerouting of alarms is pending. Town Hall Offices: 607 539-6400; Town Court: 607 539-7796; Highway: 607 539-7610.

Code Office: Kevin Ezell and David Sprout from Dryden Code Office are providing interim code services for us. Office Hours: 10am -12 pm Tuesday or by phone (607 844-8888, x. 216) or email ([kevin@dryden.ny.us](mailto:kevin@dryden.ny.us), [david@dryden.ny.us](mailto:david@dryden.ny.us)). Interviews of candidates for the position are underway.

Energy Independent Caroline: LED Streetlights - GIS inventory of Caroline Streetlights was presented by Lee Yoke and interns Hassan and Nathan. Next step is requesting streetlight audit. NYSERDA contract for Brighten-up Caroline in final review by NYSERDA.

Watershed Committee: Caroline Clean Up on Saturday, June 16, covered Creamery, Buffalo, and Speed Hill Roads. Highway Department provided vests and cones and the Cayuga Lake Watershed Network provided plastic bags and pickers. Thanks to Jackie and Julia Cassaniti, Kristen Hychka, Becky Dewitt, and Barry Goodrich. Lucy Gagliardo could not participate, but was very helpful in making this happen.

Buffalo Road Creek Streambank Stabilization: Quarterly report for Buffalo Road Creek Project was submitted to DHSES/FEMA. The project is 80% complete. Finish work and guide rails are pending. Barry Goodrich and T.G. Miller are overseeing the work.

Town Hall Parking and New Bus Shelter: John Andersson provided a design that includes two bioretention areas, bus shelter relocation, and eight angled parking spaces on Midline Road. Angel Hinickle and Jon Negley (Tompkins County Soil & Water) have identified partial funding to support the project as a model for on-site stormwater management.

Town Hall Energy Improvements: received design plan for heat pumps from Taitem Engineering. We will now develop RFP.

Personnel Handbook: received proposal for update of Town Employee Handbook for \$900-\$1200.

**Marilou Harrington-Lawson, Town Clerk** – First Deputy Clerk Jessie Townsend reports that the Town Clerk is out on medical leave until July 23<sup>rd</sup>. The summer hours started last week.

**Dan Klein, County Representative Report** – None

**Cindy Whittaker, Highway Superintendent** – Provided Mr. Witmer with some information and a map regarding a request for ATV access on town roads. There was a brief discussion of the legality of the request and Mr. Witmer will confer with the Town Attorney to get more information.

**Irene Weiser, Councilmember** – None

**John Fracchia, Councilmember** – Reported on Broadband issues. Audience members reported a problem with Frontier and billing matters. Residents are encouraged to check their bills and contact Frontier if there are any problems.

**Cal Snow, Councilmember** – Reported the U.S. flag in front of the Town Hall needs to be replaced and the tattered one disposed of in a proper manner.

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## **Discussion and Action Topics**

### **Resolution 104 of 2018 Streetlight Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the Streetlight Fund voucher number 12 through 13 for \$560.31.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 105 of 2018 General Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the General Fund voucher number 185 through 213 for \$13,556.18

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 106 of 2018 Highway Fund Abstract**

A motion was made by Mark Witmer and seconded by John Fracchia to approve payment for the Highway Fund voucher number 119 through 140 for \$146,998.15.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 107 of 2018 Minutes of the Business Meeting held May 9, 2018:**

A motion was made by Mark Witmer and seconded by Cal Snow to accept the minutes of the May 9, 2018 Business Meeting as submitted by First Deputy Clerk, Jessica L. Townsend

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 108 of 2018 Minutes of the Agenda Meeting held June 13, 2018:**

A motion was made by Mark Witmer and seconded by Cal Snow to accept the minutes of the June 13, 2018 Business Meeting as submitted by First Deputy Clerk, Jessica L. Townsend

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 109 of 2018**

A motion was made by Mark Witmer and seconded by John Fracchia to authorize the Supervisor to sign the NYSERDA grant application (contract) for clean energy in the Town of Caroline

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

### **Resolution 110 of 2018**

A Motion was made by Irene Weiser and seconded by John Fracchia to authorize the Board to hire C.J. Randall for Planning Services for developing Caroline Solar-and-Wind-Siting Laws, as

well as development of Environmental Quality Review Law through the SEQR process, for a total not to exceed \$9,600. It was noted that these laws will be used as guidelines for developers, not individual residential projects.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Aye; Barber: Absent

The Board will continue a discussion and consider a resolution regarding the New York Health Act at the next meeting.

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**Introduction of Local Law to Change the Caroline Highway Superintendent Position from an Elected to Appointed Office**

**TOWN OF CAROLINE, NEW YORK, LOCAL LAW NO. \_\_\_\_\_ OF THE YEAR 2018**

**A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF HIGHWAY SUPERINTENDENT AND THE CREATION OF THE APPOINTED POSITION OF HIGHWAY SUPERINTENDENT OF THE TOWN OF CAROLINE**

Be it enacted by the Town Board of the Town of Caroline as follows:

**SECTION 1.**

This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Highway Superintendent in the Town of Caroline, and any other provision of the Town Law or the Highway Law providing for or referring to the creation of the elected position of Highway Superintendent.

**SECTION 2.**

The elected position of the Highway Superintendent in the Town of Caroline, New York is hereby abolished, effective January 1, 2020. The appointed position of Highway Superintendent in the Town of Caroline, New York is hereby created, effective January 1, 2020.

**SECTION 3.**

Commencing January 1, 2020, the Highway Superintendent of the Town of Caroline shall be the person appointed by the Town Board of the Town of Caroline.

**SECTION 4.**

The appointed Highway Superintendent shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

**SECTION 5.**

This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at the general election to be held on November 6, 2018.

**SECTION 6.**

This local law shall supersede or repeal any prior inconsistent Local Law.

**SECTION 7.**

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

**SECTION 8.**

This local law shall take effect after the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 6, 2018, and the filing with the Secretary of State in accordance with the applicable provisions of law.

**Resolution 111 of 2018**

A motion was made by Mark Witmer and seconded by Irene Weiser to move ahead with **Local Law to Change the Caroline Highway Superintendent Position from Elected to Appointed Office.**

Ms. Weiser believes that putting this forward is an interesting way to obtain community activity and interest in the process; Mr. Fracchia asks that everyone (the public) have an open mind so we are all working in the best interest of the people of the Town of Caroline; Mr. Snow admires the process of elections and participating in the process of voter approvals, and is not in favor of this action.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Nay; Barber: Absent

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**Introduction of Local Law to Change the Caroline Town Clerk Position from an Elected to Appointed Office**

**TOWN OF CAROLINE, NEW YORK, LOCAL LAW NO. \_\_\_\_\_ OF THE YEAR 2018**

**A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND THE CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF CAROLINE**

Be it enacted by the Town Board of the Town of Caroline as follows:

**SECTION 1.**

This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Town Clerk in the Town of Caroline, and any other provision of the Town Law providing for or referring to the creation of the elected position of Town Clerk.

**SECTION 2.**

The elected position of the Town Clerk in the Town of Caroline, New York is hereby abolished, effective January 1, 2020. The appointed position of Town Clerk in the Town of Caroline, New York is hereby created, effective January 1, 2020.

**SECTION 3.**

Commencing January 1, 2020, the Town Clerk of the Town of Caroline shall be the person appointed by the Town Board of the Town of Caroline.

#### **SECTION 4.**

The appointed Town Clerk shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

#### **SECTION 5.**

This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at the general election to be held on November 6, 2018.

#### **SECTION 6.**

This local law shall supersede or repeal any prior inconsistent Local Law.

#### **SECTION 7.**

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

#### **SECTION 8.**

This local law shall take effect after the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 6, 2018, and the filing with the Secretary of State in accordance with the applicable provisions of law.

(See discussion items above).

#### **Resolution 112 of 2018**

A motion was made by Mark Witmer and seconded by Irene Weiser to move ahead with **Local Law to Change the Caroline Town Clerk Position from Elected to Appointed Office.**

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Nay; Barber: Absent

#### **Resolution 113 of 2018**

A motion was made by Mark Witmer and seconded by John Fracchia to hold an Information Session at the Agenda Meeting on August 7, 2018 at 7:00PM, and a Public Hearing at the Business Meeting on August 15, 2018 at 7:00PM regarding the two Local Laws. Discussion followed regarding the residency requirements that will be listed – are we going to limit applicants to Town Residents? This will be decided by the August 15 meeting then will have a Board vote at the September 4<sup>th</sup> or September 12<sup>th</sup> Meeting. If approved, the item would be in the ballot for the general election in November (must be submitted by October 1<sup>st</sup> to the Board of Elections).

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#### **Discussion of process for developing a Caroline Flag Policy**

The Town Board members discussed the process to develop a policy for displaying of flags at the Town Hall. Town Attorney Guy Krogh has provided a good template from the Town of Lansing that he assisted with. A committee comprised of a Board liaison and members of the public will

present findings by the end of the year so that a policy/resolution can be included in the Organizational Meeting in January.

----**Adjourn**----

A motion to adjourn made by Mark Witmer, seconded by Cal Snow and carried unanimously at **9:47** p.m.

Respectfully Submitted,

Jessica L. Townsend, First Deputy Town Clerk

DRAFT