

Caroline Town Board Meeting Minutes of July 9, 2014

The Town Board Business meeting held on July 9, 2014 at the Caroline Town Hall was called to order at 7:00 p.m. by the Supervisor Don Barber.

Attendance:

Don Barber, Supervisor - Councilmember
John Fracchia, Councilmember
Irene Weiser - Councilmember
Mark Witmer, Councilmember
Tim Seely, Councilmember

Recording

Secretary: Marilou Harrington-Lawson, Town Clerk

Also present: There were 7 members of the public and Dan Klein, County Representative

Agenda

Discussion and Action Topics

- Transfers – (7:45)
 - Approve Abstracts: Highway, General, Lighting (7:50)
 - Determination of Environmental Significance of Site Plan Review Local law (7:55)
 - Resolution to Adopt Local Law 1 of 2014 Site Plan Review (8:00)
 - Resolution Urging Tompkins County to opt-in for Residential Clean Energy Systems Assessment Exemption (8:20)
 - Resolution Prohibiting The Use Of Public Property For Purposes Of Commerce (8:30)
 - Resolution Establishing Process for Honoring Deceased Elected Town Officials (8:40)
 - Resolution Appointing Joint Youth Commission Delegates (8:50)
 - Resolution Establishing Annual Open Enrollment Period for Health and Welfare Benefits (9:00)
 - Budget Policy Setting Process Discussion: Mission, Vision, Process (9:05)
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Reports

Cindy Whittaker, Highway Superintendent

See attachment

Don Barber, Town Supervisor

Correspondence of Note:

Letter from TC Planning of 239 review of broadband infrastructure special use permit- clean review

Three Letters from constituents all in support of Site Plan Review Local Law (SPRLL)

Letter from TC Dept of Planning regarding 239 review of SPRLL- as revised – clean review

Correspondence from Historian to Bostwick Auctions

Letter from TC Dept of Planning regarding 239 review of SPRLL

Letter from TC AFPB regarding SPRL

Report:

I believe we have finished language of the Collective Bargaining Agreement- held up at highway dept for unknown reason

Participated in TCCOG meetings regarding collective response, required by NYS Law in June 2015, regarding what we have done to consolidate and collaborate, and what we will implement: 4 focus areas: central support (purchasing, personnel, etc.), highways, courts, and public safety (focus on fire)

Developing contract with Clarity Connect for Broadband Infrastructure Construction and Service agreement- need feedback from Irene and or John

Sent information to SWCD for application for FLOWPA funding for Buffalo Creek work

Met with Wm. Dean and D. Herrick of TG Miller regarding culvert and road stabilization at Chestnut and Downey Roads. Approval for surveying work to be done

Communicated with NYS AG office- attorney that I need to speak with will be back next week

Attended Slaterville PO meeting last night- plan is to have reduced hours. Reason that is the amount of work that is currently being processed through this PO. This decision will be reviewed again. If there is more business, hours could be extended. Post Master is severely impacted as part-time loses health insurance and other benefits- she can apply for a transfer to full time position.

Tim Seely, Town Board

Councilmember Seely is looking for two members to join the Joint Youth Commission. Both people, Councilmember Seely who had spoken to whom showed interest, declined to be members on the commission.

The closing of The Learning Web would not effect any Caroline kids. Caroline kids are covered under the County programs.

John Fracchia, Town Board

No additional report

Irene Weiser, Town Board

No additional report

Mark Witmer, Town Board

The easement work is in progress on Buffalo Rd.; it is coming along, but the process is slow.

Dan Klein, County Representative

Youth Programs County program has increasingly less money without making significant changes programs will decrease this year and next year.

Councilmember Weiser asked his stand on the solar tax exemption piece for Tompkins County residents. With the upcoming public hearing, would he vote to repeal a Local Law passed in 2012 that

opts out of a section of State Real Property Tax Law providing exemptions related to construction of solar, wind or farm waste energy systems. He said, though he had been giving it a lot of thought that he felt having the exemption available for the solar project through Black Oak and alternative energy exemption was meant for a positive use.

Fund Transfers

Resolution 129 of 2014

Motion made by Don Barber; seconded by John Fracchia

Be It Resolved the Caroline Town Board makes the following 2014 Fund Transfers

\$ 412.00 from General Fund Account A 1420.4 Legal Services to General Fund Account A 1420.415 Legal Contracts

\$ 504.00 from General Fund Account A 1990.4 Contingency to General Fund Account A 1010.4 Legislative CE

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Approval of Abstracts

Resolution 130 of 2014

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the General Fund voucher numbers 216 through 245 for \$10,584.90.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye.

Resolution 131 of 2014

Streetlight Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. Seely to approve payment for the Streetlight Fund voucher number 12 for \$424.31.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 132 of 2014

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Weiser to approve payment for the Highway Fund voucher numbers 120 through 130 for \$24,168.84.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolutions

Resolution 133 of 2014

Resolution on County Taxation of Residential Clean Energy Systems

A motion was made by Irene Weiser and seconded by Mark Witmer

Whereas, the Town of Caroline wishes to encourage the development of clean, alternative means of producing energy, and

Whereas, the Town, itself, grants exemptions for such development under Section 487 of the New York State Real Property Tax Law regarding assessment for local property tax purposes related to construction of solar, wind, or farm waste energy systems, and

Whereas, over the next 15 years, our residents could experience a cumulative benefit by saving on Town, County, and School property taxes to help repay the installation of such clean energy systems,

Now therefore be it resolved, we urge Tompkins County to repeal Local Law 1 of 2012 thereby opting back in to Section 487 of the New York State Real Property Tax Law so that residential alternative energy installations will be exempt from County taxes; and

Be it further resolved, that a certified copy of this resolution will be sent to Michael Lane, Carol Chock and Dan Klein of the Tompkins County Legislature before their July 15th public hearing.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 134 of 2014

“Negative Declaration of Environmental Significance” for adoption of Local Law #1 of 2014

A motion was made by Don Barber and seconded by Mark Witmer

Resolved the Caroline Town Board determines a “Negative Declaration of Environmental Significance” for the adoption of Local Law #1 of 2014 Site Plan Review

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 135 of 2014

Site Plan Review Local Law #1 of 2014

A motion was made by John Fracchia and seconded by Tim Seely

Resolved the Caroline Town Board adopts the Site Plan Review Local Law #1 of 2014.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Comments:

All Town Board members spoke in favor of the Site Plan Review Local Law and commended the Planning Board for the hard and thoughtful work that they put into revising the law.

Councilmember Weiser- To the planning board, this is an incredible work of labor, exceptional and very thoughtfully constructed to protect and preserve the community..

Councilmember Fracchia- Thanks to the community for engaging us and providing feedback as we worked through this process.

Councilmember Witmer- The law provides oversight to the town for activities that could threaten out town. It is a positive step in exercising the right of the town government to protect the rights of the community.

The comment (repeated by Supervisor Barber) from the Town Attorney Guy Krogh- He said, I have seen many laws come out of towns put together by committees but this was the cleanest and best put together that I have seen, ever.

Councilmember Seely- Being on the Board when the Comprehensive Plan was passed I knew that the Site Plan Review Local Law would be coming. It took 8 years, but when I heard Guy's (Krogh) comments, I had to sit down and read it. This local law is a great document and I can't thank everyone enough who put the time into putting this together.

Supervisor Barber spoke the following:

How did Town of Caroline get to the point of potentially adopting Site Plan Review Local Law?

In the late 1990's several Town Board members and Supervisor ran on a platform of supporting planning. I was one of them and the reasoning was that even if you want things to stay the way they are right now- a community needs to articulate what they like about their community to remain – so individual and local government actions can ensure that vision comes to a reality. That Town Board adopted a LL to create a Planning Board. The Planning Board engaged the Caroline community in an exercise to develop its vision. The Comprehensive Plan was adopted in 2006 and it stated

1. Propose Legislation to Guide Land Use and Commercial Development.

- Create a process of site plan review or a development guidance system. Our objective is to find a balance that acknowledges ownership freedom, yet is respectful of the rights of others. Both site plan review and a development guidance system are designed to provide protection to landowners about what type of activity or development occurs on neighboring parcels. The advantage of this process is that it treats each project on a case-by-case basis, building in opportunities for neighbors to provide input on specific projects and suggest ways to ensure compatibility with surrounding uses. This is unlike a zoning system, in which a uniform set of rules is developed for each portion of the Town. The vision and goals articulated in Part I serve as guiding principles that will be incorporated into the system.

The Planning Board then hired two different consultants and in conjunction with many community meetings determined that SPR was the appropriate process for Caroline to achieve this goal/vision. Once the Planning Board knew the outcome it spent several years parsing through the impacts and consequences of this regulation – again with the help of consultants.

Over the past year there has been regular dialog between the Town Board and the community about this topic and many concepts have been altered as a result

Why is it needed?

The main reason of course is the community's request as part of the Comp Plan. This reason was amplified when the prospect of a massive extractive industry moving into the area. Another powerful reason is that we live in a time when there might be a perception that there is a lot of regulation, but close analysis provides nearly daily reminders that budget cuts to regulatory agencies have caused the regulations to become paper tigers. There are also new processes and products that can be introduced into a residential community with no research on either the long or short term effects on those unsuspecting guinea pigs. When a business has something that might cause a community with locally enforced regulations to take notice, the developer is tempted to take the path of least resistance which is a community without a review process which gets the information open and to the public. To provide some level of protection which mostly exists through this law as transparency of plans and information and a real attempt to articulate impacts on the ___ resources everyone in Caroline holds in common with

each other.

Why now?

The prospect of major changes of land use in Caroline placed some urgency on the work. The community asked for this process in 2006 that is 8 years ago. A better question is why so long?

Is this action tyranny in that it takes away rights of others for the benefit of some perhaps a majority?

The mention of tyranny raises my antennae really quickly. I was subjected to actions of tyranny when I first ran for Town Board. I have experienced its cold-heartedness. I have watched tyranny play out in small rural towns across NYS. It is a core value of mine to not be part of it. So when some community members suggest that SPR is tyranny of the majority taking away liberty of all. I will think through this very carefully.

-Tyranny comes in many forms, in particular through actions and decisions that disproportionately elevate the concerns of the most powerful at the expense of the public good or its longer-term stability, liberty or safety.

I challenge anyone to show me how this local law is contrary to the public good when it creates a process for mitigating impacts to our air quality, ground and surface water, public safety, utility service delivery, traffic, sound and light pollution, flooding and erosion, and impacts on agricultural resources.

What if I were the developer? The concept of tyranny could come to mind when the developer of a commercial, institutional, or industrial operation wants to do something that does not meet these standards which they believe are either arbitrary or it could about when a developer doesn't want the public to know what they are planning.

But mostly it comes from a well-rehearsed line that private property rights trump everything else. As Americans we have a number of rights and there is no priority of which rights take priority.

Does our individual and collectively community's right to clean water trump a landowner's willingness to send polluted water off-site? Or vice-versa? This law doesn't make that distinction of which right is superior. What this law does say is that to balance those rights, an open and transparent review process is hereby established. This review process is the antithesis of tyranny. Protecting and giving equal standing to everyone and their valued rights.

Let me turn this tyranny comment around:

-Today's tyranny of power lies also in the myth that we citizens enjoy equal participation or even representation in the political system within which the elected and unelected powerful operate, and through which they impact the rest of us.

In this latest course of human events, we must pursue independence from oligarchical control over our lives, liberties and pursuits of happiness.

We must pursue independence from corporate dominance over our individual economic destinies and collective opportunities to afford basic needs.

While serving as a voting member of a local government that is of, for, and by the people in Caroline, I will strive to provide equal participation and independence from oligarchy and corporate control over our destiny and opportunity

Bruce Murray said it very well during a PH- (I am paraphrasing) any respectable business, any business that we would want as neighbors, would not find these review criteria onerous and out of line.

What rights are taken away and what rights are protected?

This law is a review process and not a regulation. The regulations already exist in other laws. This process brings the impacts of all of those laws together in one comprehensive review process. The rights of a free, independent people are protected in this local law.

This law is not regulation and not land use control. Any project can be considered on any parcel of land. No rights are taken away.

What has been taken away, for only certain specific commercial, institutional, and industrial uses stated in this law, is the privilege to do as one wants with their land without public scrutiny.

In performance of my sworn duty to protect the health safety and well-being of the Caroline community, I will proudly support this law with my affirmative vote. ~ Don Barber

Resolution 136 of 2014

Resolution on County Taxation of Residential Clean Energy Systems

A motion was made by Irene Weiser and seconded by Mark Witmer

Whereas, the Town of Caroline wishes to encourage the development of clean, alternative means of producing energy, and

Whereas, the Town, itself, grants exemptions for such development under Section 487 of the New York State Real Property Tax Law regarding assessment for local property tax purposes related to construction of solar, wind, or farm waste energy systems, and

Whereas, over the next 15 years, our residents could experience a cumulative benefit by saving on Town, County, and School property taxes to help repay the installation of such clean energy systems,

Now therefore be it resolved, we urge Tompkins County to repeal local law 1 of 2012 where thereby opting back in Section 487 of the New York State Real Property Tax Law so that residential alternative energy installations will be exempt from County taxes; and

Be it further resolved, that a certified copy of this resolution will be sent to Michael Lane, Carol Chock and Dan Klein of the Tompkins County Legislature before their July 15th public hearing.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: Councilmember Seely and Councilmember Fracchia expressed reservations as to whether it is helping a company more than the community and the County. Councilmember Weiser said that Black Oak is a local company that cares about the community and the money stays within the community as well as giving the community members the tax break. Supervisor Barber said Director of Assessment Jay Franklin has advised that construction of such residential systems has had no effect on property assessments for 15 years.

The exemption would only apply to the County portion of the property tax and not Town or school taxes.

Resolution 137 of 2014

Annual Open Enrollment Period

A motion was made by Don Barber and seconded by Tim Seely

Resolved the Caroline established the entire month of November to the Annual Open Enrollment Period for addition to and changes to health and welfare benefits.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 138 of 2014

Prohibiting The Use Of Public Property For Purposes Of Commerce Without Permission Of The Town

Motion was made by John Fracchia and seconded by Mark Witmer

Motion was made by Tim Seely: Seconded by Irene Weiser as amended

WHEREAS, the property of the Town of Caroline belongs to the community and exists for the use and enjoyment of the community; and

WHEREAS, the use of public property for *purposes of commerce, defined as the purchase or sale of goods and services*, may infringe on the use and enjoyment of the community at large; **NOW THEREFORE BE IT**

RESOLVED that the use of town property for purposes of commerce is prohibited without prior written approval from the Town of Caroline Supervisor; **BE IT FURTHER**

RESOLVED that requests to use town property for purposes of commerce must be made in writing to the Town Clerk and contain the date(s) requested, the intended use of the space, and the name, phone number, and e-mail address of a contact person, no later than 3 weeks in advance of the intended use.

And it be further resolved This Resolution will proposed yearly as part of the annual organizational meeting.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussion: All amendments are in ***bold italics underlined***

Resolution 139 of 2014

Prohibiting The Use Of Public Property For Purposes Of Commerce Without Permission Of The Town

A motion was made by John Fracchia and seconded by Mark Witmer

WHEREAS, the property of the Town of Caroline belongs to the community and exists for the use and enjoyment of the community; and

WHEREAS, the use of public property for ***purposes of commerce, defined as the purchase or sale of goods and services***, may infringe on the use and enjoyment of the community at large; **NOW THEREFORE BE IT**

RESOLVED that the use of town property for purposes of commerce is prohibited without prior written approval from the Town of Caroline Supervisor; **BE IT FURTHER**

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And it be further resolved This Resolution will proposed yearly as part of the annual organizational meeting.

Adopted Barber: Aye; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Resolution 140 of 2014

A motion was made by John Fracchia and seconded by Irene Weiser

To Honor The Memory And Service Of A Current Or Former Elected Town Official Who Has Died

WHEREAS, service to the Town of Caroline by elected town officials ***or persons appointed to fill positions vacated by elected town officials***, constitutes a high level of care for and dedication to the community; and

WHEREAS, the Town of Caroline wishes to honor such service and ***publically*** express condolences upon ***the death of a current or past holder of an elected office within the Town of Caroline***; **NOW THEREFORE BE IT**

RESOLVED that the flag of the United States located at the town hall shall be flown at half-***staff*** for a period of 48 hours in memoriam beginning on the day immediately following notification.

And it be further resolved This Resolution will proposed yearly as part of the Annual Organizational meeting.

Adopted Barber: Nay; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

Discussions: All amendments are in ***bold italics undelined***

Supervisor Barber though he understands board members sentiments he doesn't feel this is the place of government

Resolution 141 of 2014

A motion was made by Irene Weiser and seconded by John Fracchia

To Honor The Memory And Service Of A Current Or Former Elected Town Official Who Has Died

WHEREAS, service to the Town of Caroline by elected town officials *or persons appointed to fill positions vacated by elected town officials*, constitutes a high level of care for and dedication to the community; and

WHEREAS, the Town of Caroline wishes to honor such service and *publically* express condolences upon *the death of a current or past holder of an elected office within the Town of Caroline*; **NOW THEREFORE BE IT**

RESOLVED that the flag of the United States located at the town hall shall be flown at half-*staff* for a period of 48 hours in memoriam beginning on the day immediately following notification.

And it be further resolved This Resolution will proposed yearly as part of the Annual Organizational meeting.

Adopted Barber: Nay; Fracchia: Aye; Witmer: Aye; Weiser: Aye Seely: Aye

----Adjourn----

Adjourned on a motion by **Mark Witmer** and seconded by **Tim Seely** the meeting adjourned at **9:42** p.m.

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk