

Caroline Town Board Business Meeting Minutes of October 14, 2020

The Town Board Business Meeting held electronically via Zoom teleconference on October 14, 2020 at 7:04 p.m. hosted by Supervisor Witmer

Attendance: Mark Witmer, Supervisor
John Fracchia, Councilmember
Irene Weiser, Councilmember
Cal Snow, Councilmember - Absent
Tim Murray, Councilmember

Recording Secretary: Jessica L. Townsend, Town Clerk

Also Present: Highway Superintendent, Bobby Spencer and 3 members of the public attended the teleconference.

Privilege-of-the-Floor

None

Additions or Deletions to Agenda

Councilmember Murray requested time to discuss for Task Force update.

Update on LED Streetlight Project with Casey Mastro from New York Power Authority

Town of Caroline now owns its streetlights. Casey Mastro discussed the streetlights project and the one to one changeout to LED lights. He recommends getting community feedback to see where in town the streetlights may be unneeded or too bright as Caroline will now have the ability to turn off or dim any of the streetlights. The addition of lights would be costly. Steve Nicholson who was on the streetlight committee years ago, spoke to the Board about the research they did on the 77 streetlights in the town at the time. Based on research, the streetlights were created mostly for the drivers, pedestrians, and safety at the intersections. The Town Board will be voting on the Streetlight Maintenance Agreement later in tonight's meeting.

2021 Tentative Budget Discussion with Highway Department

Councilmember Weiser thanked Highway Superintendent Bob Spencer and the highway crew on the work they did on the Town Hall project. Bob gave a presentation which included a list of most of the highway inventory and a graph of expended vs. budgeted funds for equipment from 2012 through 2020. In summary, his goal is to have safe equipment in order to provide proper road maintenance, ensure safety of the highway employees, to reduce repair costs, and have equipment that is more environmentally friendly. He believes in years past that they have not budgeted accordingly and therefore feels they need to increase the equipment line in order to properly manage the fleet. He gave a recommendation of a 10-year rotation of equipment. Two new trucks will be purchased and delivered by the end of 2020 and he would like to keep the momentum. It was agreed by the Board that they need to get a plan in place for the future. The discussion will continue in upcoming budget workshops.

Reports

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

- **Streetlights:** Received fully executed bill-of-sale for Town streetlight facilities from NYSEG, effective 9/8/20. We now own the streetlights. Authorization to Proceed on a Maintenance Agreement has been presented to the Town.
- **TCCOG:** Special meeting on 9/25 for a presentation from Steve Manning from the Southern Tier Network (a non-profit organization) on regional construction of “dark fiber.” This is a broadband fiber trunk from which broadband providers would lease. Anna Kelles and Commissioner of Planning Katie Borgella have been investigating this as a way to develop a robust regional solution to broadband service for our rural communities. The county is considering conducting a mapping study that will be essential for engineering any broadband solution. I am strongly in favor of supporting this effort because a municipally-owned telecommunications fiber trunk which is then leased to internet providers offers a more economical long-term solution for the community that will invite competition among multiple companies.
- **Greater Tompkins County Municipal Health Insurance Consortium Board of Directors Annual Meeting** on 9/24. 2021 budget was adopted with a 5% premium increase; the rate increase, however, for the Gold Plan will be 3.82%. A one-month “premium holiday” was approved (December 2020). The rationale was based on 1) the COVID shutdown resulted unanticipated savings because of a reduction in paid claims, 2) the philosophy that these savings should be returned to members, 3) the fiscal stress of the pandemic on municipalities, and 4) a one-month “premium holiday” will not impact the Consortium’s fund balance. The Consortium added 8 members bringing the total to 90. Next year the Consortium will function with an Executive Committee with a change in the bylaws. 2020 and 2021 Municipal Cooperative Agreements have been presented to us.
- **2021 Tentative Budget completed.** I have put forward a Fund Balance Policy to clarify and facilitate budget and capital planning.
- **Town Hall lot paving, sidewalk, and grounds restoration** are underway and near completion. A key add-on from a heads-up by TCAT was installation of concrete from the TCAT Parking Shelter to the Rt. 79 curb, making it ADA-compliant. Beautiful job to make the bus stop much more functional! Thanks to Bobby Spencer and the highway crew.
- **Planning Board** is seeking two new members. The board is currently short one seat and Charles Eldermire will be stepping down upon completion of the Planning Board’s work on the Comprehensive Plan.
- **Met with New Visions students** to talk about life as a Town Supervisor.

Jessie Townsend, Town Clerk – Thanked the Town of Danby Code Enforcement Officer, Steve Cortright for all his assistance to the Town. She has been working in the records room and has all correspondence, minute books and bookkeeping up to date. She has gone over her budget numbers and has reduced each budget line to an appropriate and manageable amount for the upcoming year. She is preparing for tax season and will be asking the public to pay taxes online or by check via mail.

Bobby Spencer, Highway Superintendent – Worked and completed the Town Hall project. Cost of that project was around \$22,000. Paved sections of Level Green Road. Went to Oakwood today to look at the two new trucks. They anticipate them arriving in December. Will be replacing just shy of 80 fixtures in the department over to LED lighting. Crew will be working on repairs to the town barns.

Dan Klein, County Representative – NYS Governor issued an Executive Order to require police departments to submit a policing reform plan and a public discussion will be held tomorrow night. Further

information can be found on the county website. The County is working through the 2021 budget. Vote on the tentative budget will be on October 29th. There is a proposed 5% tax levy increase, with more expected to come. This means an increase to the average household to be around \$83. He will propose they use the fund balance to make a 0% tax increase for the coming year. Two positions will be added: Climate Action Coordinator and also a broadband proposal. Town of Danby passed their broadband resolution last night and expects Newfield, Lansing and others to do the same. The County Planning Dept will be the local lead on this broadband study. Update on sales tax revenue – from Jan. 1 through Oct. 1, Tompkins County had the largest drop in sales tax revenue in New York State. This was an 11% drop compared to 3% drop statewide.

Irene Weiser, Councilmember – Discussion with Clarity Connect Representative and Lee Haeefele regarding broadband proposals. Will be bringing forward her broadband resolution later in tonight’s meeting.

Cal Snow, Councilmember – Absent

Tim Murray, Councilmember – None

Discussion of Highway Garage Planning

Discussion regarding the task of planning and the building or purchasing of a new highway garage. Councilmember Fracchia recommended hiring some help on this. The volunteer committee tried their best to take this on but they need a professional to handle the scope of this work. Councilmember Weiser agreed and recommends hiring an engineering firm to guide us in this. Further discussion regarding the nearby creek and the lack of a wash bay at the current location suggesting a new site should be considered. It was agreed unanimously for additional help navigating going forward.

Introduction of Local Law to Override the 2021 Tax Cap

Supervisor Witmer introduced the Local Law. Intent is not to override the tax cap, this is merely a provisional introduction in case they have to override the tax cap.

Town of Caroline, County of Tompkins Local Law No. 3 of the year 2020

TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Town of Caroline as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Caroline, County of Tompkins pursuant to General Municipal Law §3-C, and to allow the Town of Caroline to adopt a Town budget for (a) Town purposes, and (b) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2021 and ending December 31, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Caroline, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-C.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or its application to the person, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date

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

Resolutions

Resolution 122 of 2020

Adoption of Town of Caroline Fund Balance Policy

A motion made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser to adopt Town of Caroline Fund Balance Policy as follows:

WHEREAS, a Fund Balance Policy that establishes a clear understanding of the purposes and goals of the various Town funds will provide guidance for Town Officials to promote a rational strategy for the budgeting and capital planning needs of the Town, enhancing fiscal stability and predictability for the Town and its residents, therefore be it

RESOLVED, the Town of Caroline hereby adopts the following Fund Balance Policy:

Town of Caroline Fund Balance Policy

Purpose: The Office of the New York State Comptroller recommends that local governments establish a policy to maintain reasonable levels of Unexpended Surplus Funds to buffer the Town from unanticipated expenditures or revenue shortfalls. The Caroline Town Board hereby establishes this Fund Balance Policy in order to provide a clear understanding of the purposes of the various Town funds and guidance for Town Officers to promote a rational strategy for the budgeting and capital planning needs of the Town. This policy will enhance fiscal stability and predictability for the Town and its residents.

Fund Balance Classifications: In 2009 the Governmental Accounting Standards Board (GASB) revised the classification of Fund Balance in Statement 54 from reserved and unreserved fund balance to five fund balance classifications:

1. **Non-spendable Fund Balance:** assets that are inherently non-spendable because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and the principal of endowments (examples include materials and fuel for maintenance of highways and Town capital assets).

2. **Restricted Fund Balance:** funds that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments, or through constitutional provisions or enabling legislation (examples include Town Hall, Highway Barn, and Highway Equipment Reserve Funds, as well as grant awards from FEMA or the NYS Dept. Environmental Conservation, such as WQIP and Clean Energy Communities).
3. **Committed Fund Balance:** amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller believes that most local governments in New York will not have committed fund balance to report.
4. **Assigned Fund Balance:** amounts subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the unexpended moneys in those funds (i.e., Highway Fund, Fire Protection Fund, and Streetlight Fund).
5. **Unassigned Fund Balance:** the residual classification for the government's General Fund and could be a surplus or a deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or unassigned.

Policy:

1. This policy shall apply to the Town's General Town-wide (A) Fund and the Highway (DA) Fund.
2. When resources are available from multiple fund balance classifications, the Town shall spend funds in the following order: restricted, committed, assigned, unassigned.
3. The Caroline Town Board is the decision-making authority authorized to commit fund balance. The action to commit fund balance must occur prior to the end of the fiscal year in order to report such commitments in the annual financial report. The commitment may only be modified by a resolution of the Town Board.
4. The Town Supervisor has authority to assign Unassigned Fund Balance amounts where the Town's intent is for those amounts to be used for specific purposes. This delegation of authority is for the sole purpose of reporting these amounts in the annual financial statements.
5. **Unexpended Surplus Funds:** For the purpose of this policy, *unexpended surplus funds* shall consist of Unassigned Fund Balance for the General Fund (A917 in the Annual Update Document) and Assigned Fund Balance for the Highway Fund (DA915 in the Annual Update Document).
6. The Town shall strive to maintain Unexpended Surplus Funds in the General and Highway Funds between 15% and 20% of budgeted expenditures:
 - A. General Fund Unexpended Surplus Funds above 20% shall be reserved for specific capital needs or to support Highway Fund policy goals.
 - B. Highway Fund Unexpended Surplus Funds above 20% shall be reserved for equipment needs (Reserve Fund DA 233).
7. The Town Supervisor shall report the amount and percentage of unexpended surplus funds to the Town Board upon completion of the Annual Update Document each year.
8. If unexpended surplus funds exceed the maximum amount recommended by this policy, the excess may be used for any lawful purpose approved by the Town Board. In order to minimize the long-term impact of such use, the excess should be appropriated to one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves, and/or be used to offset the succeeding year's tax levy.
9. All unexpended funds in DA5130.2 Machinery - Equipment shall be transferred to its own reserve fund (DA233).

10. All other Unexpended Surplus Funds may not be transferred to reserves or used for other purposes unless fund balance minimums have been met.
11. In the event that Unexpended Surplus Funds fall below the minimum amount set forth herein, the Supervisor shall make a recommendation to the Town Board to restore the balance to the minimum level in the next budget year or other appropriate period of time.

Review: This policy shall be reviewed by the Town Board on an annual basis at the Organizational Meeting.

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

Resolution 123 of 2020

Authorizing the Supervisor to sign the 2020 and 2021 Municipal Cooperative Agreements for the Greater Tompkins County Municipal Health Insurance Consortium

A motion made by Supervisor Mark Witmer and seconded by Councilmember Tim Murray authorizing the Supervisor to sign the 2020 and 2021 Municipal Cooperative Agreements for the Greater Tompkins County Municipal Health Insurance Consortium as follows:

WHEREAS, the Town of Caroline is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2020 and 2021 Amendments that provide for the operation and governance of the Consortium, and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5th) anniversary date and upon acceptance of any new Participant hereafter, and

WHEREAS, by motion nos. 005-2020 and 008-2020, the Consortium's Board of Directors recommends approval of the 2020 and 2021 amended agreements based on review of the document by the Governance Structure/MCA Review Committee, the New York State Department of Financial Services, and the Consortium's legal counsel, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Town of Caroline is in receipt of the proposed amended Agreement(s) and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2020 and 2021 Amended Municipal Cooperative Agreements, now therefore be it

RESOLVED, that the Town of Caroline approves and authorizes the Chief Executive Officer to sign the 2020 and 2021 Amendments to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Town of Caroline is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be

required by law.

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

**Resolution 124 of 2020
Authorizing NYPA to create LED Streetlight Maintenance Agreement**

A motion made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser authorizing NYPA to create LED Streetlight Maintenance Agreement as follows:

WHEREAS, the Town of Caroline has contracted with NYPA to replace all 79 town streetlights with energy-efficient LED bulbs in order save energy and money for the town and its residents; and

WHEREAS, the Town of Caroline has purchased from NYSEG town streetlights in order to reduce streetlight maintenance costs and enhance streetlight maintenance service; and

WHEREAS, the current annual maintenance costs for 79 town streetlights (\$8.15/mo/light) is \$7,726.20 with NYSEG versus a proposed \$1,537.78 with NYPA (3% increase for year 2) plus recommended reserve funds of \$2,782.84 for non-routine maintenance; and

WHEREAS, NYPA obtained this streetlight maintenance price through a competitive bid process; therefore be it

RESOLVED, the Town of Caroline hereby authorizes NYPA to proceed with the creation of a formal “Customer Project Commitment” that specifies the terms of streetlight maintenance for the Town.

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

**Resolution 125 of 2020
Town of Caroline Supporting an Overtarget Request for Tompkins County to Undertake a Broadband Planning Study and Pledging Five Thousand Dollars in Support.**

A motion made by Councilmember Irene Weiser and seconded by Mark Witmer for the Town of Caroline to support an overtarget request for Tompkins County to undertake a broadband planning study and pledge five thousand dollars in support as follows:

WHEREAS COVID-19 has highlighted key inequities in our infrastructure and communities, including a lack of adequate broadband access to residents and businesses in our rural communities; and

WHEREAS lack of broadband access impedes the ability of our residents to do work, attend school, have medical appointments, run their businesses, and even to have virtual face-to-face conversations with loved ones; and

WHEREAS access to broadband services is not a luxury but a necessary public need that must be addressed; and

WHEREAS at least 300 households (25%) in the Town of Caroline lack access to broadband service and others experience barriers to access based on affordability and physical distance from the road; and

WHEREAS the model for broadband buildout up until now has been that Internet Service Providers (ISPs) get grant funding from the state or federal governments to build a system that the ISP owns and controls; and

WHEREAS these ISPs are driven by profit motives rather than public interests, resulting in inadequate speeds and lack of access and competition in the most rural areas in the county; and

WHEREAS municipally owned internet services can better serve the public interest; and

WHEREAS it is not economically feasible for each municipality to fight each other for state and federal funding to build their own fiber network; and

WHEREAS a collective, regional approach is not only possible and logical, it is already happening in many counties around us through a regional partnership with the Southern Tier Network, and

WHEREAS the Southern Tier Network (STN) is a municipally-owned non-profit open access fiber network created in January 2011 through a partnership between the Southern Tier Central, Corning Incorporated, and Chemung, Schuyler, and Steuben Counties; and

WHEREAS STN was built to support the needs of public safety, improve broadband access in rural areas, increase competition and the level of telecommunications services across the region, and create a globally competitive advantage for job creation; and

WHEREAS STN has developed and successfully maintained over 500 miles of fiber across the Southern Tier of New York, with lines extending through Schuyler, Chemung, Steuben, Yates, Tioga, Broome, and even into Tompkins County; and

WHEREAS since 2011, STN has been building out middle mile fiberoptic cable that has successfully increased the competition of ISPs to provide service to both residential and commercial properties; and

WHEREAS STN is now working with member counties to explore solutions to reach into the most rural areas in the Southern Tier; and

WHEREAS earlier this year Schuyler, Chemung, Steuben, Yates, and Tioga (the current members of STN) collectively hired Fujitsu to do a study with 5 deliverables to explore a plan for STN to build, own and operate a network of both middle and final mile fiber in their communities; and

WHEREAS the Executive Director of STN, Steve Manning, indicated that Tompkins may be able to create an add-on contract with Fujitsu for the same deliverables, taking advantage of the work that has already been done (e.g. business and operations models, financial models etc.) to realize costs savings; and

WHEREAS the Town of Caroline recently participated in a webinar with Steve Manning to learn more about the potential of municipally owned broadband, and we are interested in exploring the possibility and believe economies of scale will be realized that will make the project more feasible by working with other Counties;

Now, therefore be it

RESOLVED that the Town of Caroline Town Board asks the County to support a one-time Over Target Request of not more than \$80,000 for a study that will provide the following deliverables to help us identify a possible path forward for a county-wide buildout of both middle and last mile fiber optic cable in Tompkins County.

1. Market assessment - identifying the unserved and underserved areas, what the competition is in the county, where do the current providers provide service, what the terms are and what they are charging, and will outline demographics.
2. Design - outside (geographic layout and design, redundancy and diversity, how to reach each address point, comparison of a distributed or central architecture) and inside plan design (where should colocation centers be placed, convergence points, OLTs, etc...).
3. Business and operations model - what are the different models out there for municipal based fiber to the home. What does it look like and what are the different models of operation?

4. Operations and maintenance - a complete look at what would it take to operate the infrastructure, what type of service, what are the staffing needs, what is a recommended maintenance schedule? How often do you need to replace a core router etc...?
5. Financials - for both capital and operations (including take rate opportunities) - what kind of revenue can you expect since it needs to cover costs for many decades?

FURTHER BE IT RESOLVED that the Town of Caroline pledges \$5000 to be paid to Tompkins County in 2021 when the contract for the above deliverables is executed.

Discussion: Town Board discussed additional language proposed by Supervisor Witmer. It was decided that the additional sentence not to be included.

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

**Resolution 126 of 2020
General Fund, Highway Fund and Streetlighting Fund Abstracts**

A motion was made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser to approve payment for the General Fund for \$32,986.51; the Highway Fund for \$40312.17; and the Streetlight Fund for \$343.75

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

**Resolution 127 of 2020
Approval of Minutes**

A motion was made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser to approve the Agenda Minutes of October 6, 2020 as submitted by Town Clerk, Jessica Townsend

Adopted: Witmer: Aye; Fracchia: Abstain; Weiser: Aye; Snow: Absent; Murray: Aye

**Resolution 128 of 2020
Transfers**

A motion made by Supervisor Mark Witmer and seconded by Councilmember Tim Murray to make the following transfers:

Resolved, the Caroline Town Board makes the following 2020 budget transfers:

Amount	From	To
\$21,057.05	A1620.43 TH Capital Res.	A1620.4 Town Hall CE
\$2,000	A1410.101 Deputy Clerk PS	A1620.12 Maintenance PS
\$15,000	DA5112.1 Impr. PS	DA5110.1 Gen. Repairs PS

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

Task Force Discussion

Councilmember Tim Murray Task Force is working hard and quickly. Looking likely that the Task Force may submit Site Plan Law with firmer design standards. Planning Board still reviewing and making

revisions to draft after public hearing comments. Doesn't expect to see a final draft until beginning of December. He reminded the Board that the Moratorium ends December 10th described the timeline of events that need to happen during that timeframe. He recognized an extension to the Moratorium may need to be considered. Councilmember Weiser agreed and recommends speaking to the town attorney regarding an extension.

Executive Session was called by a motion made by Supervisor Mark Witmer and seconded by Councilmember Tim Murray to discuss the Code Officer position and was carried unanimously at 10:01 p.m. and ended at 10:20 p.m.

---Adjourn---

Respectfully Submitted,

Jessica L. Townsend, Town Clerk