

Caroline Town Board Business Meeting and Public Hearing on A Local Law Providing for a 180-day Moratorium on Land Use Development Minutes of December 9, 2020

The Town Board Business Meeting and Public Hearing on Proposed Moratorium held electronically via Zoom teleconference on December 9, 2020 at 7:05 p.m. hosted by Supervisor Witmer

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

Recording Secretary: Jessica L. Townsend, Town Clerk

Also Present: Highway Superintendent, Bob Spencer; Tompkins County Legislature Representative, Dan Klein and 22 members of the public attended the teleconference.

Public Hearing on A Local Law Providing for a 180-day Moratorium on Land Use Development

Supervisor Witmer opened the Public Hearing at 7:08 p.m. (To Review the *Local Law* click [Here](#)). He summarized the need to enact the 180-day Moratorium that originally began on June 10th to allow time for the completion of the updated Comprehensive Plan. He announced that the Planning Board has completed the update and has submitted it to the Town Board for their review. Supervisor Witmer also stated that adoption of a land use moratorium is a Type II action under SEQRA, not requiring environmental review. New York State General Municipal Law §239-1, -m and -n requires the Town to submit the proposed Local Law to the County for review and Supervisor Witmer has received notification from the County of that approval.

Mary Kobler – Thanked the Planning Board and the Caroline Land Use and Economic Development Task Force for all their hard work in the construction of the updated Comprehensive Plan. Supports the 180-day Moratorium and strongly urged the Town Board to vote on the extension tonight.

Jonathan Comstock – Spoke in favor of extending the Moratorium. Impressed by the process of the Comprehensive Plan and the integration of resident’s feedback. Believes that since there are substantial changes recommended in the Plan, such as zoning, he finds it appropriate to enact a 6-month Moratorium to allow the Board time for the construction of that.

Barbara Knuth – Resident for over 33 years. She served on the Task Force and enjoyed the process. They had 15 weekly meetings and were able to identify both the consideration of zoning and specific revisions/amendments that are needed to the town’s Site Plan Review Law. Both items were recognized in the Comprehensive Plan and had significant input and support from the public.

Elisa Evett – Spoke in support of the Moratorium. Believes that the time has come for zoning and asked that the Town Board to act swiftly.

Ellen Harrison – Spoke in favor of the Moratorium. She also was a member of the Task Force and enjoyed that experience. They delivered recommendations to the Town Board that will certainly require time to process and construct. For that reason, she is in favor of another six-month Moratorium.

Katherine Goldberg-Forrest – Appreciated the proposed Law language and the incorporation of terms used in the Comprehensive Plan. Supports the Moratorium.

Bill Podulka – Chair of the Planning Board. Spoke in favor of the Moratorium. He has been emerged in Comprehensive Plan for several years now and believes that the Town needs stronger tools to enable the community to be where it wants to be.

Renate Ferro – Fully supports the 180-day Moratorium. Thanked the Planning Board and Task Force. Supports zoning. Town is growing and the time has come to preserve what we have here.

Emily Adams – Impressed with all the work put into this. Supports the Moratorium.

Tony Tavelli – Not entirely opposed to the Moratorium but would like to better understand it. Noted that the Comp Plan speaks about preserving farmland and he sees the last of the farms in Caroline going. Has an opportunity to sell land to a renewable developer and this Moratorium will block it. He needs this transaction in order to keep his farm going. Asked the Board to consider that these development opportunities are imperative to farmers and necessary for some to keep their farms.

Chet Feldmann – Spoke on behalf of Distributing Sun Developers. Has interest in small scale solar arrays in Caroline. Hoped that the town would have regulations in place in six months' time. Councilmember Weiser asked if the Moratorium was set at 90-days rather than 180-days would make a difference in planning. He emphasized the sooner, the better. She continued to express being undecided on the timeline.

Ken Miller – Agrees with Tony and can relate to what he is feeling. There are still farms here that are doing well and doesn't believe that they need zoning regulations to tell them what they can do.

Ellen Harrison – Appreciates what Tony said. Believes that a 3-month Moratorium would not be sufficient time for review considering what is on the line.

Barbara Knuth – Spoke in favor of the Moratorium. Thinks the issues that were raised for renewables is incredibly important. Believes with the new federal administration coming in January, there will be opportunities for new solar and renewable uses coming.

Jonathan Comstock – Moved by what Tony and Chet said. Believes that the renewable incentives are at stake. Sympathetic to the farmers in Caroline and asked the Board to perhaps consider a 3-month Moratorium and then evaluate and extend from there, if needed.

Supervisor Mark Witmer – Reiterated the recommendations by the Attorney are to take the 180-days to review and complete the goals that are set out in the Comp Plan. Strongly believes they need the adopt the 180-day Moratorium.

Resolution 138 of 2020

Close the Public Hearing on A Local Law Providing for a 180-day Moratorium on Land Use Development

A motion made by Councilmember Irene Weiser and seconded by Councilmember Tim Murray Resolved, the Caroline Town Board moved to close the Public Hearing and was carried unanimously at 7:59 p.m.

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

Privilege-of-the-Floor

None

Discussion and possible vote on Land Use Moratorium Law

Councilmember Murray – The Task Force did finish up last night and they delivered their report to Board members. Their recommendations include the formation of a Zoning Commission and revision of the Site Plan Review Law. He believes that the Town Board will need the 180-days to review and implement the recommendations set forth.

Councilmember Weiser – Expressed her gratitude to the Planning Board and the Task Force for all their work put into these documents. Wants to honor the work that’s been done and take the time needed. Doesn’t believe that they are going to get zoning done and in place in 6-months’ time. Not in favor of putting development on hold for another year or more. Wants to consider what they can get done in 3 months so the solar project can go forward.

Councilmember Fracchia – Agrees with what has been said tonight. Believes that without considering zoning here, we won’t get to where the community wants to see itself in the future. Also hears what Councilmember Weiser has said. Doesn’t know what they can accomplish in 3-months but wants to have a solar citing law in place.

Councilmember Murray – Shared concern that the Board is considering individual development projects and not the Moratorium as a whole and noted that individual applicants can submit a waiver and appeal, if necessary.

Councilmember Snow – Concerned about assets that produce taxable income. Thinks zoning will take a long time and they need to get some short-term plans in place. Would hate to lose the solar project.

Supervisor Witmer – Believes that we are at a momentous time. Growth pressure is going to increase rapidly over the next several years. Understands the concerns of individual developers but it can’t be true that other opportunities will not come around again. Councilmember Murray agrees that zoning doesn’t have to be that complex. It can be broad, and it would be the job of a zoning commission to construct it. Believes it would be unfortunate for them to pause the process in order to allow for an individual project to move forward.

Councilmember Fracchia – Does not believe that they will have zoning regulations in place within 6-months but believes they may be able to get other issues in order. Supports the momentum and the 180-day Moratorium.

Resolution 139 of 2020***Vote to adopt A Local Law Providing for a 180-day Moratorium on Land Use Development***

A motion made by Supervisor Witmer and seconded by Councilmember Fracchia
Resolved, the Caroline Town Board hereby moves to adopt a Local Law Providing for a 180-day Moratorium on Land Use Development

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

Interview of Applicants for Planning Board

Wil Lawrence – Engaged in promoting Age-Friendly Community planning. Interested in applying from attending many meetings and is particularly interested in being part of the Site Plan Laws process.

Michele Brown – Was on the Task Force and enjoyed doing the research. Would like to contribute to the planning of the Solar Site Review Laws. Feels she is very fair and is willing to consider all sides of issues while working through process revisions.

Barbara Knuth – Also served on the Land Use and Economic Task Force. Would like to participate carrying on some of the issues she worked on. Is in favor of renewable energy development and how that will integrate in our community.

Resolution 140 of 2020

Appointment of Planning Board Seats

A motion was made by Supervisor Witmer and seconded by Councilmember Snow to appoint Wil Lawrence, Michele Brown and Barbara Knuth to the Town of Caroline Planning Board.

Discussion: Process questions regarding the addition of an extra member on the Planning Board. Agreed to introduce a Local Law to make the change.

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

Reports

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

Correspondence of Note:

- Letter of concern about increased activity at gravel pit from resident on Valley Road.
- Thanks from Caroline Food Pantry and TCAD for town contributions.
- Notice from Haefele Connect that basic cable will increase \$2.00/month as of 1/1/21. Local station fees will also increase.
- Jonathan Bates has proposed formation of a Caroline Agriculture Committee.
- Notice of 2021 Assoc. of Towns Annual Meeting & Training School (virtual), 14-17 Feb.
- Safe Workplace Award to the Town of Caroline from the Comp Alliance in the amount of \$1,344 for performance during the policy year 2019.

Supervisor’s Notes:

- Met with Town of Big Flats Supervisor Ed Fairbrother and DPW Superintendent Shawn Crater on December 3 to learn about their highway equipment procurement practices. Superintendent Spencer, Councilperson Snow, Velvet Lyke, Supervisor Charlie Davis from Richford, and Administrative Assistant Laura Shawley from Danby joined the meeting.
- Met with Jeremy Boylan from Bailey Place for updates for insurance renewals in 2021.
- 2021 budget info to Tompkins County Assessment.
- Submitted proposed actions for future hazard mitigation as part of Hazard Mitigation Planning update: 1) highway facilities rebuild or relocation and 2) South Road culvert replacement.
- Fund Balance evaluation and budget planning. (Presentation can be found [Here](#))

Jessie Townsend, Town Clerk – Inlet Glass is preparing the teller-style window for the Clerk’s Office. Total cost including the installation is approximately \$765.00. Preparation of 2021 tax season.

Bob Spencer, Highway Superintendent – New trucks are complete and should be delivered within the next couple of weeks. Met with other Highway Superintendents regarding shared services surrounding COVID. It was agreed that if one town is in need, they will work together to help each other. He wants the public to be aware that if multiple employees are out ill at one time, services may be delayed but someone will be coming through. Crew has been working on outbuilding repairs.

Irene Weiser, Councilmember – Reported that Lee Haefele applied for an FCC grant and he indicated that one block has gone through to Clarity Connect. The FCC has awarded \$9.2 billion in grants to Elon Musk to offer broadband internet to rural areas.

Cal Snow, Councilmember – None

Tim Murray, Councilmember – None

Introduction of updated Flood Damage Prevention Local Law

Supervisor Witmer introduced the updated Flood Damage Prevention Local Law. (To review this Local Law, you can find it [Here](#)).

Resolution 141 of 2020

Public Hearing on updated Flood Damage Prevention Local Law

A motion made by Supervisor Witmer and seconded by Councilmember Weiser Resolved, the Caroline Town Board hereby sets a Public Hearing to be held on at the start of the Business Meeting on Wednesday, January 13th beginning at 7:00 p.m.

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

Resolution 142 of 2020

December Budget Adjustments

A motion made by Supervisor Mark Witmer and seconded by Councilmember Cal Snow Resolved, the Caroline Town Board makes the following 2020 budget transfers:

Amount	From	To
\$300	A1990.4 Contingency	A1620.1 Maintenance
\$16,000	DA5130.1 Machinery PS	DA5110.1 Gen. Repairs PS
\$300	DA5130.1 Machinery PS	DA5110.11 Gen. Repairs PS OT
\$9,882	A9010.8 Retirement	DA9010.8 Retirement

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

**Resolution 143 of 2020
General Fund, Highway Fund and Streetlighting Fund Abstracts**

A motion was made by Supervisor Witmer and seconded by Councilmember Snow
Resolved the Caroline Town Board approves payment of vouchers for bills in the amounts of \$20,982.84
for the General Fund, \$50,738.44 for the Highway Fund, and \$217.78 for the Streetlight Fund.

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

**Resolution 144 of 2020
Approval of Minutes**

A motion was made by Supervisor Witmer and seconded by Councilmember Snow to approve the
Agenda Minutes of December 1, 2020 as submitted by Town Clerk, Jessica Townsend

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

**Resolution 145 of 2020
Authorizing Supervisor to sign 2021 Agreement as to Legal Representation between the Town of
Caroline and Guy K. Krogh, Esq.**

A motion was made by Supervisor Mark Witmer and seconded by Councilmember Tim Murray
Resolved, the Caroline Town Board hereby agrees to Supervisor Mark Witmer to sign the 2021
Agreement as to Legal Representation between the Town of Caroline and Guy K. Krogh, Esq.

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

**Resolution 146 of 2020
Year-end bill-paying Meeting**

A motion was made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser
Resolved, the Caroline Town Board hereby sets the year-end bill-paying meeting to be held on Monday,
December 28th, 2020 beginning at 9:00 a.m.

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

A motion to adjourn by Supervisor Witmer and seconded by Councilmember Snow and carried
unanimously at 9:46 p.m.

----Adjourn----

Respectfully Submitted,
Jessica L. Townsend, Town Clerk