Caroline Town Board Public Hearing and Business Meeting Minutes of June 8, 2022

A Public Hearing and the Town Board Business Meeting was held hybrid at the Caroline Town Hall and was called to order at 7:01 p.m. by Supr. Witmer.

**** This meeting was recorded and has been posted on the Town of Caroline webpage****

Attendance:
Supervisor Mark Witmer
Councilmember Tim Murray – *via zoom*
Councilmember Cal Snow
Councilmember Katherine Goldberg
Councilmember Kate Kelley-Mackenzie

Recording Secretary:
Jessica L. Townsend, Town Clerk

Also Present: Hwy. Supt. Bob Spencer, 13 members of public via zoom, and 19 members of the public in-person.

Supr. Witmer led the Pledge of Allegiance.

Supr. Witmer gave a brief synopsis on the past and current NYS Executive Orders in connection to Open Meetings Law. The current Order is set to expire on Thursday, June 9, 2022, so the Board is now considering the adoption of the proposed Videoconferencing Policy and Videoconferencing Law.

Public Hearing on Videoconferencing Local Law

Supr. Witmer opened the Public Hearing at 7:05 p.m.

14 residents spoke during the Hearing. Many comments were made in support of the policy and law. Other commentors felt that this was to favor one Board member that has been primarily attending meetings from home the past year. Some recommendations included setting a limit in the policy to define how many meetings a Board member can participate via zoom conference. Another was to postpone the consideration until everyone in the community has the ability to participate from home, as there are many people here still without internet capabilities. There were comments from many residents about the mistrust between them and the Board, some even asked that the Board member's resignation. One speaker spoke in favor of the Law stating that even though the internet connection from her home wasn't great, she commends the Board for still giving her the ability to stay connected to town topics.

Clm. Goldberg tried to clarify that the Law is not to favor one member of the Board. She acknowledged the speakers' feelings of mistrust and agreed that the timing of the law is unfortunate, but that it was a State of New York timing issue. She strongly supports the growth in technology and is in favor of giving everyone the opportunity to participate in the meetings from wherever they are.

There was some discussion regarding the publication date of the Public Hearing, which was published on June 1st, ahead of the meeting in which the Hearing was set.

Further discussion regarding the Policy vs. the Law.

Public Hearing on Videoconferencing Local Law closed at 7:56 p.m.

Privilege of the Floor

Kathy Mix – Read from the Town Law Manual. Town Board are elected officials. Read from part of Town Law Manual. Wants the Board to think about the decisions they make now and how they will affect the community now and in the future.

Holly Magee – Has followed the zoning process since the beginning. She believes that most Caroline residents do not want zoning and asked why the Board isn't listening to that. Disagreed that zoning is to protect the health and safety of the town and the environment. The trail has been an ongoing issue as well and should be left out of any zoning documents. She does not like Caroline to be compared to Ithaca, Danby, or Dryden. Zoning is to protect the trail. Supr. Witmer responded that the zoning law does not mandate trails on people's property.

RC Quick – His family has been in Caroline since 1864. He stated that he was raised to respect other people's land. In the fall of 2021, 200 No Zoning signs were purchased. Someone trespassed on his property and defaced one of his signs. He didn't get angry but was rather saddened by the divisions in the community because of this.

Emily Dygert – Claimed herself to not be politically savvy but gave a recommendation to the Board. She proposed that the Board conduct a mock vote since the ultimate decision will not go to Referendum. Believes of no better way to determine how many people support zoning and who this zoning is really for. If the board really wanted to know they would have already thought of this. Wants the Board to know how scared the community is and is begging you not to go forward with it. Your job is to listen to your community and not push your own interests.

John Morse – His family owns Celebrations. He gave a brief background on his business and shared that he had enormous support by the previous town supervisor. Their business employees 50 to 60 people, many of whom are members of this community. Shared concerns that if zoning passes, local businesses will face difficulties selling because of restrictions and the numerous rules a new buyer would face. He doesn't believe that zoning is being considered now because there is a risk of an uptick of businesses trying to build here.

Bruce Murray – His wife attended the chicken BBQ last weekend at the Brooktondale Fire Hall. She was in her vehicle behind Clm. Murray when she heard shouting between his vehicle and a small table of residents that were there distributing no zoning information.

Clm. Murray responded that he regrets that he spoke loudly to the crowd and apologized at the time and again offered an apology tonight.

Presentation from the Capital Equipment Equipment EQ Planning Committee

Planning Member, Todd Schmit gave a power point presentation on behalf of the committee. He described the charges and is here to give their recommendations. He went through the highway departments heavy equipment list and outlined examples of purchasing out right vs. installment options. The committee's final recommendation is a 7-year rotation plan, replacing the equipment at the warranty expiration. This will give a much higher resale value and savings on repair costs. Budget $200,000 annually on equipment and pursue installment plans on frontline equipment. This will take a commitment from the town and must consider the large quantity of old equipment that still needs to be replaced. Todd answered some questions from the Board and was confident that this plan will help long-term spending and cut the costs of repair budgets significantly. The Board thanked the committee for their hard work on this and will look forward to working on the continued planning with the highway superintendent.

Reports

- **Supervisor Mark Witmer –** Supervisor's Notes - Broadband: Lee Haefele surveyed the town and an updated internet coverage map for Caroline. Recommended next steps: 1) compare to state coverage maps with Haefele map when available, 2) follow NYS ConnectALL Program and initiatives, 3) consider engagement with engineering firm to asses path for Caroline.
- Ekroos Road Culvert: T.G. Miller finalizing project design, obtaining ACOE and DEC permitting, and developing bid documents.
- Historic Town Hall Planning: With assistance from Clm. Snow, Steve Gibian developing plan for water management at Historic Town Hall by regrading and repointing foundation stones. Received guttering estimate from Quality Seamless Gutter Co.
- TCCOG Emergency Services Planning Subcommittee continues work on addressing personnel and fiscal strains on emergency services. Discussing county-level rapid response ("fly-car") for paramedics to provide short-response pre-hospital care. Regional approach is important because of need for coordination of funding, staffing, transports, and billing.
- 2021 MS4 report submitted to Tompkins County Soil & Water (H. Hinickle).

Clm. Goldberg – No report

Highway Supt, Bob Spencer – Thanked the Capital Planning EQ Committee for their work on the highway equipment planning. Attended the 75th Annual Highway School this week. Has received an emergency permit for the Buffalo Rd creek project. Waiting for scheduling with the contractor. Would like the Board members to contact and include him in highway discussions.

Clm. Kelley-Mackenzie – Transporation Council – Attending several webinars next week in connection to Safe Streets and Roads for All grant program.

Clm. Murray – No report

Clm. Snow – Attended the Cornell Highway School this week.

Resolution 77 of 2022. Establishing the Town of Caroline Capital EQ Planning Committee
Motion by: Witmer Second: Kelley-Mackenzie

Resolved, the Caroline Town Board, recognizing that highway equipment represents a major capital asset for the town and that a well-considered acquisition plan is necessary to build a responsible, forward-looking procurement and budgeting plan, hereby establishes the Capital Equipment Planning Committee. The Town Board charges this advisory committee to develop recommendations to the Town Board for acquisition and management of needed highway equipment by the Town of Caroline Highway Department. The goal is to develop a process that is cost-effective and that provides predictability and stability in annual budgeting. The analysis should address the following non-exhaustive list of questions, as well as any others that the committee deems relevant to their goals. What are the equipment priorities? Evaluation of purchasing and reselling on a rotation cycle - which equipment and what is the recommended rotation cycle? What opportunities are there for purchasing of used equipment? Evaluation of owning versus renting or borrowing from municipal partners, which would involve consideration of frequency of use.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Resolution 78 of 2022. Authorizing the Agreement for Expenditure of Highway Moneys in 2022.
Motion by: Witmer Seconded: Snow

The Caroline Town Board hereby approves the following expenditures of town funds for highway repairs and improvements, pursuant to Section 284 of NYS Highway Law:

$189,000 shall be set aside for General Repairs upon 70 miles of town highways, including sluices, culverts and bridges having a span of less than five feet, and boardwalks or the renewals thereof.

$51,057.96 shall be set aside for Permanent Improvements commencing at Weber Drive-Whip-Poor-Will Lane a distance of 1704 ft.

$200,000 shall be set aside for Permanent Improvements on Buffalo Road commencing 1 mile from NYS Rt. 79, approximately 250 ft. of shoulder stabilization.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Resolution 79 of 2022. Resolution requesting a lower speed limit on Landon and Lounsbery Roads
Motion by: Witmer Second: Snow

Whereas, the Caroline Town Board received a petition signed by 37 local residents or visitors requesting lowering of the speed limit from 55 mph to 35 mph; and

Whereas, the Caroline Town Board recognizes the petitioners' concerns that this is a residential area, with driveways, walkers, pets, and farm animals; therefore be it

Resolved, the Caroline Town Board hereby requests that the speed limit on these roads (Landon Road from NYS Rt. 79 to Lounsbery Road; Lounsbery Road in total) be reduced to 35 miles per hour.

Discussion: this is to trigger the State to do a traffic study on these roads. Further discussion regarding inviting the Sheriff to a meeting to discuss speed and safety concerns on town roads.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Resolution 80 of 2022. Resolution to adopt the Town of Caroline Videoconferencing Policy
Motion by: Witmer Second: Kelley-Mackenzie

Whereas, remote attendance by public officers to public meetings was allowed under the COVID Pandemic State of Emergency; and

Whereas, in April 2022 Governor Hochul signed legislation allowing a town's Public Bodies to have the option of continuing remote attendance by videoconference if the town board adopts a local law authorizing participation of public officers at public meetings by videoconference and also adopts a policy establishing guidelines and conditions for such attendance; therefore be it

Resolved, the Caroline Town Board hereby adopts the following Videoconferencing Policy to be used in conjunction with Town of Caroline Local Law #2 - 2022: Videoconferencing Local Law:

A. Purpose

To establish guidelines and requirements for the use of videoconferencing technology to participate in the meetings held by Town public bodies, as defined in Public Officers Law §102, and in conjunction with Town of Caroline Local Law 2 of 2022.

B. Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct town business via videoconferencing platforms and to prohibit in-person attendance during the

2020-2022 COVID Pandemic/State of Emergency. In April of 2022, Gov. Hochul signed Chapter 56 of the Laws of 2022, which added Public Officers Law § 103-a allowing a town's public bodies to have the option of continuing to use videoconferencing under certain circumstances if the town board adopts a local law authorizing the participation by videoconference and a written policy establishing guidelines and conditions for attendance of members at public meetings by videoconference.

C. Definitions

1. Extraordinary Circumstances – events or factors that would preclude a member's physical attendance at the meeting, e.g.: disability, illness or significant health concerns requiring precautionary actions, caregiving responsibilities, other significant or unexpected factors or events, and events when a member is out of town for a short duration.
2. Meeting – The official convening of a Public Body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the Public Body.
3. Open Meetings Law (OML) - Public Officers Law, Article 7
4. Public Body – All boards of the Town that meet the definition of "Public Body" in Public Officers Law, § 102. Town of Caroline advisory committees are not public bodies as they do not have authority to take official actions.
5. Quorum – a majority of the full membership of the public body, regardless of vacancies or disqualifications to act. Virtual attendance does not qualify for making quorum but does qualify for all other purposes, including voting purposes.

1. Policy

1. Members of Public Bodies are permitted to attend and participate using videoconferencing under Extraordinary Circumstances with the following requirements:

    0. A Quorum of the Public Body must be present, in person, in one or more advertised location(s) where the public may attend. A member who is participating from a remote location that is not open to in-person physical attendance by the public may not be counted toward a Quorum, but may participate and vote if there is a Quorum of members at the physical location(s) open to the public, and
    1. The physical location of any location where members are attending virtually and the public may attend shall be posted on the Town Bulletin Board, Meeting Agenda posted to the Town website, and meeting announcements, and
    2. Public notice for any meeting conducted shall include the physical location(s) where the public can attend and/or participate in person, the fact that videoconferencing will be used, where the public can view and/or participate in the virtual meeting, and where any required documents or materials associated with the meeting are posted or available, and
    3. Any member attending virtually must use video capabilities permitting the public to see, hear and identify them throughout the entire portions of the meeting that the Open Meetings Law requires to be held in open session, with limited allowance for customary temporary absences from a meeting for personal reasons.
    4. The public must be able to view via video all meetings which include virtual member attendance and, where public comment or participation is authorized, the public must be allowed to participate by videoconference in real time in a manner that affords the same public participation or testimony as in-person participation or testimony, and

5. The minutes of all meetings that include virtual member attendance must indicate who participated virtually, and
6. Each meeting where virtual attendance occurs shall be recorded and such recording must be posted or linked on the Town's website within 5 business days of the meeting and such recording must remain posted or linked for no less than 5 years, and
7. Virtual attendance should be used sparingly with the expectation that members will be physically present at meetings. Members must notify the chair and/or staff support when they will not be present at a meeting or will need to attend using videoconferencing, and
8. Non-public committees and bodies that are not required to have public meetings under the OML, such as advisory committees, may participate in meetings by videoconferencing or by any lawful means, and need not follow this policy. However, it is recommended that this policy guide such advisory or non-covered bodies and that, at a minimum, they adopt internal policies and procedures to assure fairness, openness, and public engagement.
9. Public Bodies and agencies need not follow these rules for non-public meetings and hearings, such as for training sessions.
10. This Videoconferencing Policy must be posted on the Town's website.

1. State of Emergency

As provided for in the New York State legislation described in Section B, if a local state of emergency is declared or a NYS disaster emergency declaration is made, all public bodies may meet completely virtually without the need for a quorum in one or more location(s) at which the public may attend, if the Town Board determines that the circumstances necessitating the state of emergency or disaster emergency declaration would affect or impair the ability of the Town's public bodies to hold an in-person meeting. If the Town Board makes such a determination, all requirements of this Policy, except the in-person member participation requirement, must continue to be met while the state of emergency or disaster emergency declaration remains in effect.

F. Amendments

This Policy may be amended from time-to-time by the Town Board by resolution. In the event any change in law, or change in the interpretation or application of law, is or becomes inconsistent with this policy, the proper application of law shall supersede the terms and requirements herein, and the Town Board shall forthwith amend this policy to bring it into congruence or alignment with current law.

G. Effective and Termination Dates

This Policy shall take effect on June 9, 2022 and shall automatically terminate if the New York State legislation described in Section B expires.

Motion carried.
Ayes: Witmer, Murray, Goldberg, Kelley-Mackenzie
Nays: Snow

Resolution 81 of 2022. Resolution to adopt the Town of Caroline Videoconferencing Local Law

Motion: Witmer Second: Kelley-Mackenzie

Whereas, in April 2022 Governor Hochul signed legislation allowing a town's Public Bodies to have the option of continuing remote attendance by videoconference if the town board adopts a local law authorizing participation of public officers at public meetings by videoconference and also adopts a policy establishing guidelines and conditions for such attendance; therefore be it

Resolved, the Caroline Town Board hereby adopts Local Law 2 of 2022 Videoconferencing Local Law.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Resolution 82 of 2022. Resolution authorizing continuation of planning services with Community Planning & Environmental Associates

Motion: Witmer Second: Murray

Whereas, the Town of Caroline contracted with Community Planning & Environmental Associates (CP&EA) for planning assistance to the Town's Zoning Commission; and

Whereas, expenditures to CP&EA are approaching the contract maximum because of additional informational and outreach initiatives by the Zoning Commission; and

Whereas, the Caroline Town Board budgeted for additional planning assistance for the zoning initiative in the 2022 budget; therefore be it

Resolved, the Caroline Town Board hereby authorizes the Zoning Commission to continue to use the services of CP&EA on an as-needed basis within the 2022 planning budget.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Resolution 83 of 2022. Approval of Vouchers for Payment of Town Bills

Motion by: Witmer Second: Snow

Resolved, the Caroline Town Board approves payment of vouchers for bills in the amounts of $22,246.25 for the General Fund, $31,019.17 for the Highway Fund, and $153.13 for the Streetlight Fund.

Motion carried.
Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie
Nays: None

Approval of Minutes

The Town Board reviewed and approved the Agenda Minutes of June 1, 2022, as submitted by Town Clerk, Jessie Townsend.

Discussion – Clm. Snow reminded the Board that Pete Hoyt had recommended last week that residents have an opportunity to speak to the Board at the end of the meeting. Supr. Witmer opposed this recommendation and offered the public to speak to the board, off the record, after the meeting.

A motion to adjourn by Supr. Witmer and seconded by Clm. Goldberg at 10:00 p.m. and was carried unanimously.

----Adjourn----

Respectfully Submitted,

Jessie Townsend, Town Clerk