

Caroline Town Board Business Meeting Minutes of July 13, 2022

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

The Town Board Business meeting was held hybrid at the Caroline Town Hall and was called to order at 7:13 p.m. by Supr. Witmer.

Attendance:

Supervisor Mark Witmer
Councilmember Tim Murray
Councilmember Cal Snow
Councilmember Katherine Goldberg
Councilmember Kate Kelley-Mackenzie

Recording Secretary:

Jessica L. Townsend, Town Clerk

Also Present: Hwy. Supt. Bob Spencer, and 17 members of the public in-person; 14 members of public via zoom

Supr. Witmer led Pledge to the Flag

Privilege-of-the-Floor

RC Quick – He is a multi-generational landowner. Spoke in opposition of the zoning initiative.

Bruce Murray – Requested that the Board put in the effort to manage procedures properly.

Kathy Mix – Wrote a letter to Jean, Zoning Chair, and never received an acknowledgment back from her. Opposes the Board voting on a law the same evening of the Public Hearing for such law. Board should take the time to think over the public comments. Hiring a Code Officer outside of town could present difficulties traveling and being on location after a fire, where attendance and inspection are required. Supports and delighted to read the Ag Committee Resolution that will be voted on tonight.

Pete Hoyt – Supports the Resolution for the Ag Committee. Restated his previous recommendation to have a second Privilege-of-the-Floor at the end of each Board meeting. This would allow for audience members to have any questions answered that they may have after the agenda items are completed.

Rob Swansbrough – ZC Chair's comment at the last Information Session was unacceptable and asked the Board for her removal. Last year, the Town expended just over \$30,000 for a part-time Code Officer and collected just over \$15,000 in fees. Doesn't believe the town needs a Moratorium and opposes the ext.

John Morse – Tired of talking about zoning. So many other things that the town could be working on together. Read a post from an Ithaca Mayor candidate, Katie Sims, whom states that zoning intentionally excludes the less privileged by limiting homes that are only affordable to the rich.

Reports

Supervisor Mark Witmer – Correspondence of Note

- Received a letter from Costello, Cooney, and Fearon PLLC on behalf of Caroline residents and business owners “concerned with the Town’s proposal to enact a new comprehensive and restrictive zoning law” and “troubled by the ongoing and indefinite moratorium on residential and commercial development within the Town.” The letter states that the Town will be subject to legal action if the moratorium is extended.

- GML-239 Review of the proposed Land Use Moratorium was completed by Tompkins County.
- Received 2023 Budget Proposals for the Recreational Partnership for youth programs from Karyn Scott, one a 3% increase that would cut Summer Music, Outings/Climbing, and Tot Spot, the other an 8.8% increase that would maintain current programs.

Supervisor's Notes

- Broadband: Requested Caroline buildout proposal from Haefele TV. TCCOG members will be meeting with broadband engineering firm in late July to learn about options and potential collaborations.
- Zoning Planning: Preparing a Consolidated Funding Application to support our zoning planning work to the Smart Growth Comprehensive Planning Grant Program for July submission.
- Countywide Shared Services: Shared Services Panel met on July 7 (Supervisors and County Administrator Holmes and Deputy Administrator Nugent). Given that a Shared Services Plan is not required this year and initiatives under consideration are being researched, the panel decided not to submit a plan this year. TCCOG will assume the role of investigating shared services opportunities for the remainder of 2022. The county will be undertaking a study of shared services opportunities for countywide code enforcement, which was approved last year as part of the 2022 budget.
- Emergency Services Planning: 1. TCCOG Emergency Services Planning Subcommittee continuing to evaluate a county-level rapid response ("fly-car") system. 2. Working to set up group meeting with Caroline Fire Departments to discuss mutual needs and solutions.
- Recreational Partnership: the Town Council was unanimous is recommending to Karyn the Maintenance of Effort Budget.
- Energy and Sustainability: working with Speedsville Community Center and Speedsville Residents to provide information for a feasibility study grant for Community Geothermal in the Speedsville Hamlet.

County Legislature Rep., Dan Klein – Dan was not present at tonight's meeting, but offered the following report: There is not a lot going on at the County Legislature on the surface at the moment, but there is lots percolating in the background. We had some high-level job turnover recently, and that is part of the reason for the lull in activity. Our Deputy County Administrator, Amie Hendrix, left to become the City of Geneva City Manager. Bridgette Nugent just started as our new Deputy County Administrator. She had previously worked in our Youth Services Department. Our Chief Equity and Diversity Officer also just left. She had been doing a lot of work on the Reimagining Public Safety effort. Summer is the time when most of the internal budgeting work happens. In September, the County Legislature begins its work on the budget. My preliminary sense is that the budget is looking good this year. Sales tax revenues are way up. This is good for both the County's and Caroline's budgets. Of course we have to remember that this money is partially coming from our residents through higher prices on almost everything.

The redistricting process is almost complete, and it's almost a sure thing that our County district will remain intact with Caroline and Danby continuing together in one district.

There are various issues with TCAT going on. TCAT just signed a one-year extension of a Memorandum of Understanding with Cornell for their bulk fare system. Despite the large increase in the price of gasoline and inflation in general, Cornell refused to pay any increase for their bus service. In addition to that, Cornell is trying to change the agreement with the City and the County where each of the 3 partners contributes equally in the event that the TCAT budget operates at a deficit in any given year (this has never happened). I am very disappointed in Cornell's lack of support for TCAT.

Another TCAT issue is that the fare boxes are at the end of their useful lives. Replacing them could be a multi-million-dollar project. It seems like this might be the perfect moment to consider transitioning to a fare-free bus system. There are many other examples of this in the country. Probably the biggest obstacle to this would be Cornell. Since most trips start or end at Cornell, they would need to subsidize a large share of the cost of going fare-free.

The Community Recovery Fund is something the County Legislature set up to distribute to the community some of the federal Covid money that we received. It's taken a very long time to get this up and running. It turns out it's harder to give away money than you might think. I say that as kind of a joke, but it is actually true. We hired a consultant to administer the \$6.6 million program. We set up a committee to guide the consultant and to act as a bridge between them and the County Legislature. I am chairing that committee, and our first meeting will be August 1st. The final criteria of who is eligible for grants and how it will all work is still being worked out. In the meantime, if you can think of possible grantees or projects in Caroline, make a list and talk with me about them as the grant program unfolds. Broadband? Trail? Ambulance? I expect the applications will be open this Fall, with grants being awarded around the first of the new year.

Town Clerk, Jessie Townsend - The following collection fees for June were: 26 dog renewals; 7 building permit fees; 2 impoundment fees; and 2 marriage transcript. Check #278 in the amount of \$1,006.50 was given to the Supervisor on July 5, 2022. Has received 11 FOI requests in the last 30 days, bringing the total requests to 56. Recorded all items listed per request, and that brings the total number of requests to 118 since January 1st, 2022.

Highway Supt, Bob Spencer – Sent a Resolution to order plow truck to the Board for their consideration. Buffalo Rd Streambank project is delayed due to scheduling conflict. Finishing work on Bailor Rd project and then moving to Speed Hill Rd to work on water run-off issues.

Clm. Kelley-Mackenzie – Transportation Council – Almost all Tompkins townships are now involved in the Safe Roads for all. More details to come as meetings continue.

Resolutions

Resolution 86 of 2022. A Local Law Amending Residency Requirement of Appointed Public Officers

Motion by: Witmer Second: Murray

The Caroline Town Board hereby agrees to adopt the local law amending the residency requirement of appointed officers.

Discussion: Clm. Murray regrets that they now must amend the law when it should have been drafted this way when passed a couple of years ago. He also supports “Public Officers” not being specifically identified in the law, as leaving the term open will allow them to not have to amend again in the future for any other appointed officers. Supr. Witmer shared his support of the law and explained that all code officers in NYS enforce NYS code, so residency, to him, doesn't matter. Clm. Goldberg would like to include the Public Officer position(s) that they are intending to vote on. Further discussion regarding including the position(s) of the Public Officer(s). After further research and discussion, the Board agreed to reintroduce the law, amending the language to include all 3 Public Officers, Deputy Town Clerk, Deputy Highway Superintendent, and Code Officer (ATTACHMENT #1). If passed, a new Public Hearing will be scheduled.

Tabled.

Resolution 87 of 2022. Amendment of a Local Law Amending Residency Requirements of Appointed Officers

Motion by: Witmer Second: Goldberg

Resolved, the Caroline Town Board hereby amends the Local Law to Establish the Residency Requirements of Certain Appointed Public Officers for the Town of Caroline.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 88 of 2022. Set a Public Hearing for Amendment of a Local Law on Residency Requirements of Certain Appointed Officers

Motion by: Witmer Second: Goldberg

Resolved, the Caroline Town Board agrees to set a Public Hearing on the amendment of a Local Law to Establish the Residency Requirements of Certain Appointed Public Officers for the Town of Caroline on Monday, July 25th, 2022, at 7:00 p.m.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 89 of 2022. A Local Law Extending the Land Use Moratorium

Motion by: Witmer Second: Kelley-Mackenzie

Discussion: Clm. Murray is in favor of the extension, adding that they have been very conscience of the State law requirements for a Moratorium and believes that another extension is necessary. Clm. Snow does not see a commercial threat, if anything, there's a residential threat with homes being built on old farmland. Does not support the extension. Clm. Goldberg agreed with Clm. Snow in that the threat that's happening here is suburbia if anything. Clm. Kelley-Mackenzie supports our Moratorium but is concerned about extending it another year. Further discussion and Supr. Witmer proposed reducing the length of extension to nine months, rather than one year.

Resolved, the Caroline Town Board hereby agrees to Extend the Moratorium on Development Actions Subject to Site Plan and/or Subdivision Review for a period no later than nine months.

Motion carried.

Ayes: Witmer, Murray, Goldberg, Kelley-Mackenzie

Nays: Snow, Goldberg

Resolution 90 of 2022. Resolution Authorizing the Purchase Order for a New 10-Wheeler Plow Truck

Motion by: Witmer Second: Snow

Whereas, the Highway Department is in the process of replacing its fleet of aged dump trucks; and

Whereas, the Highway Department's equipment management plan is to establish a shorter-term rotation cycle of purchase/selling that will reduce repair expenses and increase resale value; and

Whereas the Highway Department's next priority purchase is to replace one of the two aged dump trucks remaining in the fleet; and

Whereas the Highway Superintendent recommends placing an order now for this truck because of at least a two-year wait because of supply bottlenecks; and

Whereas the truck will be ordered from a competitive vendor under the New York State bid program, which will ensure a competitive purchase price; therefore be it

Resolved, the Caroline Town Board hereby authorizes the Highway Superintendent to place a purchase order for a new 10-wheeler plow truck.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 91 of 2022. Request of Town Board Support for Municipal Agricultural and Farmland Protection Plan Grant Application.

Motion by: Goldberg Second: Witmer

Whereas, the Town of Caroline's Comprehensive Plan has expressed a commitment to preservation of rural character, protection of farmland, and supporting productive Agricultural practices, and

Whereas, the Town of Caroline is currently engaged in land use planning efforts, and

Whereas, the Town's Agricultural Committee (i.e. Agricultural and Farmland Protection Board) has resolved that land use planning efforts should be consistent with a robust future for agricultural activities in the Town, and

Whereas the Town of Caroline lacks specific local data of farming conditions, agricultural practices, and production to inform land use planning decisions, and

Whereas, the Caroline Agriculture Committee has stated its willingness to fully engage in the management and work activities in the creation of a Municipal Agricultural and Farmland Protection Plan,

Now be it resolved, that the Caroline Town Board hereby supports submission of a grant application for the creation of a Municipal Agricultural and Farmland Protection Plan. Specified within this support is agreement to utilize the Town's Grant Application Gateway account, and provide the required financial matching, should the grant application be approved (as outlined below, excerpted from RFA materials), in the anticipated maximum amount of \$9000.

2.4 Match Requirements Municipalities must provide a twenty-five percent (25%) match of cash or in-kind services. A minimum of twenty percent (20%) of that match must be cash (see Sample Project Budget below). Cash and in-kind match must be for items that are eligible cost categories and may be provided by the applicant or other supporters of the project. In-kind service also includes compensated labor, materials or equipment. The cost of preparing applications, project costs incurred prior to the announcement of awards, indirect and overhead, and other New York State Funds may not be considered as an applicant match. Please note: Applicants must attach documentation, such as a resolution from the municipal legislative body or letter from an authorized municipal official, obligating the cash match.

Motion carried.

Ayes: Witmer, Snow, Murray, Goldberg, Kelley-Mackenzie

Nays: None

Resolution 92 of 2022. Approval of Vouchers for Payment of Town Bills

Motion by: Witmer Second: Murray

Resolved, the Caroline Town Board approves payment of vouchers for bills in the amounts of \$22,629.32 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 July 6, 2022, as submitted by Town Clerk, Jessie Townsend.

Other Discussion

Clm. Snow recommended that the State Land in Caroline be included in the zoning map. Zoning Commission Liaison, Clm. Murray, will speak to the Commission and see if it's possible.

A motion to adjourn by Supr. Witmer and seconded by Clm. Murray at 9:29 p.m. and was carried unanimously.

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

Respectfully Submitted,

Jessie Townsend, Town Clerk

(ATTACHMENT #1)

**LOCAL LAW NO. ____ OF 2022
Town of Caroline, County of Tompkins**

**A LOCAL LAW AMENDING AND RESTATING LOCAL LAW #1 OF
2020 AS LOCAL LAW #____ OF 2022 TO EXTEND GEOGRAPHIC AREA
FOR ELIGIBILITY AS TOWN OF CAROLINE PUBLIC**

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

Section 1. Legislative Intent and Purpose. It is the intent of this local law to amend the existing authority of the Caroline Town Board and allow for the appointment of town public officers from a broader geographic area than as originally set forth in Town of Caroline Local Law #1 of 2020. The Town of Caroline’s experience with such local law, observations of what works well in other municipalities, and the limited pool of eligible and qualified candidates mandates this change, as history has shown that the best candidates, and sometimes the only eligible or qualified candidates, are from nearby areas and not necessarily residents of the Town of Caroline, or even of Tompkins County. Requiring residency for appointed public officers in Tompkins County or adjoining counties is consistent with Tompkins County’s residency requirement.

Section 2. Authority. This local law is adopted pursuant to Municipal Home Rule Law §10, including subdivision [1][ii][a][1] as grants to local governments the authority to enact local laws regarding the qualifications of local officers, as well as from Town Law §§ 23 and 64, and Public Officers Law § 3.

Section 3. Amendments to Local Law #1 of 2020. Section II of such local law is simplified, and IV of such local law be and hereby is amended to expand residency requirements for certain public officers to all of Tompkins County, and any neighboring county within New York State, and the entirety of such local law is amended and restated, and thus duly superseded, to now read as follows:

**LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS OF
CERTAIN APPOINTED PUBLIC OFFICERS FOR THE TOWN OF CAROLINE**

Local Law #____ of 2022, Town of Caroline, Tompkins County, New York

Be it enacted by the town board of the Town of Caroline in the County of Tompkins, as follows:

SECTION 1. TITLE: A local law to establish the residency requirements for the appointed offices of Deputy Town Clerks, Deputy Highway Superintendent, and Code Officer (Code Officer, as a term used herein, shall also mean the code enforcement officer and building inspector, including as such terms are used in the Executive Law and Town Law § 138).
SECTION II. AUTHORITY: This local law is adopted pursuant to Municipal Home Rule Law §10, including subdivision [1][ii][a][1] as grants to local governments the authority

to enact local laws regarding the qualifications of local officers, as well as from Town Law §§ 23 and 64, and Public Officers Law § 3.

SECTION III. SUPERSESSION: This local law shall supersede Town Law, §23(1) in its application to the offices of Deputy Town Clerks, Deputy Highway Superintendent, and the Code Officer for the Town of Caroline.

SECTION IV. RESIDENCY REQUIREMENTS FOR THE POSITIONS OF DEPUTY CLERKS, DEPUTY HIGHWAY SUPERINTENDENT, AND CODE OFFICER FOR THE TOWN OF CAROLINE: The person holding the offices of Deputy Clerks, Deputy Highway Superintendent, or Code Officer in the Town of Caroline need not be a resident nor an elector of the Town of Caroline, provided, however, that such person shall reside within Tompkins County or within an adjoining county of the State of New York.

SECTION V. INCONSISTENCY: All other local laws and ordinances of the Town of Caroline that are inconsistent with the provisions of this local law are hereby superseded and repealed; provided however, that any such repeal shall only be to the extent of such inconsistency. In all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

SECTION VI. SAVINGS CLAUSE: If any clause, sentence, paragraph, word, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgment shall not affect, impair, or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

SECTION VII. EFFECTIVE DATE: This local law shall take effect immediately upon adoption.