

Caroline Town Board Business Meeting Minutes of August 15, 2018

The Town Board Agenda meeting held on August 15, 2018 at the Caroline Town Hall was called to order at 7:06 p.m. by Supervisor Mark Witmer.

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

Absent: Megan Barber, Councilmember

Recording Secretary: Marilou Harrington-Lawson, Town Clerk

Also Present: 32 people of the public attended

Supervisor Mark Witmer led the Pledge Allegiance to the Flag.

PUBLIC HEARINGS ON CHANGING ELECTED TO APPOINTED OFFICES

Mr. Witmer began the session by clarifying that the numbers he gave at the information session regarding the how many towns are elected vs. appointed in New York State were from 2008. He has contacted the Association of Towns and has asked for more current statistics. He then presented a graph of appointed Superintendents and Town Clerk officials in New York State to share with the audience.

Public Hearing on proposed law to change the Highway Superintendent's Office from an elected to appointed position:

Mike Moran – Opposes the proposed change. Suggested getting the public more accurate information through the Town website, Town Announcements and local newspapers. Asked Megan Barber to recuse herself from the vote because of her being a new councilmember.

Audience Member – Thinks it should be brought to referendum. Believes it's an interesting issue, no right way or wrong way.

Todd Schmitt – Thanks the Town Board, the Town Clerk and Highway Superintendent for all their hard work. Has read the arguments and if the vote was today, he would not vote yes to the change. Believes a government works well when it's a participating government.

Bob Spaulding – Our right to vote is a privilege and a duty. No critical need to change has been proposed.

Pete Hoyt – Once you give away your right to vote, it's gone forever. Doesn't want to see it go to referendum.

Martha Monroe – Told Cindy (Highway Superintendent) she is the best. If the board is going to appoint, how do we know (the voters) that they don't want someone they know in the positions. The people should vote.

Ed Monroe -People fought and died for our freedoms and this wouldn't be right.

Judy Rothenberg – Thanks the board for bringing this forward. It's important to have a vote. Her opinion is the pool would be larger if it was a hired position and not elected.

Tim Murray- Would like to see it go to referendum. Sees both sides. Worth a public discussion and vote.

Don Barber- Gave pros and cons to both elected and appointed offices. Question for Town Board, is for the compelling reasons for the change and/or is it enough to take away the right to vote. Recommends creating a personnel committee.

Chad Tibbals – Resident a long time. Opposes the proposed change.

Ed Wurtz – Spoke positive about current Town Clerk and Highway Superintendent. If it's not broke don't fix it. Concerned the pool of applicants for the Highway position may be very limited, a larger pool makes sense by opening it to neighboring towns.

Pat Dubin - Supports the referendum. A lot of skills are needed for both positions. Interested in expanded pool. More duties will require more money.

Bruce Murray- Asked the Town Clerk if there is continuous training for the position. Expressed frustration over the way the Town positions haven't been advertised appropriately.

Kim Whetzel- Highway Superintendent and Town Clerk very important positions. Opposes the proposed change. Both officials have attended all the classes and have the knowledge to do their job to the best of their ability. Would like to see it remain elected.

Dave VandeMark- Asked the Town Board why we are going through this process. People in Caroline are much better off with elected officials.

Cindy Whittaker – Called the Association of Highway Superintendents for the State of New York and they are against the appointed positions. Gave statistics showing that this change is not successful in the State of New York. Believes you should be a resident, makes you accountable. If you don't do your job, you won't get elected. It doesn't matter how popular you are. Told the Board they better realize if these positions become appointed, the responsibilities they are taking on as these officials' bosses. A lot of responsibility.

Bill Crispell – Has paid taxes all his life. The Board better realize if they appoint, it will fall back on them if performance is lacking.

Public Hearing on proposed law to change the Town Clerk's Office from an elected to appointed position:

Paulette Rosa – Is the appointed Town Clerk for the Town of Ithaca. Believes that a Town this small, it should stay elected. Opposes the change. The Board keeps talking about increasing the

pool by making it appointed, you will still need to be a resident of the Town within a prescribed amount of time after appointment unless changed by the State Legislature. Encouraged residents to run for office.

Mark Witmer stated that he also followed up with Lori from the Association of Towns on that issue and was told that the Town can adopt a Local Law to hire applicants outside of the borders of the town.

Pete Hoyt – Believes an elected department head will work harder for residents.

Cindy Whittaker – (As the elected Highway Superintendent) She would gladly be told she can only have 2 weeks' vacation if she could get an hourly rate in the winter.

Kathern Goldberg – Needs to learn more before she has an opinion either way. What is the compelling argument not to have it go to referendum.

Marilou Harrington-Lawson – Doesn't want it to go to referendum because if it passes, she will have to apply for her own job if she wants to stay here. Gave qualifications as a Registered Municipal Clerk, a Certified Municipal Clerk and a Master Municipal Clerk, much of the training was done on her own time. Wants to keep the job, feels forced out.

Bill Crispell – Is proud of this Town, has been a resident for 78 years. Doesn't agree that this is town business worthy.

Privilege-of-the-Floor:

Don Barber – Concerned about wording used in recent Resolutions regarding the introduction to propose Local Laws. Made suggestions to the Town Board about putting the Resolutions together ahead of the Board Meetings so they are clearly written and less confusion for each other and the public.

Marilou Harrington-Lawson – Told the Board that those proposed Local Laws should not be numbered. *Mr. Witmer clarified that they have modified the Resolutions and have removed the numbers. Apologized for the confusion.*

Audience Member – Abandoned property at Deerfield Lane and Route 79. Asked if the Town could investigate getting that property cleaned up as it has gotten much worse over time. *Code Enforcement Officer, Brooke Greenhouse made note of the property and will follow up.*

Discussion on proposals to change the Superintendent and Clerk Offices to appointed positions:

John Fracchia – Would like to think about it.

Irene Weiser – Asked Don Barber to pass along his notes for her review. Believes it was a good discussion tonight. Would like clarification from Guy Krogh, Esq. regarding out of town vs. in town and if you have to live here. There was some conflicting information and would just like it to be clear.

Mark Witmer – The Town Attorney informed him of the process; first pass the law to appoint, then a separate law to propose to define the borders or not. Ms. Weiser would still like to know definitively whether if it is outside the borders, do they then have to move into the Town. Mr. Witmer will speak to the Town Attorney and let everyone know.

Interview with Code Officer Brooke Greenhouse:

Introduced himself as the new Code Enforcement Officer of the Town of Caroline and Town of Richford. Has been in Code training. Does his level best to do things right. His goal is compliance and not an enforcer. Not just trying to make buildings safe but safe for future owners. Diligently working in his office. Found a digital auto book for New York State Code Standards rather than the huge paper books that often come with supplemental inserts, the digital books will be much more effective. Will work with his assistant to update forms for his office. Working through the new permit applications. Adding information for applicants on workers comp compliance, code guidelines for deck designs, fire and safety inspections in hopes to make the process more understandable and prepares them for what will be required from them. Will continue his Code training. He is out in the field doing inspections and stops in the office periodically throughout the week. Office hours as of now are Tuesdays and Thursdays.

Additions/Deletions to the Agenda:

Will Lawrence – Active in several senior groups. 501c3 Statewide Senior Action Council. Mainly known for providing Medicare information. The other group she is involved in is the Office of the Aging. Tompkins County has a grant, no other town in Tompkins County has applied for the grant and encourages the Board to try and get the grant. Will continue to provide information from the Office of the Aging to the Town Board at upcoming board meetings.

Reports

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

Correspondence of Note:

TCAT Strategic Plan Open House on Tuesday, August 28, from 4:00-6:30 pm at the Borg-Warner Room at the Tompkins County Public Library. Post to website and town announcements.

Received from the Cayuga Lake Watershed Network information and resources about Harmful Algal Blooms (HABs) on Cayuga Lake. Suggest we post to Watershed Committee page.

Supervisor’s Notes:

Town Hall Phones: Pleasant Valley corrected routing of alarm lines on August 10. Installation of the new phone system is now complete.

Code Office: Interviewed two candidates and have hired Brooke Greenhouse as our new Code Enforcement Officer. Welcome, Brooke!

Watershed Committee: Buffalo Road Creek Stream Bed Stabilization II is near completion pending installation of guide rails.

Town Hall Parking and New Bus Shelter: met with John Andersson on August 10 to review his updated project plans for parking and bio-retention areas at Town Hall. Seeking update on timeline for relocation of TCAT bus shelter.

2019 Budget Requests have been provided to town departments and committee chairs/liaisons.

Court Clerk Armstrong reports that organization of court records in preparation for Laser Fiche scanning by Tompkins County Clerk's Office is nearly complete.

The town attorney has reviewed and summarized title work on Caroline properties adjacent to NYSEG's "rail bed" property and concluded that NYSEG is the rightful owner. This research was requested by the town board.

With Clm. Fracchia and others, I will be working to develop a Request for Proposals for a heat-pump based heating system for the Historic Town Hall within the next month. This will provide space-conditioning (heating AND cooling) for the court, our public meeting space, and the Caroline History Room.

Submitted contract to Public Sector HR Consultants, LLC, to begin work on updating the town's Personnel Handbook.

Contacted by Darby Kiley, Tompkins County Planner, and C.J. Randall about whether we may wish to have Tompkins County Planning assist us with developing local wind and solar laws in 2019. *Discussion followed regarding the timeline. Ms. Weiser and Mr. Fracchia expressed frustration with the timeframe. Would like to see this moving forward.*

Marilou Harrington-Lawson, Town Clerk – For the month of July, we collected \$942.00 in dog licenses, fishing licenses and building permit fees. We started selling hunting licenses as of August 1st and so far, have sold 5 licenses totaling \$164.00. Fall hours begin September 1st. Office hours will be Monday, Tuesday and Thursday 8AM to 3PM and Wednesdays 8AM to 1PM. The Town Attorney can no longer represent the Town Clerk because the Town Board has taken action against the clerk to change the position from elected to appointed. The Town Attorney said since things have gone sideways, he recommended the Clerk get her own lawyer. *A brief discussion took place about the Town's attorney and his obligation to instruct her as a Town Official. The Board then asked for the copy of the email so they could discuss with Mr. Krogh.*

Dan Klein, County Representative Report – None

Cindy Whittaker, Highway Superintendent – Rain has delayed many projects. Busy repairing shoulders from all the rain. Deeper ditches have helped with flooding. She is eager to replace the 2014 One-Ton, as it has all sorts of issues and the warranty expires in a few months.

Irene Weiser, Councilmember – None

John Fracchia, Councilmember – None

Cal Snow, Councilmember – None

Discussion and Action Topics

Darby Kiley, Tompkins County Planner, and C.J. Randall about whether we may wish to have Tompkins County Planning assist us with developing local wind and solar laws in 2019.

Councilmember Fracchia much have us working on it in the Fall no harm in following up but the timing stay the course and not wait until next year.

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

Resolution ___ of 2018

Resolved the Caroline Town Board authorizes the Supervisor Mark Witmer and all Councilmembers to sign the 284 Agreement for \$180,000 for the Town Highway Department.

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

Resolution ___ of 2018

Streetlight Fund Abstract

A motion was made by Mark Witmer and seconded by John Fracchia to approve payment for the Streetlight Fund voucher number 14 through 15 for \$584.13

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

Resolution ___ of 2018

General Fund Abstract

A motion was made by Mark Witmer and seconded by Cal Snow to approve payment for the General Fund voucher number 215 through 243 for \$25,719.56

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

Resolution ___ of 2018

Highway Fund Abstract

A motion was made by Mark Witmer and seconded by John Fracchia to approve payment for the Highway Fund voucher number 142 through 157 for \$56,758.35

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

Resolution ____ of 2018

Minutes of the Business Meeting held July 11, 2018:

A motion was made by Mark Witmer and seconded by Cal Snow to accept the minutes of the July 11, 2018 Business Meeting as submitted and revised by First Deputy Clerk, Jessica L. Townsend

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

Cindy Whittaker was looking for an update on the ATV Riders Group. Mark Witmer talked to the Town Attorney, Guy Krogh, Esq. regarding having a meeting on September 4th. Irene Weiser had suggested having a separate meeting to discuss this on a different day than the scheduled Agenda Meeting. Mr. Witmer then suggested having a separate public meeting, ahead of the Agenda Meeting on September 4th, perhaps starting at 6:00PM, where Mr. Krogh could answer questions and give information on laws. It was then agreed that an Information Session regarding the ATV riders will be scheduled for the Tuesday, September 4th at 6:00PM. The Agenda Meeting will follow. Ms. Weiser would like a proposal as to what time of day the ATV riders are asking to have the roads open and what time they will close; what part of the road they will be riding on and such other items so they can have some questions answered at the time of the meeting with the Town Attorney.

Cal Snow discussed trees that need to be removed. He asked for approval for Bill Case to remove two trees from the cemetery on Central Chapel Road.

A motion was made by Mark Witmer and seconded by John Fracchia to authorize Cal Snow to work with Bill Case in the removal of the two trees from the cemetery on Central Chapel Road.

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

Councilmember Snow also asked for an update of the streetlights. No update given. Also asked for the timeline on the proposal to the two Local Laws discussed tonight. Mr. Witmer said they will vote on it at the Business Meeting in September. That will determine what will happen next.

A motion to enter Executive Session to discuss personnel issues was made by Mark Witmer and seconded by John Fracchia at 10:20PM and ending at 11:03PM.

---Adjourn---

Respectfully Submitted,

Marilou Harrington-Lawson, Town Clerk