

Caroline Town Board Business Meeting Minutes of May 13, 2020

The Town Board Business Meeting held electronically via Zoom teleconference on May 13, 2020 at 7:10 p.m. hosted by Supervisor Mark Witmer and co-hosted by Councilmember John Fracchia

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: Tompkins County Legislation Representative, Dan Klein and 21 members of the public attended via teleconference.

Supervisor Witmer opened with welcoming everybody to the Business Meeting. This meeting is being recorded and will be posted along with meeting minutes on the Town Website. He also noted that all petitions and comments that have been received to date are posted on the town website. Today we received two batches of petitions totaling 89 signatures of people opposed to the Moratorium and we have also received an updated petition of people in support of a Moratorium totaling 711 signatures. The Public Hearing has been kept open and the meeting will begin with reopening that Public Hearing. Supervisor Witmer stated that they have heard from both those who are in favor of and opposed to a Moratorium and he further clarified that the town board has proposed this Local Law as a measure of due diligence, that the town's Comprehensive Plan is under review and revision and is projected to be completed by late summer/early fall of this year. This will then allow the town board to determine whether to make additional land use regulations and that a Moratorium is a pause and not a prohibition.

Continue Public Hearing on the Moratorium on Actions Subject to Site Plan or Subdivision Review for a Period of One-hundred Eighty (180) days

Kira Fritsky-Randolph – Read a statement from Victoria Campbell, owner of Wild Things Sanctuary – Described the areas natural beauty and has seen changes in the wildlife since she moved here 15 years ago. Feels an obligation to respect all inhabitants and believes commercial development will further reduce the wildlife population.

Robin Rosoff – Thanked the town board for their consideration of a Moratorium and she and her husband, Rick strongly support a Moratorium so that the Planning Board can finish the Comprehensive Plan which will include the shared visions of the community. Caroline residents since 1974, she shared concerns regarding safety at this proposed side and disrupting the rural character of the town.

Erik Frank – Aside from any personal views of the proposed commercial building, he believes that taking a pause in order to finish the Comprehensive Plan that has been in the works for several years is not going to hurt. Is in favor of a 180-day Moratorium.

Rose Fritsky-Randolph – Strongly in favor of Moratorium. Believes that the current global pandemic meets the exigent circumstance and urged the town board to vote in favor of a Moratorium. Doesn't

believe that this commercial developer is in line with our values, prioritizes the preservation of our community and its rural character. This is a wake-up call for our community.

Rita Rosenberg – It has been 2 months since the first petition to enact a Moratorium was submitted to the town board with 37 signatures – now has over 700 signatures from town residents and beyond. Supporters have sent dozens of letters and attended meetings of the Town Board, Review Board and Planning Board. She attended the Planning Board meeting last night and is impressed with the progress they have made on the revised Comprehensive Plan. Encouraged the board to honor the input they have received by the community and support a 180-day Moratorium so that the Planning Board can finish the Comprehensive Plan.

Public Hearing was closed at 7:28 p.m.

Privilege-of -the-Floor:

None

Reports

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

Correspondence of Note:

Received Census 2020 flyers to promote the census. Recommend we add to website.

Received letter from the Principal Examiner at the Office of the State Comptroller acknowledging receipt of our Corrective Action Plan in response to the recent audit. The audit and our response is publicly available at Open Books NY.

Meeting with other Town Supervisors every other week to discuss issues with COVID-19 PAUSE.

Working with Superintendent Spencer and Donald Harner of T.G. Miller on final planning for permits and putting out RFP for Ekroos Road Culvert and Stream Stabilization Project.

Preparing to bid solicitation for bioretention feature and possibly sidewalk at town hall.

Met with NY Power Authority on our LED street light project with other municipal officials. We have not yet reached 90% design phase. Clarified with the engineer that the project is a one-to-one replacement, not a refiguring of street light infrastructure in the town. LED lights and fixtures will be designed to provide optimum lighting at each location.

Bookkeeper Lyke is completing 2019 AUD and working with Williamson Law Book on the municipal accounting program.

Discussion: Councilmember Weiser inquired asked if the Supervisor and Bookkeeper have been able to go over a 5-year Capital Plan

Brooke Greenhouse, Code Officer – None

Jessie Townsend, Town Clerk – Maintaining office hours several days a week and working from home. Encourages residents to continue to call and/or email with any questions or service needs.

Bobby Spencer, Highway Superintendent – Ditching on Buffalo Road is nearly completed, and it will be hydroseeded next week. Crews have been out patching potholes on the back roads. Upcoming meetings with DEC and Tompkins County Soil & Water regarding flood water issues in Shindagin Hollow. Waiting to hear word on whether the town will be receiving CHIPS money – still no word yet. If the money does come through this year, the plan is to finish paving Buffalo Road.

Irene Weiser, Councilmember – None

Cal Snow, Councilmember – None

Tim Murray, Councilmember - None

Dan Klein, County Representative Report – Ag District Review has been delayed. Public Hearing will be held on Tuesday, May 19th at 5:30 p.m. to be finalized. County Legislator seats are up for election in 2021 but the census data will not be completed in time for redistricting. There will be a period of time with this being out of synch with the census data. One suggestion has been to stagger the terms. Ithaca Waste Water Treatment Plant will be undergoing repairs this year and they will not be taking in the full amount of septic waste that they normally have trucked in. At times this summer it will have to be trucked to Syracuse, so expect an increase in cost during times in June, July, and August if you need your septic pumped.

Of the 134 positive cases of COVID in Tompkins County, 2 of those were Caroline residents.

T/Danby board meeting was last night, and they plan to start furloughing employees next week and running through the end of July.

County Budget – Looking at a severe revenue shortfall. Difficult to predict but current estimate is between \$10-18 million dollars below budget this year. They need to cut expenses. That includes furloughing 90 employees now through July, they have 30 vacant positions that will not fill, scale back capital improvement projects; this includes all paving projects (Coddington Rd and Lounsbery Rd in Caroline), possible health insurance adjustments for employees and/or retirees, as well as early retirement packages for some employees. Nothing has been planned or offered yet, these are all suggestions in order to help expenses for the County and this will still leave millions of dollars below budget for this year. Something they cannot do is raise the taxes, so they must make the money up somewhere else. For 2021 so much is still unclear. They would normally have started budget process by now but there are so many unknowns they have delayed that until August.

Brooke Greenhouse, Code Enforcement Officer – There has been a backlog in the Code Office because of the tremendous distractions with COVID. Would also like to clarify that May 16th Phase 1 re-opening for construction is unclear. No one in the community should assume that construction projects can resume at that time.

New York State Stretch Energy Code Presentation

Lou Vogel gave a presentation on the New York State Stretch Energy Code. This is an overlay that improves upon the new code that just came out yesterday. This is a tool for building a healthier, more efficient and higher quality buildings. Benefits include readily adoptable local energy code, based on construction techniques that are happening now. The Stretch Code will match NYS Energy Code in 3 years and believes that this to be an easier administration of the Energy Code. The Code has been improving over time but shows it has flattened a little bit. Some benefits of this Code include healthier buildings, better ventilation and insulation and longer lasting homes/buildings. The average energy cost savings for residential is around 10-11% saving energy and money in lighting, plumbing/HVAC and the total average savings overall is around 18% annually. Ithaca is currently using NY Stretch as part of their

Green Building Code and several other communities are looking at it currently. The Town of Caroline is a certified Climate Smart Community at the bronze level and adopting this code would give silver level which would help with Climate Smart Community state grants for adaption and mitigation efforts. Lou will be forwarding adoption language for their consideration. Code Enforcement Officer, Brooke Greenhouse shared concerns with the energy savings estimates and believes them to be overestimated. He is also concerned with the uncertainty of this economic time that the cost to comply with this would cost the average house \$2,000 or more.

Resolutions

Resolution 84 of 2020 Transfer of Funds

A motion was made by Mark Witmer and seconded by Irene Weiser to transfer \$3,200 from A1990.4 Contingency to A1440.405 Eng. Creeks to cover Engineering costs

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

Resolution 85 of 2020 General Fund Abstract

A motion was made by Mark Witmer and seconded by Councilmember Irene Weiser to approve payment for the General Fund for \$23,880.43

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

Resolution 86 of 2020 Highway Fund Abstract

A motion was made by Mark Witmer and seconded by Councilmember Tim Murray to approve payment for the Highway Fund for \$18,542.68

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

Resolution 87 of 2018 Streetlight Fund Abstract

A motion was made by Mark Witmer and seconded by Councilmember Cal Snow to approve payment for the Streetlight Fund voucher for \$547.34

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

Minutes

Town Board approved the Agenda Minutes of May 5, 2020 as submitted by Town Clerk, Jessica Townsend

Discussion and possible vote to adopt A Local Law Providing for a Moratorium on Actions Subject to Site Plan or Subdivision Review for a Period of One-hundred Eighty (180) days

Councilmember Cal Snow asked Code Enforcement Officer, Brooke Greenhouse how many commercial properties would a Moratorium affect if enacted. Mr. Greenhouse stated that there may be one but that not a lot of new construction is happening right now because of the pandemic. Councilmember Tim Murray acknowledged the support that they have received from the public and shares support of a Moratorium. He states that the Planning Board is continuing to work to have a draft of the Comprehensive Plan later this summer and progress is being made to do so. Councilmember Weiser states she is also appreciative of all the people who have come forward and shared their visions and love for the town. She shared concerns about some of the comments that have been made that do not pertain to the Moratorium and what the town has the authority to do. Another major concern for her is a lawsuit and the economic hardships our town faces considering the County's revenue loss. She has great respect for the vision of the town but is struggling to decide on a Moratorium. She would like to review the language in the proposed Local Law and thinks there could be some refinement in it. Councilmember Murray asked that the board members focus their attention on the context of the Moratorium and to be guided by the direction of the Comprehensive Plan and not the business establishment itself. Supervisor Witmer agreed that this isn't about this particular store and that's not what they have authority over and what they are considering here. The operational circumstance for this Moratorium is that the Comprehensive Plan has been under development for a long time and is near completion. Believes that with the justifications and underpinnings for a Moratorium, he is in favor of enacting a Moratorium for 180 days. Councilmember Snow has enjoyed the heartfelt dialogue that has resulted from this issue but feels a Moratorium could create a risk of an expensive confrontation over land use and property rights. He agrees that the Comprehensive Plan needs to be updated and finalized and believes it will succeed. He would also like to see guidelines that are more objective. He wants to do the right thing by the community but feels we would lose the legal fight. Finally, Councilmember Fracchia said that he shares Irene and Cal's struggle to try and decide how to move forward. They have received guidance by Counsel and believes they should consider modifications to the proposed Local Law. He strongly encouraged residents to hear Supervisor Witmer's words about what this is and what this isn't about. He asks the public to think about the what the future looks like for the town and thanked everyone for coming out and speaking on this issue. It was then agreed that they would review and make modifications to the proposed Local Law and enter into Executive Session to discuss further. A town announcement and notice on the town's website will be sent out with further information on the revised Local Law and the date of the next Public Hearing.

Executive Session was called by a motion made by Supervisor Mark Witmer and seconded by Councilmember Irene Weiser to discuss and deliberate upon confidential advice from counsel, and potentially engage with counsel for additional advice, upon legal matters upon which multiple, direct, and credible threats of proposed, imminent litigation have been made and was carried unanimously at 9:13 p.m.

----Adjourn----

Respectfully Submitted,

Jessica L. Townsend, Town Clerk