

Caroline Town Board Special Meeting Minutes of March 16, 2021

The Town Board Special Meeting was held electronically via Zoom teleconference on March 16, 2021 beginning at 7:07 p.m. hosted by Supervisor Witmer.

Attendance: Mark Witmer, Supervisor
John Fracchia, Councilmember
Cal Snow, Councilmember
Tim Murray, Councilmember
Katherine Goldberg, Councilmember

Recording Secretary: Jessie Townsend, Town Clerk

Also Present: 6 members of the public attended the teleconference

Privilege-of-the-Floor

None

Reports

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

- Attended 2021 Annual Meeting of NYS Association of Towns (virtual).
- Watershed Committee: Special Presentation (and discussion with) by Dr. Leann Kanda on Spotted Salamander spring crossing on Thomas Road was held at the February 23 Watershed Committee meeting with about 50 attendees. Watershed Committee published an article on this in the Old Mill. We also publicized April 17 spring roadside and ditch clean up event.
- Ms. Lyke has been working with Emily Adams on a town-wide mailing for the April 24 Brighten Up LED bulb distribution. We have taken out a bulk mailing permit and Emily and Velvet are developing a Town of Caroline mailing list. Ms. Lyke is also putting together material for our first quarterly town newsletter and has solicited material from departments. Please let her know if you have anything to contribute.
- Met with engineers for NYPA LED streetlight conversion. After consulting Superintendent Spencer, we proposed designing for four locations with road sensor technology. Our project has been prioritized and we expect project completion by the end of April.
- Tompkins County Council of Governments (TCCOG): Continuing CCA work and Emergence Service Planning with respective TCCOG subcommittees. At our February 25 TCCOG meeting Katie Hallas presented information about [*Tompkins Food Future*](#) through CCE.
- Met with Rene Carver to assess the Town Hall Meeting Room for a video monitor and camera that would enable holding meetings attended both remotely and in-person at the Town Hall. Recommend that we proceed to request a proposal for monitor with camera mounted on south wall of meeting room. The monitor would project toward the town board and would also provide for display of documents.
- The Caroline Reading Room has successfully reopened and is holding its regular evening weekday and Fri-Sun afternoon hours. Excellent safety measures are in place.

Jessie Townsend, Town Clerk – Tax Collection continues through the end of the month. Chris will be helping close out tax season and her last day will be April 2nd.

Cory Williams, Code Officer – Has completed half of his training. Classes resume again next week. Councilmember Murray asked Supervisor Witmer to remind Cory to provide monthly activity reports.

Discussion and vote on application for waiver from 180-day Land Use Moratorium from SUNX

The town board read and discussed the seven Substantive Requirements of the Land Use Moratorium and Supervisor Witmer offered the following Resolution:

Resolution 82 of 2021. Approval of Waiver from SUNX

A motion made by Supervisor Witmer and seconded by Councilmember Fracchia as follows:

Whereas, SUNX LLC submitted an application for a Waiver from the Town's 180-day Land Use Moratorium adopted on December 9, 2020 consisting of:

- 1) a Petition for Waiver on 1/12/2021,
- 2) a Narrative for the Petition for Waiver on 1/29/2021,
- 3) Proposed Project Sketch Plan on 1/29/21,
- 4) Topographic Map of project site on 2/9/2021,
- 5) Addendum to Petition for Waiver on 3/9/2021, and

Whereas, the Caroline Town Board held a Public Hearing on March 10, 2021 at 7 pm, which was duly noticed in the Town's Newspaper, the Ithaca Journal, on February 20, 2021; and

Whereas, the Caroline Town Board, having examined the waiver application materials and considered comment from five members of the public makes the following determinations on the seven Substantive Requirements of the Land Use Moratorium that must be met in whole or in part for approval of a waiver:

- i. That failure to grant the waiver will cause the petitioner a unique and unjust extraordinary harm as a result of investments of time and resources in preliminary planning over the past several years in conjunction with declining federal and state incentives.
- ii. That granting the waiver will not adversely impact the goals of the moratorium in protecting and preserving the rural character and resources of the Town. The waiver will allow project planning to move forward to produce a formal application, which will be subject to applicable local laws that work to protect the interests of the Town and its residents.
- iii. That the action for which a waiver is being sought is harmonious with neighboring uses and the Town's 2021 Comprehensive Plan in preserving open space, supporting associated agriculture, and generating renewable energy for its residents.
- iv. That the hardship is not self-created, but a consequence of the design of incentives for solar energy projects to decline over time in order to stimulate timely development of resources deemed important to the public welfare.
- v. That the harm to the applicant in denying the Waiver will not be outweighed by benefit to the community in maintaining the status quo. The applicant would face significant financial harm with delay and the project plan is consistent with existing state and impending local solar siting laws, as well as other town laws.
- vi. That the application for a Waiver was substantially complete at the time of filing and the notice for a Public Hearing on February 20, 2021, such that the Caroline Town Board had ample opportunity to consider the facts, bases, and arguments regarding the Waiver.
- vii. That the relief being considered from the Town's Land Use Moratorium is not greater than the minimum relief needed by the applicant to relieve the hardship.

Therefore, be it Resolved, the Caroline Town Board hereby grants a Waiver from the Town's temporary Moratorium on Land Use Development Reviews and Applications and Development Actions to SUNX LLC for its proposed 22 MW Solar Project near 1037 76 Road

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Review of draft Pandemic Safety Plan

Supervisor Witmer briefly described the Plan and noted that it overlaps considerably with the COVID-19 Plan that was put in place. This document has been forwarded to Board members for review and will be sent to Teamsters for their review and feedback.

Resolutions

Resolution 83 of 2021. Appoint Zoning Commission Members

A motion made by Supervisor Witmer and seconded by Councilmember Snow Resolved, the Caroline Town Board hereby appoints the following members to the Zoning Commission: Ernie Bayles, Jean McPheeters, Bruce Murray and Evie Weinstein

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 84 of 2021. Appoint Chair to the Zoning Commission

A motion made by Supervisor Witmer and seconded by Councilmember Snow Resolved, the Caroline Town Board hereby appoints Jean McPheeters as the Chair to the Zoning Commission

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 85 of 2021. RFP for Zoning Commission Professional Planner

A motion made by Supervisor Witmer and seconded by Councilmember Murray Resolved, the Caroline Town Board hereby approves of the RFP as follows:

RFP Release Date: March 17, 2021

Responses Due: March 31, 2021

Contact: Jessica Townsend, Caroline Town Clerk (clerk@townofcaroline.org; P.O. Box 136, Slaterville Springs, NY 14881, 607 539-6400 x1)

Introduction:

The Town of Caroline adopted its updated Comprehensive Plan on January 13, 2021. A key recommendation was for the Town to seriously consider enacting stronger land use regulations, including an appropriate zoning law, in order to preserve and promote the rural character of Caroline. This priority was based on the recognition of increasing growth pressures that threaten Caroline's rural character and increase the potential for conflicting uses that may compromise property values and the quality of life for residents. Anticipating this finding and recommendation, the Caroline Town Board established the Task Force for Land Use and Economic Development in fall 2020 to research Zoning, Formula Business Restrictions, Economic Impact Review regulations, and any other potentially useful development guidance tools. Upon review, the Task Force recommended that the Town consider these three tools, and produced a draft Site Plan Review Law for consideration.

The Town of Caroline is now proceeding to research and develop a zoning plan appropriate for a rural community by forming a Zoning Commission that will work with a professional Planner or Planning Firm *"to recommend the boundaries of the original zoning districts and appropriate regulations to be enforced*

therein, make a preliminary report, hold public hearings and submit a final report to the local governing board..., ” in accord with New York State Town Law. Once the final report is submitted to the Town Board the Commission’s work is completed and the body is disbanded. The Commission will meet regularly (approximately biweekly) with the goal of drafting a zoning plan proposal appropriate for Caroline for consideration by the Town Board.

Qualifications for Planning Professional(s):

- A masters degree in a related field and at least 3 years’ experience working in municipal planning, or a bachelor’s degree in a related field and at least 5 years of directly relevant experience.
- Familiarity with rural planning and zoning.
- Familiarity with applicable New York State laws and processes.
- Ability to facilitate meetings and public dialogue.
- Excellent writing, editing, word processing, layout and presentation skills.

Scope of Work:

Work with the Town of Caroline Zoning Commission to develop draft zoning regulations appropriate for a rural community. Tasks to include:

- Examine existing conditions in the Town of Caroline.
- Facilitate up to four public information sessions/public hearings in the Town of Caroline, dates and times TBD. Develop agendas with Zoning Commission members and keep meeting minutes.
- Recommend the boundaries of the zoning districts and appropriate regulations.
- Complete required State Environmental Quality Review (SEQR) forms and advise on SEQR process.
- Prepare a preliminary report, including draft zoning regulations.
- Hold public hearings on the preliminary report and draft regulations.
- Submit a final report with draft zoning regulations to the Town Board.

Deliverables:

- Draft Report and Final Report, including draft zoning regulations.
- Materials for public presentations
- Meeting agendas and minutes

Timetable:

Work to begin immediately, with an estimated timeline of 6-12 months.

Proposal Submission Requirements:

- A brief description of the key individual(s) who will undertake the work and qualifications.
- A brief narrative of the work to be performed.
- A work plan detailing the tasks necessary for completing this assignment. This should be developed from the Scope of Work described in this RFP.
- Resumes of key personnel.
- A proposed budget. The budget should include all labor expenses, travel expenses and overhead. The contractor(s) will be expected to provide their own workspace and equipment.

Submission Deadline and Selection Process:

Submit materials in digital format by email to Town Clerk Jessie Townsend: clerk@townofcaroline.org.

Proposals must be received on or before March 31, 2021. Finalists will be invited to present their proposal to the Town Board in person or by Zoom teleconference. The Town reserves the right to reject any and all proposals. The decision of the Town is final and is not subject to appeal. The mechanism of support is a contract.

Questions/Further Information: Town Supervisor Mark Witmer at supervisor@townofcaroline.org. (607 539-6400 x4)

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 86 of 2021. Endorsement of Tompkins County Proposal for Finger Lakes Land Trust Eberhard Preserve

A motion made by Supervisor Witmer and seconded by Councilmember Goldberg as follows:
Whereas, the Finger Lakes Land Trust has accepted a land donation to establish the 143-acre Eberhard Preserve that will protect mature hardwood forests that are part of Tompkins County's Unique Natural Areas and provide for public access and recreation; and

Whereas, the Eberhard Preserve will contribute to the "Emerald Necklace," a greenbelt to link 50,000 acres of existing public conservation lands, recognized as a priority project within New York State's Open Space Plan; and

Whereas, the Finger Lakes Land Trust has requested \$35,000 from Tompkins County's Capital Reserve Fund for Natural, Scenic and Recreational Resource Protection to support this acquisition and establishment of public accessibility; therefore be it

Resolved, the Caroline Town Board endorses this proposed support of the Eberhard Preserve by Tompkins County.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

Resolution 87 of 2021. Letter of Support for Community Choice Aggregation

A motion made by Supervisor Witmer and seconded by Councilmember Fracchia
Resolved, the Caroline Town Board hereby authorizes approves the Supervisor to sign Letter of Support for grant application to the Park Foundation for CCA, an initiative by TCCOG.

Passed: Witmer: Aye; Fracchia: Aye; Snow: Aye; Murray: Aye; Goldberg: Aye

A motion to adjourn by Supervisor Witmer and seconded by Councilmember Snow and carried unanimously at 7:57 p.m.

---Adjourn---

Respectfully Submitted,

Jessica L. Townsend, Town Clerk