**Caroline Town Board Meeting Minutes of July 6, 2023**

The Town Board Agenda Meeting was held hybrid beginning at 7:05 p.m. and was hosted by Town Supervisor Mark Witmer

**Attendance**:  **Also Present:**

Supervisor Mark Witmer County Legislature Rep., Dan Klein

Councilmember Cal Snow

Councilmember Tim Murray

Councilmember Kate Kelley-Mackenzie

**Recording Secretary**:

Jessie Townsend, Town Clerk

**Public Attendance:** 8 in-person, 17 via zoom

Supr. Witmer opened with the Pledge to the Flag.

## Privilege-of-the-Floor

*Will Lawrence* – Involved in Age Friendly Community efforts for many years. Recently, efforts have focused on youth services and are now refocusing on seniors. Shared concerns about some zoning draft language surrounding provisions that are age-friendly but do not provide context. Asks the Board to consider concepts of social infrastructure.

*James Burlitch* – Spoke in favor of the draft zoning law.

*Bill Podulka* – Asked for clarification on Privilege-of-the-Floor policy, specifically addressing comments made by other speakers. He also read and provided the Clerk with a statement (*See Attachment #1).*

*Steve Kress* – Supports zoning in the town.

*Katherine Goldberg* – Read and submitted her statement *(See Attachment #2).*

Supr. Witmer responded to Bill’s inquiry regarding Privilege-of-the-Floor policy. Statements should be directed to the Board and that no negative comments should be fixed at other speakers.

Clm. Kelly-Mackenzie gave the following statement for the record: “*This winter the New York Division of Human Rights and the US Equal Employment Opportunity Commission (EEOC) investigated separate complaints filed by Caroline Judge Susan Barr against the Caroline Town Board of discrimination relating to employment because of sex and age.  EEOC dismissed and closed the case earlier this spring.  On June 22nd, the Town received a letter from the New York Division of Human Rights that ordered the complaint to be dismissed and the case to be closed due to "no probable cause." Their thorough investigation “failed to establish that Complainant was subjected to any form of discrimination based on her sex or age”*.”

## Interviews for Town Board Vacancy

The Board has sought applications for those interested in filling the vacant seat which currently has a 2-year term left. Once appointed, the seat will be in effect through the end of December. To keep the seat, the appointed person will run in the fall election. 5 applications were received, and 4 applicants attended the meeting in-person and/or zoom teleconference. Each was given an opportunity to offer comments or their interest in serving on the Town Board.

Jonathan Bates – Has served on several committees over the past six years and is currently serving on the Ag Committee. His wife, Megan Barber, is a former Councilmember and father-in-law, Don Barber was Supervisor for more than 20 years. He understands town government and is interested in continuing to serve the town in a larger capacity.

Michele Brown – Has also served on several committees of the town including the Land Use & Economic Development Task Force and the Zoning Commission. She has time to dedicate to the important work that is happening. Offered sharing her knowledge and expertise on preserving records.

Beth Harrington – Has a long history of serving the public. Offers great knowledge of Emergency Response Preparedness. Would like to help focus and assist in both process and active listening.

Holly Magee – *did not attend the meeting.*

Bruce Murray – Very involved and interested in local government. He has served on the Planning Board, Land Use Task Force and Zoning Commission. Currently serving on the Review Board and Ag Committee. Primarily focused on clean water, preserving open space, agricultural development, Emergency Services, and youth services.

The Board will choose one of the applicants and make the announcement at the July Business Meeting.

## Committee Reports

**Clm. Snow** – The County Highway’s project on Valley Rd is underway and the projected end date of early September is on track.

**Clm. Kelley-Mackenzie** – Broadband – Met with Hunt Engineers regarding tying into Dryden’s broadband initiative. Looking into doing further outreach for the broadband survey. This can be found on the town’s website.

**Dan Klein, County Legislator Report** – Broadband – Seeking proposals from internet providers to get internet coverage to all the underserved homes in the County. They are also seeking proposals for a county-wide municipal broadband service. Municipal broadband is unlikely as the cost is projected to cost $80-100 million. Further discussion regarding municipal and county wide broadband initiatives.

## Resolutions

## Resolution 93 of 2023. Award Ekroos Road Culvert and Stream Stabilization Project

**Motion By: Witmer Second: Murray**

Whereas, the Town was awarded a Water Quality Improvement Grant from NYSDEC of $247,568 for culvert replacement and bed stabilization of Boyer Creek at Ekroos Rd; and

Whereas, Byler Excavating LLC of Harpursville, NY submitted a successful bid on June 22, 2023, with a total base bid amount of $273,000 with a deduct alternate #1 of $20,700 (cross vein #1) and deduct alternate #2 of $41,400 (cross veins #1 and #2) to complete the project; and

Whereas, the Town’s engineer, T.G. Miller, P.C. has reviewed the bid for accuracy and the qualifications of the bidder and based on that review has recommended that the Town award the contract to Byler Excavating LLC with acceptance of deduct alternate #1; therefore be it

Resolved, the Caroline Town Board hereby awards this project to Byler Excavating LLC.

**Motion carried.**

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

**Nays: None**

**Resolution 94 of 2023. Set Special Meeting**

**Motion by: Witmer Second: Murray**

Resolved, the Caroline Town Board hereby sets a Special Meeting for Monday, July 17th to continue discussion of the draft zoning law.

**Motion carried.**

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

**Nays: None**

## Discussion of Draft Zoning Law

Motion 1. Table 2.1 (Pg. 50) Multifamily Dwelling or Multifamily Development change from fourDwelling Units to **four to six** Dwelling Units and for Additional One Development Unit needed for every twoadditional Units change to every **3** additional Units; for Multifamily Dwelling or Multifamily Development with Senior or Affordable Housing Units, change sixDwelling Units to **six to eight** Dwelling Units and for every three additional units change to **four** additional units.

By: Murray - 2nd Witmer

PASSED (unanimous)

Motion 2. Table 2 (Pg. 49) Change Maximum Total Building Footprint of Commercial Structures (sq ft) in Ag/Rural from 7,500 to **5,000**; in Besemer from 3,000 to **2,000**; in Slaterville from 10,000 to **5,000**; West Slaterville stays at 3,000; in Caroline Center/Speedsville from 4,000 to **2,000**; in Brooktondale from 4,000 to **2,000**; Center Brooktondale stays at 3,000; Focused Commercial stays at 15,000.

By: Murray – 2nd Witmer

PASSED (unanimous)

## Approval of Minutes

The Town Board approved the Minutes of June 21, 2023, as submitted by Town Clerk, Jessie Townsend

## Discussion on key Changes

Supr Witmer recommended scheduling the lock change for a day during open Court Clerk hours. Clm. Murray reiterated the letter they received from Judge Barr disapproving of the furniture that was secured and provided to them and her recommendation of moving the Court Clerk’s office into the small conference room. The board disagreed with that recommendation and want to move forward with scheduling a lock change. Supr. Witmer will notify the Court of the scheduled date and time of that change.

## Agenda Items for July Business Meeting

Continue Work on Zoning Law

A Motion to adjourn the meeting was made by Supr. Witmer and seconded by Clm. Kelley-Mackenzie and carried unanimously at 9:05PM.

----Meeting Adjourned----

Respectfully Submitted,

Jessie Townsend

***(ATTACHMENT #1 read by Bill Podulka)***

Throughout this process, comments have been made about the sad history zoning has had in some communities regarding discriminatory practices towards poor or minorities. Claims have been made that Caroline's draft zoning law, if adopted, is either intended to or will lead to pushing out the disadvantaged.

Particular reference has been made to comments made by Governor Hochul and to a number of bills that have been introduced in the NY State Senate designed to "roll back" zoning. The speakers ask, "Why are we pursuing zoning if there are all these calls to back off?" What those referencing the governor's comments or those bills have neglected to point out is that Caroline's draft zoning law is already beyond where those bills are trying to get to. This is due to the wise leadership of the consultant the Town hired as well as a strong desire on the part of the Zoning Commission to avoid discrimination.

I bring this up now both to clarify the record and because it is relevant to the Schedule of Uses and Schedule of Areas and Dimensions that you have been discussing and to the Development Unit table that I expect you will be discussing again tonight.

What the governor's comments pertain to and what the bills seek to do is to make sure zoning plans are not discriminatory in housing, for example by mandating that accessory dwelling units and multifamily housing be allowed, by avoiding the use of minimum lot sizes for residential housing, by prohibiting the creation of single-family-only housing districts, or by encouraging affordable housing.

Caroline's draft zoning law does all of that. Every zoning district allows all housing types (single family, duplex, townhouse, multifamily, manufactured homes). The Zoning Commission felt this was extremely important, as manufactured homes, duplexes and townhouses are often the more affordable options for home ownership and there is a need for more multifamily (rental) housing (current occupancy rates in Caroline are high). No review is required for creating a four-unit multifamily building (whether by converting a house or building anew) and no new permits beyond whatever is already required (building permit, etc.) Only larger multi-family facilities require a Special Use Permit.

Critics have said, "Yeh, that's what is says now but you'll make it worse later." Obviously, one could make that argument about anything, in this law or any other. But having participated in many, many hours of Zoning Commission discussions I can guarantee the Town Board that there was no support for backing off of these important provisions that avoid exclusionary zoning practices. And I see no support for backing off of them from you all, either. Thank you for that.

***(ATTACHMENT #2 read by Katherine Goldberg)***

I'm here because it's been interesting seeing my resignation letter get so much attention. I'm not thrilled to be speaking at Privilege of the Floor tonight, but I'm doing so because the misappropriation of my words has reached a level that I cannot stand by and allow without correction. I'd also like this correction to be entered into the minutes for the public to be able to see in an official capacity, as I will not engage over social media nor in the local newspapers. I understand that my letter is in the public domain & that's entirely fine with me. I stand by what I wrote and am happy for people to see it. In fact, immediately upon hearing that Pete Hoyt had FOILed my letter, I sent it to him myself over email, hoping to save Jessie the trouble. I also indicated to him then, as I will do again now, that the fact that a simple correspondence, which I was entirely happy to share if asked, was FOILed - as if some smoking gun would be exposed - is exactly the kind of strange, pervasive and offputting behavior that contributed to my resignation in the first place. Its anonymous submission to the Tompkins Weekly, without my consent, and without any commentary, just publishing my letter in its entirety, was also pretty weird.

Most recently, however, the Connecting Caroline organization selectively used my words to serve their own campaign, and diminish the actions of the current board, and this is what I am here to speak out against today. Excerpting words from my letter such as "distrust and calculation", then adding "perpetuated by the current board" is pretty lame. First, because I never said that, and second because if you're trying to get people to believe in your political platform and support you, misappropriating someone else's words is a pretty distasteful way to do it. The sentence in question reads: *"In fact, one town board member, Katherine Goldberg, recently resigned over the culture of “distrust and calculation” perpetuated by the current board."* The words "in fact" are particularly amusing because what follows is not factual at all. I realize that this technique is commonplace in the current political climate, but I confess I was appalled to see it anyway - call me naive. I know that I am not a good politician, and for this I am grateful. It's one of the reasons I resigned, actually, because what I hoped would be a position for community action & public service, instead turned out to be a microcosm of our broader political system - virtually impossible to make any headway unless you "pick a side" - which I will not do. The conversation that we ***should*** be having in Caroline is more nuanced than that and I think our Town deserves better than the heels dug in, all/nothing narrative that we've become accustomed to. It's funny that I'm saying this now, because I thought that's exactly what I said in my resignation letter - but apparently it didn't land the first time.

The bottom line is that Megan Burke, in her personal statement, as well as whoever authored the Connecting Caroline campaign material that was distributed by mail, used my words intentionally, and without my consent, to support their own interests. I sincerely hoped for better than this.

Finally, my resignation letter is not a smoking gun. It was simply communicating my decision to step down, and express my feelings to my colleagues on the board, and anyone else who was interested to hear them. I knew it could be read by the public; I am not taking issue with the fact that it was. But when I see RC Quick reading my letter during Privilege of the Floor as if my words were meant for him, and support him in some way...it's just too much.

I'm calling on everyone, regardless of your views, to step up and engage authentically - with a willingness to learn, not just argue, with recognition that the answers don't all fit neatly into Yes or No to Zoning categories - and with your own words, not somebody else's. Thank you for your time.