***Draft-not yet approved* TOWN BOARD MEETING**

Town of Ulysses

September 14, 2021

Audio of the minutes are available on the website at [ulysses.ny.us](file:///\\TOWN\Clerk\MINUTES\2014%20APPROVED%20MINUTES\ulysses.ny.us).

The meeting was held at the Town Hall at 10 Elm St., Trumansburg.

via videoconference on the Zoom platform.

Notice of Town Board meetings are posted on the Town’s website and Clerk’s board.

CALL TO ORDER:

Ms. Zahler called the meeting to order at 7pm.

ATTENDANCE:

The Town Clerk called the roll:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Michael Boggs, Katelin Olson, Rich Goldman, Mary Bouchard (arrived at 7:06pm)

Budget Officer- Michelle E. Wright

Town Clerk- Carissa Parlato

Bookkeeper- Blixy Taetszch

Planning Board Chair- Linda Liddle

OTHERS PRESENT:

Elaine Springer, Jordan Puryear

Ms. Zahler noted that the NYS legislature has allowed boards to meet via videoconference through Jan. 15.

APPROVAL OF AGENDA:

RESOLUTION #163 of 2021: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Sept. 14, 2021, with the addition of a resolution to authorize the hiring a temporary planner.

Moved: Ms. Zahler Seconded: Mr. Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard absent

Vote: 5-0

Date Adopted: 9/14/21

PRIVILEGE OF THE FLOOR:

*(none)*

REPORTS:

*(See Appendix for reports submitted in advance)*

*Ms. Bouchard arrived at this time (7:06pm).*

Ms. Liddle gave the following updates:

* Broadband- The county has decided that they will not charge us for the recent study
* Campsite expansion application by Spruce Row. Residents have expressed concerns regarding water supply and the aquifer in that area.

Ms. Zahler added that It is a development district and there is a maximum number of campsites allowed. The request falls within that. The outcome will be determined by the Planning Board and not the Town Board. Mr. Goldman added that the Planning Board is going to visit the site to see stream set back.

Ms. Wright gave an update on the following:

* The board should expect adjustments/modification to the Water District 3 budget.
* Supply chain shortage issues related to:
  + New computer for Bookkeeper- Jeff Burns will refurbish until shortage ends
  + The arch for the Cemetery Bridge may be delayed

Ms. Taetszch shared her end of month budget highlights with the board and answered questions regarding the planning and highway lines. Board members expressed appreciation for the new format to highlight status of expenses and revenues.

*Ms. Taetszch excused at this time. (7:36pm)*

Mr. Boggs shared the following:

* He has heard concerns from Dubois/Willow Creek residents about traffic with regards to the Spruce Row expansion request.
* Noted the shared proposal for Fire/EMS and requested discussion on 9/28.

Ms. Olson noted that she has been working on various projects.

Ms. Bouchard shared the following:

* Highlights from the Trumansburg Village Board meeting last night:
  + Brief mention of annexation petition
  + Still working on EMS cost models
  + Youth commission has no village representation
  + Harvest Market will be held on 11/22 at the Farmer’s Market
  + Grant for MRB to do I&I study (inflow & infiltration)
  + Comprehensive plan hearing is scheduled
* Attended Health Consortium meeting:
  + 5% increase for 2022.
  + Got approved to offer to 19 counties.
  + Admin fees less than 4%.
  + Update on Medicare plans- it is more expensive for them to offer it than for munis to get it on their own.
* Community choice aggregation- had meeting with other munis. This is a bulk buying program so that energy is cheaper.
* Habitat Nature Preserve Committee meeting:
  + Revamp entrance on trailer park side now that it is under new ownership.

Ms. Olson shared that Tompkins County is collecting feedback on its Re-imagining Public Safety program.

Ms. Zahler shared the following:

* Planner vacancy- temporary planner time is ending at end of Sept. May re-hire Mr. Zepko on a temporary basis.
* The petition for annexation from Grassroots was pulled due to absence of environmental assessment. Once that is received the annexation timeline will begin again.

CONSENT AGENDA:

WHEREAS, the Ulysses Town Board has reviewed the following resolutions thoroughly and is satisfied that the resolutions are sufficiently clear and do not require further explanation or discussion, now therefore be it

RESOLVED that the following resolutions are hereby approved as printed:

RESOLUTION 2021-164: APPROVAL OF TOWN BOARD MEETING MINUTES FROM 8/13/21, 8/24/21, and 8/27/21

RESOLVED, that the Ulysses Town Board has reviewed and hereby approves the minutes of the August 10, and 24th meetings of the Town Board and the Special Town Board meetings of 8/10 and 8/27 as presented/amended.

RESOLUTION 2021-165: ACKNOWLEDGEMENT OF NO-COST GRANT APPLICATION SUBMITTED BY HISTORIAN WERTIS TO CELEBRATE THE PLACING OF HISTORIC MARKERS

WHEREAS, the Ulysses Town Historian was successful in securing grants from the Pomeroy Foundation for three historical markers and

WHEREAS, the placing of the markers should be cause for celebration of our rich history and

WHEREAS, the Historian has requested $600 no-match required Celebrations grant from Tompkins County to promote and host a special event to recognize the placement of each of the three new markers, now therefore be it

RESOLVED, that the Town Board extends its appreciation to the Historian for his efforts to educate the public about the history of the Town of Ulysses and acknowledges submission of the grant application and further

RESOLVED, that the Town Board authorizes the Supervisor to accept the grants, if approved, to support celebrations to coincide with the placement of each of the three grant-funded markers.

RESOLUTION 2021-166: SUPPORT FOR TOMPKINS COUNTY COVID TESTING FOR MUNICIPAL EMPLOYEES

WHEREAS, Tompkins County has encouraged all of its employees to get vaccinated against COVID-19 and to provide a self-attestation form to show their vaccination status and

WHEREAS, Tompkins County will require employees who are not vaccinated and those who do not return the Attestation Form to comply with twice weekly COVID tests self-administered at their worksites and

WHEREAS, the Tompkins County Legislature is considering extending this surveillance testing initiative to municipal employees at no cost to the municipality, now therefore be it

RESOLVED, that the Town Board of the Town of Ulysses hereby urges the Tompkins County Legislature to approve inclusion of the municipalities in their testing program and further

RESOLVED, that the Town extends its appreciation to the County for including municipal employees and acknowledges that if the Town of Ulysses adopts a similar policy and wishes to participate, that the Town will comply with all of the County’s terms and conditions.

Moved: Zahler Seconded: Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

OLD BUSINESS:

RESOLUTION #167 OF 2021: APPROVING EXECUTION OF OUT-OF-DISTRICT WATER USER AGREEMENT FOR WATER DISTRICT 3

WHEREAS, Daniel and Brooke Palmer are the owners of a parcel of real property located on 7048 Durling Road, in the Town of Ulysses, County of Tompkins and State of New York, Town of Ulysses tax parcel number 12.-4-24 (the Property); and

WHEREAS, the Owners requested permission to connect to the existing Water District No.3 in the Town of Ulysses (the District), owned and operated by the Town, and to extend water service to the property to address serious water quality problems; and

WHEREAS, the Owners are willing to pay for and maintain the required extension of the water line from the water line on Cold Springs Road and the associated appurtenances and fees related to the extension,

WHEREAS, on behalf of the District, the Town may benefit from the increased draw of water through the Water District system by the Owners which may improve water quality and from the offsetting revenue to the Water District, and

WHEREAS, both the Town of Ithaca from whom the Water District purchases its water and Bolton Point which provides the water for Water District No. 3 have agreed to the extension and

WHEREAS, the Town has verified the quality of water available from Water District No. 3 at this location and the Town Engineer has approved the design for the connection, and

WHEREAS, the Town of Ulysses, on behalf of the Water District, is willing to consent to the connection of the Property to the District on the terms set forth in the attached Agreement, now therefore be it

RESOLVED, that the Town Board approves the terms of the Out-of-District Water User Agreement attached to this resolution; and be it further

RESOLVED that the Town Board authorizes the Town Supervisor to execute the Agreement or any further revised version of this Agreement provided that the final form of any further revisions is approved by the Attorney for the Town,

RESOLVED that the same adjustments for other out of district user in 2022.

Moved: Mr. Goldman Seconded: Ms. Bouchard

DISCUSSION:

The group discussed the debt charges and agreed to charge out-of-district users should pay 100% rather than 110%. Mr. Boggs added that they will need to make sure chlorine levels are sufficient. Ms. Zahler recommended a follow up meeting on water issues related to this project.

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

OUTLINE OF NOISE ORDINANCE FOR DISCUSSION

Ms. Zahler and Attorney Walsh shared recommendations for a future noise ordinance

1. Consolidate in a single place in the Town Code all provisions for regulating sound, and

make them positive law, not merely ‘design standards’.

2. Regulate globally so the new scheme governs for all districts in the Town including the

Fairgrounds, with the possible exception of the Village of Trumansburg.

3. Integrate noise standards into the Town’s existing special event permit scheme, treating

an application for permission to host a noisy event which might not otherwise qualify as

a ‘special event”.

4. Emphasize notice to neighbors of anticipated noisy events, and a neighborly approach

preceding formal enforcement.

5. Try to make noise regulation scheme uniform with the Village.

6. Use a reasonable person standard, but allow for metric (decibel) measurement where

feasible now or in future., by making specific metrics in decibels equivalent with plain English standards, e.g., sound audible to the human ear, measured at 25 feet from the

source.

7. Make specific intent an aggravating feature, as with repeated offenses. This would make

production of noise an offense without regard to whether it was intended to be annoying.

8. Standardize definitions, provide definitions where now they are lacking.

9. Extend the application of the Town’s special events permitting system to the

Fairgrounds, which is now exempt.

10. Consider whether the Town can effectively control the use of fireworks as a matter of

sound and light, not as ‘fireworks’ per se, in view of the State’s preemption of fireworks

regulation.

Ms. Olson wants to make sure the ordinance is enforceable and understandable.

Ms. Bouchard and Mr. Goldman will work more on this.

NEW BUSINESS:

RESOLUTION #168 of 2021: SCHEDULING A PUBLIC HEARING ON LOCAL LAW #2 OF 2021 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

RESOLVED, that the attached draft local law, the full text of which the Town Clerk is hereby directed to reproduce in the minutes hereof (see appendix), is adopted as the draft upon which a public hearing shall be held to consider whether or not to adopt the Local Law # 2 of 2021 to Override the Levy Limit, and be it further

RESOLVED, that the Town Board hereby schedules a public hearing for Sept. 28, 2021 at 7 PM.

Access details for how to participate in the Public Hearing shall be posted on the Town of Ulysses website at www.ulysses.ny.us at least 24 hours prior to the date of the hearing. The purpose of the public hearing is for all persons wishing to comment in favor or against the proposed Local Law to have an opportunity to provide their comments thereon, and be it further

RESOLVED, that in addition to participation in the public hearing, all members of the public wishing to submit written comments on the proposed local law may do so in writing addressed to the Town Clerk at 10 Elm Street, Trumansburg, NY 14886 or by email to clerk@ulysses.ny.us, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of said hearing in the Ithaca Journal as required by law and the Town Board authorizes payment of expenses associated with said publications.

Moved: Zahler Seconded: Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

RESOLUTION #169 OF 2021: PLACEMENT OF NO PARKING SIGNS ON FALLS ROAD NEAR SMITH WOODS

WHEREAS, the Town has provided off-street parking along Cemetery Road for visitors to Smith Woods, and

WHEREAS, some visitors continue to park along the east side of Falls Road near the intersection with Cemetery Road close to the entrance to Smith Woods and

WHEREAS, the narrow shoulder and steep bank at this section of the road and the proximity to the corner make parking in this location a danger for the visitor and local drivers, and

WHEREAS, neighbors have asked for the area to be labeled by the Town as a No Parking zone, Smith Woods representatives support this action, and the Highway Superintendent is willing to place the signs, now therefore be it

RESOLVED, that the Ulysses Town Board hereby directs the Highway Superintendent to place No Parking signs along the east side of Falls Road from the intersection with Cemetery Road for .10 mile south.

Moved: Ms. Bouchard Seconded: Mr. Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

AUTHORIZATION TO CONTRACT FOR TEMPORARY PLANNING AND ZONING SERVICES

RESOLUTION 2021-170: AUTHORIZATION TO CONTRACT FOR TEMPORARY PLANNING AND ZONING SERVICES

WHEREAS, The Environmental Planner Position has been vacant since June 9, 2021 and

WHEREAS, the Part-Time Temporary Planner who agreed to serve through the end of September, will be completing his service on September 30, 2021, and

WHEREAS, the Town needs to be responsive to residents seeking guidance on planning and zoning while the Town is continuing to search for a full-time planner and

WHEREAS, former Planner John Zepko is willing to assume part-time temporary planning and zoning officer duties a part-time temporary basis, now therefore be it

RESOLVED, that the Supervisor is authorized to appoint John Zepko as a part-time employee for a period beginning October 1, 2021 at cost not to exceed $6,000 available from the current salary line.

Moved: Zahler Seconded: Goldman

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

PRIVILEGE OF THE FLOOR (3 min limit per person):

*(none)*

REPORTS CONT’D:

Ms. Koreman gave the following updates from Tompkins County:

* 2.7% levy increase in proposed budget
* ARPA funding use
* New properties acquired
* COVID #s going down but there was a death recently
* Re-imagining Public Safety is looking for feedback
* Opposed to NYSEG selling the Bell property (lake front property)
* Funds will be given to Newfield for fiber/broadband
* Testing costs will be covered for munis

PAYMENT OF CLAIMS

RESOLUTION 2021-171: PAYMENT OF CLAIMS

RESOLVED that the Ulysses Town Board has reviewed and approves payment of claims for:

* HA  fund (Water District 3 Capital Project) vouchers 40 and 41 in the amount of  $1,628.25
* HB fund (Cemetery Bridge Replacement Project) voucher 26 in the amount of $101,560
* All other funds vouchers numbered 357 through 404 in the amount of $136,291.02

Moved: Ms. Zahler Seconded: Mr. Goldman

DISCUSSION:

Mr. Boggs asked whether the NYS DOT culvert water use could be considered a highway cost as well rather than a water district cost.

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/14/21

EXECUTIVE SESSION:

Mr. Goldman moved to go into Executive Session at 9:15pm. This was seconded by Mr. Boggs and passed unanimously.

Ms. Olson moved to end Executive Session at 9:28pm. This was seconded by Ms. Bouchard and passed unanimously.

ADJOURN

Mr. Goldman made a move to adjourn at 9:28pm. This was seconded by Ms. Bouchard and passed unanimously.

*Respectfully submitted by Carissa Parlato, Town Clerk*

*9/24/2021*

*APPENDIX:*

LOCAL LAW #\_\_\_ OF 2021: TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ulysses, County of Tompkins pursuant to General Municipal Law §3-c, and to allow the Town of Ulysses, County of Tompkins to adopt a town budget for (a) town purposes, (b) fire protection districts, and (c) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2022 and ending December 31, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Ulysses, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.