

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

---

Town of Ulysses

May 24, 2022

---

Audio of the minutes are available on the website at [ulysses.ny.us](http://ulysses.ny.us).

The meeting was held via videoconference on the Zoom platform.

Videoconference chat is saved in the appendix.

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

**CALL TO ORDER:**

Ms. Olson called the meeting to order at 7:00pm.

**ATTENDANCE:**

TOWN OFFICIALS PRESENT:

Supervisor- Katelin Olson

Board members- Michael Boggs, Rich Goldman, Roxanne Marino, Mary Bouchard

Town Clerk- Carissa Parlato

Attorney for the Town- Nathan VanWhy (at 7:30pm)

OTHERS:

*In person: (none)*

Bill Conroy, Cait Darfler, Molly Wadzek-Kraus

*Via Zoom:*

Nathan Van Why, Bob Howarth, Linda Liddle, SJ pad, Carol Bobertz

**APPROVAL OF AGENDA:**

**Motion:**

Mr. Goldman moved that the agenda for May 24, 2022 be approved with the addition of the discussion of Nature Conservancy grant application. This was seconded by Mr. Boggs and passed unanimously.

**PRIVILEGE OF THE FLOOR: (3 minute limit)**

William Conroy expressed concern with passing an exotic animal law since the fair has never had a violation for inhumane conditions. He added that the animals see many vets and none have any concerns. Additionally, the animals brought to the fair are for educational purposes and many are endangered and have been bred in captivity. Their care is paid for by showing them. He said that the fair will likely not have tigers again. He heard that the fair may be exempt from any regulations as it is a NYS Agricultural fair.

**PRESENTATION: CLIMATE ACTION COUNCIL**

Bob Howarth, who was appointed as a representative on the NYS Climate Action Council, gave a presentation on the goals of NY Climate Leadership & Community Protection Act (CLCPA) of 2019, highlighting the following:

- NYS emissions have increased
- Greenhouse Gas Emissions for NY (2019) by Sector:
  - Buildings 36%
  - Transportation 27%
  - Electricity 16%
  - Waste 12%

- Agriculture 5%
- Industry 4%

The group further discussed strategies for reduction in housing, agriculture, manufacturing, and land use.

**OLD BUSINESS:**

**EXOTIC ANIMAL ORDINANCE – DISCUSSION OF UPDATED DRAFT PRESENTED TO THE TOWN BOARD (see appendix)**

Mr. Goldman brought up Mr. Conroy’s point that the fair may be exempt from any regs.

Ms. Wadzeck-Kraus said that she has not seen anything regarding this. Ms. Darfler added that the town rules can be stricter than the state.

Mr. Goldman asked about the penalties for violating the law. Mr. VanWhy said that the board could elect to change from a per animal amount to a collective amount and both the company and the venue would get ticketed.

Ms. Olson questioned whether the board wants to continue to move forward on this topic.

Mr. Goldman asked for a straw poll as to who is in favor of holding a public information session-

Ms. Olson, Mr. Goldman, and Ms. Marino responded in the affirmative.

Ms. Olson suggested that the committee create an FAQ on the topic.

**RESOLUTION 2022-81: SETTING A PUBLIC INFORMATION SESSION FOR THE EXOTIC ANIMAL DRAFT ORDINANCE**

Ms. Olson moved that the board hold a public information session on the draft local law for exotic animals on Tuesday, July 12 from 6:30-7:30pm.

Moved: Ms. Olson

Seconded: Mr. Goldman

Olson            aye

Boggs           aye

Bouchard       aye

Goldman        aye

Marino          aye

Vote: 5-0

Date Adopted: 5/24/22

**UPDATE ON BENEFITS IN THE PERSONNEL POLICY – FINANCE COMMITTEE**

Mr. Goldman reported that the bookkeeper (Ms. Taetszch) is working on amending the policy to clarify the thinking on how it applies to elected officials.

**APRA FUNDING ALLOCATION FOR PHASE 1 OF IT/CYBER UPGRADES**

**RESOLUTION #82 OF 2022: PARTIAL ALLOCATION OF STATE AND LOCAL FISCAL RECOVERY FUNDS (AMERICAN RESCUE PLAN) FOR PHASE IT UPGRADES**

WHEREAS, the Town received half of the total allocation (\$320,639) in 2021 of the State and Local Fiscal Recovery Funds from the American Rescue Plan; and

WHEREAS, the April 1, 2022 audit report by the New York Comptroller’s Office identified several needed IT/Cyber upgrades necessary to safeguard Town data and ensure the digital continuity of operations; and

WHEREAS, the Town Board reviewed a draft allocation plan related to Phase 1 of a Cybersecurity and IT Modernization Plan on April 26, 2022 and a more detailed Phase 1 project budget on May 24, 2022; and

WHEREAS, the more detailed Phase 1 budget for the Cybersecurity and IT Modernization Plan was reviewed and positively received by the IT Committee and the Finance Committee in meetings held May 18, 2022; and

WHEREAS, all purchases associated with the Cybersecurity and IT Modernization Plan will follow the Town’s procurement policies;

NOW, THEREFORE, BE IT

RESOLVED THAT the Town Board approves allocating up to \$76,086 of our share of the State and Local Fiscal Recovery Funds for Phase 1 of the Town’s Cybersecurity and IT Modernization Plan.

Moved: Ms. Olson                      Seconded: Mr. Boggs

Olson            aye  
Boggs           aye  
Bouchard      aye  
Goldman       aye  
Marino         aye

Vote: 5-0

Date Adopted: 5/24/22

**APRA FUNDING ALLOCATION FOR ANODE BAG REPLACEMENT**

**RESOLUTION # 83 OF 2022: PARTIAL ALLOCATION OF STATE AND LOCAL FISCAL RECOVERY FUNDS (AMERICAN RESCUE PLAN) FOR WATER DISTRICT 3 TANK ANODE BAG REPLACEMENT**

WHEREAS, the Town received half of the total allocation (\$320,639) in 2021 of the State and Local Fiscal Recovery Funds from the American Rescue Plan; and

WHEREAS, one of the stated priorities of the American Rescue Plan Act was to invest in water infrastructure and public water access; and

WHEREAS, the Town Board authorized the necessary purchase the anode bag replacements for Water District 3 by Aquastore at the April 26, 2022 meeting and supported using State and Local Fiscal Recovery Funds for the purchase;

NOW, THEREFORE, BE IT

RESOLVED THAT the Town Board approves allocating up to \$8000 of our share of the State and Local Fiscal Recovery Funds for the purchase of the previously approved anode bag replacements.

Moved: Ms. Olson                      Seconded: Mr. Boggs

Olson            aye  
Boggs           aye  
Bouchard      aye  
Goldman       aye

Marino aye

Vote: 5-0

Date Adopted: 5/24/22

**NY STRETCH CODE – UPDATES**

Ms. Bouchard noted that the village is moving ahead with adopting this new building code and that municipalities have the power to define the size of building additions that the code will apply to.

Ms. Marino will get info from municipalities that have enacted it to get an idea of how much time it takes the code officers to enforce the new regs. She further noted that this is pending legislation at the state level so will become mandatory eventually.

**EXECUTIVE SESSION:**

Mr. Goldman moved to go into Executive Session at 8:32pm for the purpose of discussing the appointments of particular people. This was seconded by Mr. Boggs and passed unanimously.

Ms. Bouchard moved to end Executive Session at 8:47pm. This was seconded by Mr. Boggs and passed unanimously.

**NEW BUSINESS:**

**SUPERVISOR APPROVAL TO SIGN CONTRACTS WITH YOUTH EMPLOYMENT SITES**

**RESOLUTION # 84 OF 2022: AUTHORIZING THE TOWN TO SIGN CONTRACTS WITH SUMMER YOUTH EMPLOYMENT SITES**

WHEREAS, the Town provides opportunities for youth worker to gain experience in the workforce through the Rural Youth Services program; and

WHEREAS, the Town is grateful to local employers for being willing to mentor and train emerging workers in valuable workforce skills; and

WHEREAS, the contracts with the summer youth employment sites will not commit the Town to any unbudgeted personnel obligations;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into contracts with local employment providers who will be employing youth workers during the summer of 2022 through the Rural Youth Services program.

RESOLVED, that the contract be approved by the town attorney.

Moved: Mr. Goldman                      Seconded: Ms. Bouchard

Olson aye

Boggs aye

Bouchard aye

Goldman aye

Marino aye

Vote: 5-0

Date Adopted: 5/24/22

**SUPERVISOR APPROVAL TO SIGN CONTRACT FOR OUT OF DISTRICT/BULK WATER USER (RESOLUTION)**

**RESOLUTION # 85 OF 2022: AUTHORIZING THE TOWN TO ENTER INTO BULK WATER SALES AGREEMENTS WITH OUTSIDE USERS**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Water Sale Agreement to outside users as presented in the following contract:

THIS AGREEMENT is made as of the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the TOWN OF ULYSSES, a municipal corporation with offices at 10 Elm Street, Trumansburg, NY 14886 (hereafter referred to as "the Town") and \_\_\_\_\_, of \_\_\_\_\_, hereafter referred to as "the Customer". WHEREAS, the Town has water available for sale in Water District 3 of the Town; and

WHEREAS, the Town by resolution dated July 29, 2010 determined that, in order to protect the health, safety and welfare of Town residents, no water sold by the Town of Ulysses shall be used for any purposes related to gas drilling, hydrofracturing or any related purposes;

WHEREAS, the Customer wishes to purchase water from the Town;

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein set forth and agreed upon, the parties agree as follows:

The Town hereby agrees to sell and furnish to the Customer water from Water District

The water will be furnished to the Customer as follows:

- The Customer will access the water at a designated metered hydrant, which is locked and is accessible only by the Customer; or
- Upon prior arrangement with the Town of Ulysses.

The Customer agrees that none of the water purchased pursuant to this Agreement will be used for any purposes related to gas drilling, hydrofracturing or any related purposes. Any violation of this provision will result in the immediate termination of this Agreement by the Town.

The Customer agrees and acknowledged that, if the Customer purchases water from the Town and delivers the water by truck to third parties, the quality of the water so delivered (including, but not limited to, portability) is not in any way guaranteed by the Town of Ulysses.

The Customer shall be solely responsible for the quality of any water delivered by truck to third parties and shall indemnify the Town and hold the Town harmless from any liability or claims related to the quality of such water.

The rate for the water purchase pursuant to this Agreement will be established by resolution of the Town Board from time to time.

The Customer will receive no more than 40,000 gallons of water per day, unless a larger volume is approved by resolution of the Town Board.

**BILLING:** The Customer will receive a bill from the Town on a monthly basis, unless a monthly bill amounts to less than \$20.00, in which case billing will be done on a quarterly basis. All bills are due and payable within 30 days after receipt thereof. There will be a late fee of 10% of the amount due for all payments not received by the due date. Upon the customer's failure to pay a bill by the due date, the Town, at its option, may terminate this Agreement.

The contract is contingent upon the agreement of the Town of Ithaca to provide the bulk water requested per the 2003 agreement.

In addition to termination of this Agreement by the Town pursuant to paragraphs 3 and 6 above, the Town may terminate this Agreement at any time upon 10 days' notice to the Customer.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed as of the date set forth below.

BE IT RESOLVED that the Town Board of the Town of Ulysses set the rate for the bulk outside water users at 1.1 times the rate charged to water users within Water District 3, as established at the 2022 Organizational Meeting; and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to enter into contracts in 2022 for bulk water sales to outside users per the terms of the contract provided.

Moved: Mr. Goldman                      Seconded: Ms. Bouchard

Olson                      aye  
Boggs                      aye  
Bouchard                      aye  
Goldman                      aye  
Marino                      aye

Vote: 5-0

Date Adopted: 5/24/22

**SPEED STUDY REQUEST FOR ROUTE 96 BETWEEN IRADELL ROAD AND KRUMS CORNERS ROAD**

**RESOLUTION #86 OF 2022: REQUESTING A HIGHWAY SAFETY & TRAFFIC STUDY ON NYS ROUTE 96 BETWEEN IRADELL ROAD AND KRUMS CORNERS ROAD**

WHEREAS, the Town is aware that the intersection of Krums Corners Road and NYS Route 96 is prone to serious accidents, most recently on May 4, 2022; and

WHEREAS, NYS Route 96 between Iradell Road and Krums Corners is an area prone to accidents that may be related to visibility, road curvature, and traffic speed; and

WHEREAS, there is no record of a speed control investigation in the last three years; and

WHEREAS, the Ulysses Highway Superintendent has reviewed the road conditions and supports the request;

NOW, THEREFORE BE IT

RESOLVED, that the Ulysses Town Board supports the request for a speed control investigation NYSDOT to determine if the speed limit for NYS Route 96 between Iradell Road and Krums Corners Road can be lowered for the safety of drivers, bicyclists and pedestrians, and further

RESOLVED that the Town Board directs the Town Clerk to submit a certified copy of this resolution to the Tompkins County Highway manager requesting that they accept and submit our request to NYSDOT.

Moved: Mr. Boggs                      Seconded: Ms. Bouchard

Olson                      aye

Boggs aye  
Bouchard aye  
Goldman aye  
Marino aye

Vote: 5-0

Date Adopted: 5/24/22

## **MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF ITHACA FOR CODE ENFORCEMENT ASSISTANCE**

### **RESOLUTION #87 OF 2022: MEMORANDUM OF UNDERSTANDING REGARDING TEMPORARY CODE ENFORCEMENT SERVICES WITH THE TOWN OF ITHACA**

WHEREAS, occasionally there are code enforcement matters before the Town that could constitute a conflict of interest for a Town Code Enforcement Officer to handle; and

WHEREAS, the Town is committed to ethically enforcing Town regulations in an unbiased manner; and

WHEREAS, the Town is grateful for the willingness of the Town of Ithaca to provide a third-party code enforcement officer to provide independent, unbiased service;

NOW, THEREFORE BE IT

RESOLVED, that the Ulysses Town Board authorizes the Town Supervisor to sign the Memorandum of Understanding (as amended) with the Town of Ithaca for code enforcement services starting May 31, 2022 through August 31, 2022; and further

RESOLVED, that the Town will compensate the Town of Ithaca \$34.67/ hour for certified code enforcement services.

Moved: Mr. Boggs                      Seconded: Ms. Bouchard

Olson aye  
Boggs aye  
Bouchard aye  
Goldman aye  
Marino aye

Vote: 5-0

Date Adopted: 5/24/22

## **CLIMATE ACTION COUNCIL DRAFT SCOPING PLAN**

### **RESOLUTION #88 OF 2022: LETTER TO SUPPORT CLIMATE CHANGE DRAFT SCOPING PLAN**

RESOLVED that the Town board authorize Ms. Marino to write a letter supporting the Climate Leadership and Community Protection Act (CLCPA) draft scoping plan and for Ms. Olson to sign the completed letter.

Moved: Ms. Olson                      Seconded: Ms. Marino

Olson aye  
Boggs aye  
Bouchard aye  
Goldman aye  
Marino aye

Vote: 5-0

Date Adopted: 5/24/22

**GRANT PREPARATION ASSISTANCE FROM THE NATURE CONSERVANCY**

Ms. Olson shared that the Nature Conservancy offers free grant preparation and writing assistance to New York communities that are pursuing funding for flood adaptation and mitigation projects. The application does not commit the town to any resources and is quick and easy to apply for. If awarded, it will make it easier for the town to apply for flood mitigation grants.

**RESOLUTION #89 of 2022- AUTHORIZATION TO APPLY FOR GRANT ASSISTANCE FROM NATURE CONSERVANCY**

Resolved that the town board authorizes the supervisor to apply for a grant assistance grant from the Nature Conservancy.

Moved: Mr. Goldman                      Seconded: Ms. Bouchard

Olson	aye
Boggs	aye
Bouchard	aye
Goldman	aye
Marino	aye

Vote: 5-0

Date Adopted: 5/24/22

**UPCOMING EVENTS:**

- May 12 – All staff/board training (in-person and Zoom)
- May 24 – Regular Board Meeting
- May 30- Offices closed
- June 14 – Regular Board Meeting
- June 20 – offices closed for Juneteenth

**BOARD MEMBER ANNOUNCEMENTS/UPDATES:**

The group discussed whether the attorney should continue to be present at Planning Board meetings and agreed that if the Temporary Planner attends it is not necessary.

Ms. Marino shared the following:

- permeable pavement for parking lot- interest by CSAC to investigate this further
- NYRWA drinking water program in progress
- 2022 DEC CSC grant application is available and due July 29- could use for comprehensive plan update \$10-200K (50% match)
- Federal infrastructure funding available for multi-use trails to possibly connect Black Diamond Trail into T'burg

Ms. Olson noted that state parks has an interest in connecting the trails but isn't eligible to apply.

**APPROVAL OF MINUTES:**

Ms. Marino suggested a wording change on the May 10 minutes. The clerk agreed to the amendment.

**RESOLUTION #90 of 2022: APPROVAL OF MINUTES**



RESOLVED, that the Ulysses Town Board approve the meeting minutes from May 10, 2022 (regular meeting) as amended.

Moved: Mr. Goldman                      Seconded: Ms. Bouchard

Olson	aye
Boggs	aye
Bouchard	aye
Goldman	aye
Marino	aye

Vote: 5-0

Date Adopted: 5/10/22

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

*(none)*

**ADJOURN**

Mr. Goldman made a move to adjourn at 9:25pm. This was seconded by Ms. Bouchard and passed unanimously.

*Respectfully submitted by Carissa Parlato, Town Clerk  
6/8/22*

---

**APPENDIX I:**

**Draft Town of Ulysses Local Law – For Discussion Purposes Only LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2022**

A LOCAL LAW TO PROHIBIT THE DISPLAY OF WILD AND/OR EXOTIC ANIMALS [IN A TRAVELING ANIMAL ACT](#)

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

Section 1. Purpose.

The purpose of this local law is to prohibit the display of wild and exotic animals [in a traveling act](#).

Section 2. Enactment of Chapter 66, Article II of the Ulysses Town Code Entitled  
“Prohibition on Display of Wild and/or Exotic Animals [in a traveling animal act](#)”.

There shall be a new Article II of Chapter 66 added to the Town of Ulysses Code, entitled “Prohibition on Display of Wild and/or Exotic Animals [in a traveling animal act](#)”, which shall be numbered and read as follows:

§66-21 Title.

The title of this article shall be “Prohibition on Display of Wild and/or Exotic Animals [in a traveling animal act](#).”

§66-22 Statutory Authority.

This article is enacted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

§66-23 Purpose.

The Town Board of the Town of Ulysses, County of Tompkins, hereby finds and declares that the purpose of this article is to protect the health, safety and welfare of the residents of the Town of Ulysses from the dangers posed by the display of wild and exotic animals, as well as the health, safety and welfare of those animals.

§66-24 Applicability.

This article shall apply to all areas of the Town of Ulysses, outside of the municipal boundaries of the Village of Trumansburg.

§66-25 Definitions.

As used in this article, the following words shall have the meaning set forth herein.

Enforcement Officer

The Town Code Enforcement Officer, [SPCA Humane Officer](#), officer of the peace, police officer, or other person duly authorized by the Town Board of the Town of Ulysses to enforce this article.

Display

Any exhibition, fair, act, circus, ride, or similar undertaking in which wild and/or exotic animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

## Mobile or Traveling Housing Facility

A transporting vehicle such as a truck, trailer or railway car, used to transport or house wild and/or exotic animals while traveling for exhibition or other performance of those wild and exotic animals.

## Traveling Animal Act

Any display of wild and/or exotic animals where such animals are transported to, from, or between locations for the purpose of such display, in a mobile or traveling housing facility.

## Wild and/or Exotic Animal

Wild and/or exotic animal means all animals classified in the following orders or families except the species noted:

(A) non-human primates and prosimians;

(B) felidae,

except domestic cats;

(C) canidae,

except domestic dogs;

(D) ursidae;

(E) marsupialia;

(F) proboscidea;

(G) crocodilia;

(H) artiodactyla,

except,

any member of the genus *Bos* (domestic cattle); any member of the family Cervidae (deer/elk);

any member of the family Suidae (pigs, hogs, boars);

any member of the family camelidae native to South America (Llamas and alpaca);

any member of the Caprine species (goat); any member of the genus *Ovis* (sheep);

Any member of the subtribe Bovina (bison/buffalo);

(I) perissodactyla,

excepting horses, ponies, donkeys, and mules;

(J) elasmobranchii;

(K) pinnipedia; and

(L) raties,

except ostriches and emu.

## §66-26 Prohibited Acts.

It shall be unlawful for any person, business, entity, corporation, limited liability company or other similar organization to allow for the display of a wild and/or exotic animal in a traveling animal act.

## §66-27 Enforcement; Appearance Ticket.

Any Enforcement Officer shall administer and enforce the provisions of this article, and for such purpose shall have the authority to issue appearance tickets.

§66-28 Penalties for Offenses.

A violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a penalty of \$250 per offense. Each and every wild and/or exotic animal exhibited and each day of exhibition shall each constitute a separate offense.

§66-29 Effective Date.

This article shall take effect upon filing with the Secretary of State.

Section 3. Remainder.

Except as hereinabove provided, the remainder of the Town Code of the Town of Ulysses shall remain in full force and effect.

Section 4. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.