

Town of Ulysses
Regular Town Board Meeting
May 11, 2010

Present: Supervisor Roxanne Marino; Board Members David Kerness, Kevin Romer, Elizabeth Thomas and Lucia Tyler; Town Clerk Marsha L. Georgia; Highway Superintendent James Meeker; Deputy Supervisor Sue Poelvoorde; Attorney Mariette Geldenhuys.

Others Present: Jane Penrose, Debbie Watkins, Dave Sherman, Ed Sawester, Allan Carstenson, and Diane Hillman.

Supervisor Marino called the meeting to order at 7:30 pm and led those assembled in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF CLAIMS

Ms. Marino moved, seconded by Ms. Tyler the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers 192 through 233 in the amount of \$16, 888.66.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

APPROVAL OF MINUTES

The minutes for the Regular Town Board meeting of 4/13/2010 were tabled.

7:40 pm PRIVILEGE OF THE FLOOR

Jane Penrose asked the Town Board if the Town or the Village had any overall plan or project to try and stop gas drilling in the area. Ms. Penrose told of visiting in a small community in PA where there is drilling going on and the horrific devastation happening there.

Ms. Marino reviewed for Ms. Penrose what the Town was doing and the committees that are working on laws and such throughout the County and State.

Alan Carstenson mentioned the resolution that he had brought forward to the Town Board several months ago.

REPORTS OF REPRESENTATIVES

Tompkins County Board / Sheriff Department

No one in attendance.

Trumansburg Fire Department & EMS

No one in attendance.

Trumansburg Village

Ms. Watkins, Village Trustee reported that the new pavilions were finished at the Farmers Market site. Ms. Watkins thanked the Town Highway Department for the contribution of gravel and trucking provided for the project.

Ms. Watkins had no update on EMS billing.

TOWN REPORTS

Highway Superintendent James Meeker gave a brief report of the activities of the Highway Department for the month of April. Reported that the Seneca Road bridge project would not happen this year because of lack of funding; now scheduled for 2011.

Mr. Meeker said that he has received a request from Jacksonville Association for a load of crusher run stone for the walkways at there community park. He asked the Board's approval for this. Mr. Meeker provided this last year; the cost being about \$300 for a truck load.

Ms. Tyler moved, seconded by Mr. Romer the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the authorization for the Town Highway Department to donate a truck load of crusher run stone to the Jacksonville Association Park.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Town Clerk Marsha L. Georgia reported that a total of \$1369.50 was collected for the month of April of which \$637.45 was turned over to the Supervisor along with her monthly report.

Ms. Georgia reviewed briefly what the State is considering on dog licensing.

8:13 pm Code Enforcement Officer

Mr. Rachun was absent and Ms. Marino read his report.

Planning Board Report

Mr. Kerness reported that the Planning Board has finished a draft Conservation Zone and their next step is to have TC Planning review. He also said that the Lake Shore Zoning may have a draft available for review in 60 days.

8:20 pm Supervisor

Ms. Marino said that the Annual Update Document was finished and had been mailed to the State.

Ms. Bouchard, Bookkeeper reviewed the Financial Statement. Summary pages were distributed to the Town Board of each major town fund and WD #3, the 2009 Year End balance sheets, and spreadsheets with fund balance and reserves fund totals.

Ms. Marino said that if any of the Board had questions they could contact her or Mary and they would be happy to answer their questions.

Ms. Marino has received a request from Americana Vineyard for a letter from the Town of Ulysses to grant an exemption to the four Temporary Beer and Wine Permit limit to serve wine at the "Summer Concert Series" held at Taughannock Park. A copy of the letter was distributed to the Board.

Mr. Kerness moved, seconded by Ms. Thomas the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Supervisor to sign the letter.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Mr. Kerness said that the Town Board has never completed their audit duties and still have to audit the Supervisor's books. He wanted to set a date and the Board said they would check their calendars to see when a good time would be.

8:30 pm Agriculture and Farmland Protection Plan

Ms. Marino had provided the Town Board with a brief outline with a meeting she and Ms. Thomas had with Bergmann Associates discussing the projects that are currently ongoing and that the Town might be interested in the future. They discussed the status of the Ag & Farmland Protection Plan document, timeline for completion, and finances. A proposed revised time line was provided to the Board.

Ms. Marino also provided a proposed Contract Extension on Farmland Protection from Bergman outlining to complete the plan with a deadline of February 2011. The total quoted for the contract extension is \$4,050.

Ms. Marino moved, seconded by Ms. Tyler the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Contract Extension for the Farmland Protection Plan at a total of \$4,050

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Deputy Supervisor Sue Poelvoorde

Ms. Poelvoorde said that the Stormwater Annual Report is due by June 1, 2010 and she plans to contact DEC and ask for an extension of this report so she can bring herself up to speed. Ms. Poelvoorde reviewed what has to happen.

Ms. Poelvoorde said that she has received a couple of completed "track your time for 3 consecutive months" reports as required by NYS Retirement and reminded all elected and appointed officials in the NYS retirement system that they need to be handed in to the Town Clerk no later than June 29, 2010.

Town Board Members and Committees

Health Care Consortium

Ms. Tyler reported that the next meeting of the Consortium is scheduled for Thursday May 13, 2010.

8:49 pm Emergency Management & Preparedness

Mr. Romer asked if the Town had an Emergency Preparedness Plan and if so, could he get a copy.

Ms. Poelvoorde said the Town has one and that also needs to be updated.

Mr. Romer asked how to get a sound limit sign on the south side of Jacksonville on Route 96. Mr. Meeker said a form is needed. It will be looked into. The Board also discussed possible other alternatives to control noise levels.

Mr. Romer said he received a letter from the Grassroots and the Fair Board requesting a street light outside the main entrance of the Trumansburg Fairgrounds on an existing NYSEG electric pole at the crosswalk on Rt. 96. The request for this has to come from the Town of Ulysses directly to NYSEG. Mr. Romer asked how to move forward with this request.

Mr. Meeker said that he had to talk with NYS DOT.

Mr. Romer said that he and Ms. Thomas attended their first EMS Task Force meeting and now the Village has decided not to go with a not-for-profit billing company but have a separate department in the Village. It is believed that the Town's may need to have a public referendum to pass an Ambulance District. Other items came back up at the meeting about more coverage. The volunteers have to agree if they would work for another department. The billing process is not going as well as the Village anticipated.

The next meeting is May 19th but definitely every Thursday at 7pm.

TC Animal Control Advisory Board

Ms. Thomas distributed minutes of the last meeting of TC Animal Control Advisory Board and gave a brief review of that meeting and what they are thinking in regards to the State in Dog Licensing. Also dog enumeration needs to be done and Ms. Thomas reviewed some of the thoughts on this.

TCCOG

Ms. Thomas said that TCCOG now has an official gas drilling task force because no one has funding for leadership to coordinate the efforts.

OLD BUSINESS

Cayuga Lake Intermunicipal Organization

Ms. Kearns did a presentation for the Board on April 27th on the Floating Classroom and also emailed information on their services in general. Ms. Marino said that the Town was a member of the Cayuga Lake Intermunicipal Organization in previous years but the dues were not paid for this year.

Ms. Tyler moved, seconded by Mr. Kerness the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the payment of the 2009 dues to rejoin the Cayuga Lake Intermunicipal Organization in the amount of \$900.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Another bill will be received later this year, for 2010 dues.

Special Events Permit

Ms. Geldenhuys had provided draft copies of the special events local law prior to the Board meeting. The Board discussed this draft copy and made some minor changes. The Board has to pass a resolution to have a public hearing on this proposed local law.

Ms. Marino moved, seconded by Mr. Kerness the following:

WHEREAS the Town Board of the Town of Ulysses introduced the Local Law on the proposed Operating Permits for Special Events.

BE IT RESOLVED that the Town Board of the Town of Ulysses hold a public hearing on May 25th, 2010 at 6:30 pm in the Town Hall on the proposed Operating Permits for Special Events Local law as follows: *note this is the final draft that follows

A Local Law to require operating permits for special events in the Town of Ulysses

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

SECTION 1. Definitions

a. "Special Event". For purposes of this Local Law, a special event is defined as follows: Any event or gathering in the Town of Ulysses, held on property located outside the A-2 zone as designated in the Town of Ulysses Zoning Ordinance, which will result in traffic generation of more than fifty vehicles and

- i. be more than eight (8) hours in duration and/or
- ii. involve overnight camping on property which is not an approved overnight camping facility pursuant to the Zoning Ordinance of the Town of Ulysses

b. The following shall not be considered a "special event" for purposes of this Local Law:

- i. A non-commercial social gathering at a single family residence, including, but not limited to, a party, family reunion or wedding; or
- ii. An event held on commercial property with available parking for such event.

c. "Operator". The person, entity or organization which organizes and operates a Special Event and the owner of the property where the event is held are collectively referred to as the "Operator" for purposes of this Local Law.

SECTION 2. Operating Permit required

a. No Operator shall hold a Special Event in the Town of Ulysses, or permit such an event to be held on property he or she owns, without first obtaining an Operating Permit from the Town of

Ulysses as prescribed in this Local Law.

b. The Operating Permit shall be obtained at least five days before the commencement of the Special Event.

SECTION 3. Requirements

a. No Special Event shall be more than five days in duration.

b. No more than four Operating Permits per calendar year shall be issued to the same Operator or for the same property. Any applications for Operating Permits in excess of this limit must be made to the Town Board of the Town of Ulysses.

c. The Operator shall be responsible for safe operation of traffic and parking on the property where the Special Event is held and will provide an attendant to oversee and regulate traffic on the property.

d. The Operator shall provide proof of liability insurance for the Special Event in an amount of no less than \$1,000,000, naming the Town of Ulysses as additional insured. Any request to maintain a lower amount of insurance coverage will require the written consent of the Code Enforcement Officer.

e. If the Special Event will include overnight camping, the Operator will obtain all necessary approvals from the Tompkins County Health Department prior to applying for the Operating Permit from the Town of Ulysses.

SECTION 4. Procedure

a. The Operator of the Special Event shall apply to the Code Enforcement Officer of the Town of Ulysses for an Operating Permit for the Special Event on a form provided by the Town, which identifies the property where the event will take place by address and tax parcel number. The owner of the property where the event will be held must join in the application.

b. Every application for an Operating Permit shall be accompanied by the following:

i. an application fee set by resolution of the Town Board.

ii. an insurance binder or other written proof of insurance coverage as required by this Local Law.

iii. if the Special Event will include overnight camping, copies of all documents showing approval of the camping facilities by the Tompkins County Health Department.

SECTION 5. Penalties

a. Failure to comply with the requirements of this local law shall constitute a violation and shall be punishable by a fine of \$1,000.00 for the first violation and \$2,000.00 for each subsequent violation.

b. Each day of failure to comply with the requirements of this local law shall constitute a separate violation.

SECTION 6. Effective date

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

Ms. Marino aye

Ms. Thomas aye

Ms. Tyler aye

Mr. Romer aye

Mr. Kerness aye

Adopted

9:31 pm Ithaca Carshare Survey

Ms. Tyler presented a copy of the questionnaire she had put together on the survey to see if Ulysses residents have a need for this. The Board recommended a couple of changes. Ms. Tyler will re-do the survey and get some printed. Then she can go from there on the best way to get the word out and the feel of the community back to the Board.

Town Website

Because of busy schedules Ms. Marino is suggesting that the Town hire professional help to get the Town's website finished.

Mr. Kerness moved, seconded by Ms. Marino the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses hire a professional to get the redone Town website (beta version) finished and on line.

FURTHER RESOLVE that Ms. Poelvoorde will draft an RFP to get quotes and bring information to the next meeting.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Agreement for Water Sales to Outside Users

Attorney Geldenhuys provided a draft copy of an agreement for the sale of water to outside users. The 2003 Agreement when Water District 3 came on-line requires written permission from the Town of Ithaca and Bolton Point for Ulysses to sell water to outside users. Ms. Marino will either talk to the Town of Ithaca's Supervisor or write to him to confirm the prior oral agreement before the Board goes forward with this agreement. The Board did discuss the draft agreement and made some changes.

10:01 Water Issue with Town of Ithaca

Mr. Kerness and Mr. Romer meet earlier today with the Water Committee and they came up with a list of suggested areas they would like addressed by Ulysses to Ithaca. Mr. Kerness distributed this list to the Board. The Committee feels that they would like to go forward with the new meter and one of the suggestions was to contact Eric Pond at Barton & Logudice about a price on the meter house possibly smaller than the one Ithaca purposed. Mr. Kerness would like the Board to review all of what the committee came up with.

One of the sticking points is not having bills or copies of bills for all that they have billed to the Town. A couple of Board members felt strongly about getting copies of all of the bills. Ms. Marino feels that she has copies of all of the bills that Ithaca has.

Ms. Geldenhuys said that the contract with Town of Ithaca is very poorly written.

Mr. Kerness was insisting that the Town of Ulysses get documentation to back up the bill they gave us that includes penalties.

Ms. Geldenhuys said that if this ever went to litigation the Town of Ithaca would have to provide back information and the supporting documents to verify what Ulysses owes.

Ms. Hillman said that is one of the concerns of the Water Committee that the contract needs to be re-negotiated.

Ms. Marino said that she feels that Ulysses should follow through with forming a subcommittee to have discussions towards a common understanding and solution and other issues related to the water meter proposal.

Ms. Marino asked if the Board was ready to appoint people for this sub-committee.

Ms. Marino will try again to gather the information and then the Board will meet again to discuss all of this further.

Analysis of Town Zoning / Comprehensive Plan

The Town is in receipt of a proposal from Bergmann Association to look at the Town's current zoning in relation to the Comprehensive Plan and make recommendations for priority actions .

Ms. Tyler moved, seconded by Mr. Kerness the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses hire Bergman Associates to do the Zoning Analysis for the Town of Ulysses to be done over a 2-month time period for a fee of \$3,500 and

FURTHER RESOLVED consulting services on an hourly basis as requested.

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Romer aye
Mr. Kerness aye

Adopted

Hearing no further business Ms. Marino moved, seconded by Ms. Tyler to adjourn the meeting. Unanimously approved. Meeting adjourned at 10:50 pm.

Respectfully submitted,

Marsha L. Georgia
Ulysses Town Clerk

MLG: mlg