

# INDEX OF 2009 RESOLUTIONS

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other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### Section 2. – Definition

“Municipal Officer or Employee” means an officer or employee of the Town of Ulysses, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

Interest means a pecuniary or material benefit accruing to a municipal officer or employee unless the contract otherwise requires.

### Section 3. – Standards of Conduct.

Every officer or employee of the Town of Ulysses shall be subject to and abide by the following standards of conduct:

Gifts. He/she shall not directly or indirectly (through family members), solicit any gift; or accept or receive any gifts having an annual cumulative value greater than seventy-five dollars and that \$75 referred to is the limit of all permissible gifts to an affected employee or public official regardless of number of such gifts. The gifts could be in the form of money, services, loan travel, entertainment, hospitality, promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Confidential Information. He/she shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.

Representation before one’s own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

Representation before any Agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Disclosure of Interest in Legislation. To the extent that he knows, thereof, a member of the Town Board and any officer or employee of the Town of Ulysses, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

Investments in Conflict with official Duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or private transaction, which creates a conflict with his official duties.

G. Appearance of Impropriety. A public official or employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.

H. Recusal. A public official or employee must recuse himself when faced with the above conflicts. Recusal defined-Recusal means that the official may not deliberate, vote, or participate in any way in such matter. The official should disclose his or her conflict and remove him or herself from the board.

I. Town Property. No employee or public official shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets restricted to the conduct of official business and for the benefit of all residents.

J. Nepotism. Spouses and other family members may not serve in positions creating a conflict of interests, the appearance of a conflict or consolidation of power in one board.

K. Private Employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.

L. Future Employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Ulysses in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

M. Subordinates. No public official shall solicit political contributions from subordinates.

N. Incompatible Positions. A public official is prohibited from (a) holding positions when one is subordinate to the other (b) Holding positions when the duties of the positions conflict.

#### Section 4. – Right to File Claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of Ulysses, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### Section 5 – Distribution of Code of Ethics.

The Supervisor of the Town of Ulysses shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the Town of Ulysses every January. A signed document

reflecting receiving and understanding of Ulysses Code of Ethics Policy (see attachment 1) must be returned by March of the current year to the Town Clerk. Each public official and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The attorney for the Town shall provide mandatory training to Ulysses public officials and employee's concerning the requirements of the Town Code of Ethics within the first year of election, appointment or hiring.

Section 6 – Penalties.

Any Town of Ulysses employee or public official may submit in writing alleged ethical issues or concerns to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

Section 7 – Effective Date.

This resolution shall take effect 30 days after it is filed as provided in Section Twenty-seven of the Municipal Home Rule Law.

This is to certify that the above Revised Code of Ethics was adopted by the Town Board of the Town of Ulysses January 13, 2009. ADOPTED

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**6. Dog Control Law**

Whereas: Ag and Markets Law Article VII requires each municipality in New York State to provide specific dog control services to its residents, and

Whereas: In 2008 the Town of Ulysses appointed Christopher Austin to act for Dog Control Officer (DCO) providing the services required for such, and

Whereas: The Ulysses Town Board has investigated alternatives for the services, and

Whereas: The experience in 2008 with our present DCO has shown his ability to provide the service in an efficient, user friendly and cost efficient manner, and

Whereas: The budgeted Dog Control line item is sufficient to both meet the DCO payroll as well as complete a dog enumeration in 2009, as discussed during the budget process,

Whereas: It is prudent to provide a backup DCO in the event that Christopher Austin is out of town, ill, or unreachable and the SPCA has agreed to provide this service at a rate of \$50 per call. This will also provide dog control during the hours that Christopher Austin is employed at his second job which is located out of the area each weekday night making him unable to provide control for those 8 hours of each weekday.

Whereas: Although Christopher Austin had a state certified kennel, there is no kennel at this time.

Now Therefore be it Resolved: That the Town Board of the Town of Ulysses appoint Christopher Austin as primary DCO for the year 2009 at a salary of \$6,500 per annum and use the line item funds to complete an updated dog enumeration to update the last enumeration completed in the 1980's.

Be it also resolved that any dog picked up by the DCO will be delivered to the SPCA for impoundment unless the dog owner is found within 6 hours of the initial retrieval. No dog shall be kept by the DCO overnight.

Be it also resolved: that the DCO will provide the following:

An explanation of exactly how the DCO may be reached at all times. All contact information shall be posted on the Town of Ulysses web site.

A monthly report to the Town Board, either written or oral, of activity including number of calls and number of dogs retrieved, and

Be it also resolved: The SPCA will provide impoundment services at the rate of \$300 per dog impounded.

Be it resolved: that the DCO and the Town will abide by the DCO Contract for Employment and the SPCA and Town will abide by the SPCA Impoundment Contract. ADOPTED

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#### **7. Establish time for Town Board meetings**

BE IT RESOLVED, the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:30 PM in the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. Board review of monthly claims will begin at 7:00 PM prior to each scheduled Regular Board Meeting. A second monthly meeting will be held on the fourth Thursday of each month at 7:00pm if deemed necessary by the Town Board. ADOPTED

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#### **8. Designate news media for notifications**

BE IT RESOLVED the designated news media is advised of the foregoing schedule and those meeting notices are posted, in accordance with the open meeting law, on the clerk's bulletin board and the Town web site.

BE IT FURTHER RESOLVED the Ithaca Journal shall be and are hereby designated as the official Town publication. – ADOPTED

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#### **9. Distribution of minutes**

BE IT RESOLVED, copies of the official minutes of the Town Board, prepared and distributed by the Town Clerk, shall be electronically distributed to each Town Board member, Town Justices, Highway Superintendent, Building Code Enforcement Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Clerk's Bulletin Board and on the Town Website. Meeting minutes will be available within 14 days of any regularly scheduled Town Board meeting. – ADOPTED

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**10. Cap for Highway Superintendent spending**

BE IT RESOLVED the Highway Superintendent is authorized to incur expenses not to exceed \$3000.00 for repairs and maintenance of highway equipment without prior Board approval. -

ADOPTED  
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**11. Bonding rate for Town Officials**

BE IT RESOLVED the following bond undertakings for Town Officials is hereby approved as follows:

- A. Town Clerk/Tax Collector \$250,000
- B. Justices (2) \$4,000 each
- C. Court Clerical \$4,000
- D. Code Enforcement Officer \$1,000
- E. Highway Superintendent \$1,000
- F. Town Supervisor \$500,000
- G. Deputy Supervisor \$15,000
- H. Deputy Town Clerk \$50,000

ADOPTED  
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**12. Annual report in compliance with Town Law Section 29 (10)**

BE IT RESOLVED in lieu of the report required by Town Law Section. 29(10), the Supervisor be and hereby is authorized to submit to the Town Clerk a copy of his annual report to the State Comptroller and that the Town Clerk shall cause a summary thereof to be published in accordance with the law. – ADOPTED

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**13. Trust Company designation as depository**

BE IT RESOLVED the Tompkins County Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks as outlined in the Towns investment policy. –ADOPTED

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**14. Authorizing Supervisor to pay certain claims**

BE IT RESOLVED the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage and contractual agreements which if delayed may result in loss of discounts or the accrual of service charges. - ADOPTED

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**15. Appointments as liaisons and employees**

BE IT RESOLVED: the following appointments to serve the Town of Ulysses and those descriptions of each office be compiled and made available upon request to any elected or appointed official or employee. - TABLED

**Supervisor Appointments**

Deputy Supervisor	Dick Coogan
Liaison to Highway Dept.	Dave Kerness
Building Maintenance	Doug Austic
Liaison to Village Board	Liz Thomas
Personnel Liaison.	Lucia Tyler
Planning Bd. /BZA Liaison	David Kerness
Fire Dept. Liaison	Doug Austic
Bookkeeper	Doug Austic

**Highway Superintendent Appointments**

Deputy Superintendent	David Reynolds
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**Town Clerk Appointments**

Deputy Town Clerk	Patty Halloran
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**Justice Appointments**

Court Clerk	Michelle Townley
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Town Board appointments

Title	Appointment	Term
Code Enforcement Officer	Alex Rachun	unlimited term
Town Attorney	Mariette Geldenhuys	annually
Deputy Code Enforcement Officer	vacant	
Planning Board Chair	Ken Zeserson	expires
Planning Board Members	John Wertis, Rod Hawkes, Rebecca Schneider, Stan Beames Rod Porter Vacant.	
E. Board of Zoning Appeals Chair	George Tselekis	expires
F. Board of Zoning Appeals - Members	Barbara Bristow, Carl Mann, Gerald VanOrden, Andy Glasner	
G. Clerk for Planning Board and Board of Zoning Appeals	Robyn Carlisle-Peck	unlimited term
Comprehensive Planning Committee chair	Sue Poelvoorde	
Comprehensive Planning Committee members	John Wertis Rod Hawkes Roxanne Marino Heather Filiberto Deirdre Cunningham David Tyler	

Title	Appointment	Term
Comprehensive Planning Committee- Town Board Liaison	Liz Thomas	
H. Board of Assessment Review	Dick Coogan Carol Duddleston	
Town Board liaison to the Town Court		
TC Environmental Management Council (EMC)	Lucia Tyler	
TC Water Resources Council	Lucia Tyler	
Cayuga Lake Watershed/ County Youth Bureau Rep.	Coogan/Kerness Vacant	
Trumansburg Ulysses Joint Youth Commission Liaison	Liz Thomas	
Trumansburg Ulysses Joint Youth Commission - Reps	Deb Austic Michele Vonderweidt	
Recreation Partnership representative	Vacant	
TC Youth Services Board	vacant	
Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde	
Ithaca/Tompkins County Transportation Council Policy Committee	Dick Coogan	
TC Emergency / Disaster Comm.	Fire Dept (Jason Fulton)	
TC Council of Governments	D. Austic/ L. Thomas alternate	
Water District Superintendent	Doug Austic	
Water District Clerk	Marsha Georgia	
TC Area Development	Dave Kerness	
Fair Board liaison	Rod Ferrentino	
Historian and Deputy	Dickens/Dean	
Ag Lands Protection Committee - chair	Doug Austic	

Called vote on tabling the above resolution. TABLED

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**16. Establishing standard work days for employees and elected officials**

BE IT RESOLVED, the Town Board hereby establishes for Elected and Appointed Personnel the following standard work days, as required for determination of retirement benefits for Town Officials, and their annual salaries: ADOPTED

ELECTED OFFICIALS:

Title	Hours/Day	Days/Week	Pay
<b>Supervisor</b>	as needed	as needed	\$15000/yr
Council Person (4)	as needed	as needed	\$3957/yr each
Clerk	as needed	as needed	\$46648 yr
Town Justice (2)	as needed	as needed	15182 /yr each
Highway Superintendent	as needed	as needed	\$55059/ yr

APPOINTED OFFICIALS AND EMPLOYEES

Title	Hours/Day	Days/Week	Pay
<b>Deputy Supervisor</b>	1 hour	As needed	\$17.90 hr
Town Council Assistant	5 hours	As needed	\$17.9 hr
Deputy Town Clerk	7(as needed)	5 ½	\$28122/ yr
Court Clerk	7	5	\$30973/ yr
Deputy Highway Superintendent	8 or as needed	5 or as needed	\$20.10 hr
Highway Employees	8 or as needed	5 or as needed	\$14.52-\$16.60 hr
Code Enforcement Officer	7 on call 24/7	5.5 call 24/7	\$28422/ yr
Zoning Officer	7 on call 24/7	5.5 call 24/7	\$19573/ yr
Bookkeeper	As needed	As needed	\$18044/ yr
Planning and Zoning Clerk	As needed	As needed	\$15.30 hr
Planning Manager	As needed	As needed	\$17.90 hr
<b>Water District Superintendent</b>	5 on call 24/7	5 or call 24/7	\$15771/yr
Water District Clerk	2 or as needed	5 or as needed	\$11660/yr

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**17. Establishing policy for submitting time cards**

BE IT RESOLVED all employees shall turn in a time card by the end of the last day of the pay period, salaried employees shall do the same stating time used for vacation, sick time, holiday or other time off to maintain accurate records of benefit time used. No pay will be issued without the presence of a signed time card. – ADOPTED

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**18. Policy to request to be on the Town Board agenda at meetings**

BE IT RESOLVED any individual wishing to be on the agenda, advice the Supervisor of that intent at least one week prior to the scheduled meeting. – ADOPTED

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**19. Policy to have Town Clerk call names during votes**

BE IT RESOLVED that the Clerk will call individual names of each Councilperson during a vote on a motion or resolution in order to clearly distinguish votes favoring, opposing, or abstaining. –

ADOPTED

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**20. ADA compliance requests**

BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advise the Town Clerk of the special requirements at least one week prior to the meeting. (ADA) –

ADOPTED

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**21. System to provide policies to new employees or elected officials**

BE IT RESOLVED that policies are in place for the Code of Ethics, Procurement Policy, Claims Policy, Meeting Rules and Procedures, Investment Policy, and Alcohol and Controlled Substance Testing Policy. The Clerk shall provide these policies to each newly elected official or any other elected or appointed official or employee as requested along with other pertinent information such as the Zoning Laws, Comprehensive Plan, Personnel Manual, Planning Board and Zoning Board Attendance and Training Policy, Intermunicipal Cable TV Commission, and the Emergency Preparedness

Plan.- ADOPTED

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**22. Annual audit of the books**

BE IT RESOLVED that the Town Board of the Town of Ulysses will do the Annual Audit of the books for each department on January 20, 2009(by law on or before 1/20) - ADOPTED

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**23. Shared services agreement**

Resolution of Authorization:

**SHARED SERVICES AGREEMENT**

WHEREAS, Highway Law #142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED THAT the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law #283 to enter into agreements for shared services and equipment with other municipalities and authorize, within existing budget constraints, the Town's Highway Superintendent pursuant to Highway Law #284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

ADOPTED  
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#### **24. Resolution index system**

BE IT RESOLVED that the Town Clerk will initiate a Resolution/Motion Index System, identifying the Resolution/Motion number, date approved, and Title. – ADOPTED

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**January 22, 2009**

#### **25. Dog impoundment contract**

IMPOUNDMENT CONTRACT 2009 - ADOPTED

Agreement made this first day of January 2009 by and between the Town of Ulysses, 10 Elm Trumansburg, NY, 14886, hereinafter called Town of Ulysses, and the Tompkins County Society for the Prevention of Cruelty to Animals, 1640 Hanshaw Road, Ithaca, NY 14850, hereinafter called Society.

Witnessed:

1. The Society is hereby engaged and authorized to act as the impound facility for stray and at-large dogs as may be found in Town of Ulysses. While these animals are in its facility, the Society will provide food, water, shelter and other humane animal care services including necessary and emergency veterinary services up to and including euthanasia.

2. Dogs seized within the Town of Ulysses shall be transported by the Town's Dog Control Officer (DCO) to the Tompkins County SPCA's shelter during the shelter's regular business hours, or by making arrangements with the Society's Animal Control Officers (ACO) or Rescue receptionist. Where possible, the Society will direct Ulysses residents to the Town's DCO, however, when a stray dog is transported directly to the Society for impound, the Society will accept the dog. The Town's DCO will be notified and the Town will be responsible for the associated Intake Fee. Non-DCO delivered stray dogs will be paid for by the Town up to a financial cap of \$1500 annually. The Society will provide the Town the name and address of the individual who delivered the stray dog (s).

3. The DCO for the Town of Ulysses shall complete the DL-18 form and supply the Society with a copy of the form at the time the dog is impounded at the shelter. If a dog is delivered to Cornell Animal Hospital for emergency attention during the over-night hours, a copy of the completed DL-18 shall be faxed to the Society the following morning. The Society shall assign a unique Dog/Shelter ID number for each dog seized and will provide both the DCO and the Town of Ulysses Clerk with the revised DL-18 form within 2 business days and upon the dog's final disposition.

4. Society will hold each stray/at-large dog for the required redemption period as specified in Article 7, Section 118 of the NY State Agricultural & Markets Law (AML).

5. In the event an animal is reclaimed by the owner, all impound fees paid by the owner will be forwarded to the Town of Ulysses. (If emergency veterinary costs were incurred by the Town for a dog that is then redeemed, the Town may by law seek reimbursement from the lawful owner of the dog.) See #9

6. The Society shall not release any impounded dog to an owner without ensuring that the state licensing requirements have been met, including rabies vaccination. The lawful owner of the dog being licensed is responsible for all fees associated with licensing and the required rabies vaccination if necessary. The Society will notify the Town of any dog(s) they are newly licensed.

7. Upon completion of the appropriate redemption period, the Society will make unclaimed dogs available for adoption. The Society will comply with all adoption requirements as stated in Article 7 of the AML.

8. The Society will invoice the Town of Ulysses on a monthly basis for each dog impounded at its facility. The fee for each impounded dog is three hundred dollars (\$300). No additional impoundment fees shall be charged.

9. If the owner cannot be found, medical fees incurred as a result of necessary emergency service, up to a maximum of five hundred (\$500), shall be the responsibility of the Town. Medical services provided by the Society's veterinarian during the mandatory impound period will be billed quarterly in addition to the impound fees. Emergency medical services provided by an off-hours emergency veterinarian, such as a "good Samaritan" case or an over-night emergency, shall be billed by the third party provider to the Town directly. The Town's DCO is responsible for communication with the emergency veterinary provider regarding the level of care, associated cost for each case, and the maximum limit the Town shall pay.

10. Society will dispose of dogs brought to the facility dead on arrival by the Town of Ulysses DCO or authorized representative at the rate of fifty dollars (\$50) per dog. The Society does not provide euthanasia or disposal of privately owned (citizen's) animals.

11. The Society will act as backup DCO in the event the Ulysses DCO is unavailable within a reasonable period of time. The Society will first forward all calls regarding stray/at large dogs to the Town's DCO and will respond to requests for service directly from the Town's DCO or if a call is unanswered, will step in as DCO. The fee for this service is \$50 per dispatched Society DCO and will be billed to the Town monthly.

12. The Society is not responsible for the enforcement of state or local laws or ordinances, or license renewals for the Town of Ulysses. Inquiries and complaints shall be forwarded to the Town's Clerk's office.

13. This contract is to run from the date of signing until December 31, 2009. Either party may terminate this contract at any time during the term thereof by supplying the other party sixty (60) days notice in writing of intent to terminate the contract. Without written notice, this contract shall remain in effect until a new contract is executed by the Society and the Town of Ulysses.

14. Town of Ulysses shall hold Society harmless and shall indemnify it for any causes of action, claims, lawsuits or demands made against the Society.

(I think we need a clarification on item 11 regarding reasonable period of time. I would like to see a specific length of time spelled out in the contract—how about our officers will wait one hour and if no response from your DCO, we will proceed. We will respond to emergencies immediately if your DCO cannot be reached.

In item number 2 the contract states that we will provide the town with the names of individuals that drop off stray dogs at the SPCA. The SPCA is more than willing to comply with this, as long as it is understood that this information is to remain confidential. We only release names when subpoenaed. The reason is to prevent any disputes between neighbors, for example. I'm happy to talk more about it if there are questions. ADOPTED and CONTRACT will be amended)

ADOPTED

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**February 10, 2009**

**26. Authorizing signature of SPCA contract**

Ms. Tyler moved, seconded by Ms. Thomas that the Town Board authorizes Supervisor Austic to sign the SPCA contract when Ms. Smith returns it to the Town. –ADOPTED

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**27. Accept proposal for financial audit**

WHEREAS Ciaschi, Dietershagen, etc. LLP had the lowest bid of two locally respected accounting firms in the amount of \$10500 for a financial statement audit plus internal controls;

**BE IT RESOLVED** that the Town Board of the Town of Ulysses accept the proposal from Ciaschi, Dietershagen, etc. LLP of January 9, 2009 to audit the 2008 Town of Ulysses books. – ADOPTED

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**28. Setting mileage reimbursement rate**

BE IT RESOLVED mileage at a rate of 55 cents per mile shall be paid to Town Officials and employees conducting official business and driving their personal vehicles and that such mileage shall be reported on the appropriate forms provided. – ADOPTED

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**29. Water Superintendent and Town Supervisor compatibility of positions**

WHEREAS, the memo from the attorney for the Town, Mariette Geldenhuys, of January 8, 2009, addresses the compatibility of the Offices of the Town Supervisor (who is a Town Board member) and the Water Superintendent/Administrator for the Town, and concludes that these two offices are incompatible; and this opinion was also expressed in the New York Association of Towns newsletter of March/April 2008, with accompanying legal references; and an Opinion{ of the

Attorney General (102301193) states that the position of water superintendent is incompatible with that of a town board member; and

WHEREAS, the positions of Town Supervisor and Water Superintendent/Administrator for Town are currently held by the same person;

NOW, THEREFORE, BE IT RESOLVED that the Town immediately commence a search process for another Water Superintendent/Administrator and advertise the position as the first step in the search process. TABLED

\*\*\*\*\*

**30. Resolutions for Association of Towns meeting**

Mr. Austic will read the final resolve and the Board will vote yes or no to pass on to the delegate representing the Town at the Association of Towns meeting.

Preserve and Strengthen Home Rule – yes

Mandate Relief – yes

Highway and Transportation Funding – yes

Highway Mutual Aid – yes

Local Road Classification – no

Water, Wastewater and Stormwater Infrastructure Aid – yes

Preserve and Strengthen Local Governments Role in the Siting of Energy Generation Facilities - yes

Publication of Legal Notices – yes

Preservation of Town Registrars of Vital Statistics – no

Economic Stimulus – yes

GML 207-C Disability Benefits for Law Enforcement Reform – abstained

Reform Real Property Tax System – yes

\*\*\*\*\*

**31. Real property exemptions for seniors and disabled persons**

SENIOR CITIZENS AND THE DISABLED PERSONS EXEMPTION REAL PROPERTY- ADOPTED

**WHEREAS, the Town Board of the Town of Ulysses has established a maximum income real property tax exemption eligibility level, pursuant to Section 467 and Section 459 of the Real Property Tax Law, and**

WHEREAS, the Town Board extended eligibility by establishing a sliding scale of exemption percentages for those with income between \$28,000 and \$36,399 pursuant to the Real Property Tax Law,



### 32. Accepting the final draft of the Comprehensive Plan from the CP Committee

BE IT RESOLVED that the Town Board of the Town of Ulysses accept the Final Draft copy of the Comprehensive Plan presented to the Town Board from the Ulysses Comprehensive Plan Committee.

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### 33. Appointing the Farmland Protection Plan Steering Committee

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint the 12 following residents to the FARMLAND PROTECTION PLAN STEERING COMMITTEE:

Bruce Austic  
8938 Rt. 96  
Interlaken, NY 14847

Pine Ridge Farms  
Ed & Pat Stevenson  
8018 Luke Rd  
Trumansburg, NY 14886

Charles & Anne Houghton  
1312 Perry City Rd.  
Ithaca, NY 14850

Philip Switzer  
5108 Black Road  
Trumansburg, NY 14886

Yhi-Chaw Cheng Stick & Stone  
1605 Trumansburg Rd.  
Ithaca, NY 14850

John Wertis  
8144 Searsburg Rd  
Trumansburg, NY 14886

Robert Weatherby  
4200 West Seneca Road  
Trumansburg, NY 14886

Robert Howarth  
4124 Reynolds Rd.  
Trumansburg, NY 14886

George Holmes  
3220 Jacksonville Rd.  
Trumansburg, NY 14886

Tony Potenza or  
James Taylor  
Congress St. Ext  
Trumansburg, NY 14886

James Brown  
5118 DuBois Rd.  
PO Box 3  
Jacksonville, NY 14854

\*\*\*\*\*

### 34. Water Superintendent Resolution

Ms. Tyler read and moved the following resolution into the record.

WHEREAS, the memo from the attorney for the Town, Mariette Geldenhuis, of January 8, 2009, addresses the compatibility of the Offices of the Town Supervisor (who is a Town Board member) and the Water Superintendent/Administrator for the Town, and concludes that these two offices are incompatible; and this opinion was also expressed in the New York Association of Towns newsletter of March/April 2008, with accompanying legal references; and an Opinion of the Attorney General (102301193) states that the position of water superintendent is incompatible with that of a town board member; and

WHEREAS, the positions of Town Supervisor and Water Superintendent/Administrator for Town are currently held by the same person;

NOW, THEREFORE, BE IT RESOLVED that the Town immediately commence a search process for another Water Superintendent/Administrator and advertise the position as the first step in the search process.

\*\*\*\*\*

TABLED MOTION: Local law to increase the salary of the Town Supervisor

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

**SECTION 1.** In the past, there were two separate positions listed in the budget for the Town Supervisor and the Bookkeeper. The budget contained two separate salary lines, one for the Supervisor and 011 for the Bookkeeper. The Supervisor filled both positions. To address incompatibility of positions, the Town Board has eliminated the position of Bookkeeper. As a result, the bookkeeping duties revert to the Supervisor pursuant to Town Law §29(4). Accordingly, the Town Board has concluded that the Supervisor's salary should be increased to fairly compensate the Supervisor for the workload that includes bookkeeping duties.

**SECTION 2.** The notice of hearing for the preliminary budget for 2009 specified that the Supervisor's salary for 2009 shall be \$15,000.00. Section 27(1) of the Town Law provides that the annual salary ( an elected officer may be increased, for not more than one fiscal year, in excess of the amount specified in the notice of hearing in the preliminary budget by local law adopted pursuant to municipal home rule law.

**SECTION 3.**

The annual salary of the Supervisor of the Town of Ulysses for 2009 is increased from \$15,000.00, the amount specified in the Notice of Hearing for the preliminary budget, to the sum of \$33,044.00.

**SECTION 4.**

This local law shall take effect upon filing with the Secretary of State, but the filing shall not occur until at least forty-five (45) days after its adoption, or until approved by a majority of the qualified electors of the Town of Ulysses voting on a proposition for its approval if within forty five (45) days after its adoption a qualified petition is filed with the Town Clerk.

\*\*\*\*\*

**35. Planning Board requested to review commercial sales at Spruce Row Campsites**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to have the Planning Board review the plans by Mr. Sherwood for commercial sales at Spruce Row Campsites.

\*\*\*\*\*

**36. Appoint new member to the Planning Board**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Rick Rainey to the Planning Board for the term of 7 years to expire December 31<sup>st</sup>, 2015

\*\*\*\*\*

**March 26, 2009**

### **37. Establishing lead agency for SEQRA on the Comprehensive Plan**

WHEREAS, the Town of Ulysses Comprehensive Plan Committee has completed a draft Comprehensive Plan and is prepared to start the process for adopting the Plan, and,

WHEREAS, numerous efforts have been made by the Comprehensive Plan Committee to enact new land use districts that promote the Public Health, Safety and Livability of residents and others in the Town, and

WHEREAS, the Town Board hired the consulting firm, Bergmann Associates to write the Plan and solicited Public Comment in many forums, and

WHEREAS, The Town of Ulysses intends to declare itself as Lead agent for SEQRA, and

WHEREAS, Town Law requires that that the Town notify all interested agencies and neighboring municipalities to their interest in being Lead Agent for SEQRA

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of Ulysses hereby requests notices for SEQRA Lead Agent for the Ulysses Comprehensive Plan be sent to all interested agencies and neighboring municipalities.

\*\*\*\*\*

### **38. Establishing a separate line in the budget for Bookkeeper**

WHEREAS, the Town of Ulysses currently has a separately position of Bookkeeper and the budget for 2009 includes a separate salary line for the Bookkeeper; and

WHEREAS, the Town Supervisor has filled the position of Bookkeeper;

WHEREAS, the Town Board, on advice of counsel, has determined that both positions cannot be held by the same person because the positions are incompatible; and

WHEREAS, Town Law §29(4) provides that the Supervisor performs the bookkeeping duties for the Town unless a separate position is created; and

WHEREAS, the Town Board will adopt a Local Law concurrently with this Resolution, amending the 2009 budget by increasing the Supervisor's salary by the amount previously allocated for the Bookkeeper position so that the Supervisor will be adequately compensated for the bookkeeping duties he performs for the Town;

NOW, THEREFORE, BE IT RESOLVED that the position of "Bookkeeper" in the Town of Ulysses is hereby eliminated until December 31, 2009, effective on the date of filing of a Local Law with the Secretary of State which increases the Supervisor's salary for budget year 2009. The position of Bookkeeper will be reinstated effective January 1, 2010.

\*\*\*\*\*



Deputy Town Clerk	Patty Halloran
Justice Appointments	
Court Clerk	Michelle Townley

### **Employees/Appointments made by the Town Board**

<b>Title of Position</b>	<b>Employee</b>	
A. Code Enforcement Officer	Alex Rachun	
B. Deputy Code Enforcement Officer	Vacant	
C. Clerk for Planning Board and Board of Zoning Appeals	Robyn Carlisle-Peck	
D. Water District Superintendent	Doug Austic	
E. Water District Clerk	Marsha L. Georgia	
F. Attorney for the Town	Mariette Geldenhuys	Annual appointment
G. Historian & Deputy	Dickens/Dean	

### **Positions Appointed by Town Board**

<b>Title of Position</b>	<b>Name of Appointment</b>	<b>Term</b>
A. Planning Board Chair	Ken Zeserson	1 year
B. Planning Board Members	Ken Zeserson	7
	John Wertis	7
	Rod Hawkes	7
	Rebecca Schneider	7
	Stan Beames	7
	Rod Porter	7
	Rick Rainey	7
C. Board of Zoning Appeals Chair	George Tselekis	1 year
D. Board of Zoning Appeals - Members	George Tselekis	5
	Barbara Bristow,	5
	Carl Mann,	5
	Gerald VanOrden,	5
	Andy Glasner	5
E. Comprehensive Planning Committee chair	Sue Poelvoorde	June 2009

F. Comprehensive Planning Committee members	John Wertis Rod Hawkes Roxanne Marino Heather Filiberto Deirdre Cunningham David Tyler	June 2009 June 2009 June 2009 June 2009 June 2009 June 2009
G. Comprehensive Planning Committee- Town Board Liaison	Liz Thomas	June 2009
H. Town Board liaison to the Town Court	Lucia Tyler	Annual appointment
I. Trumansburg Ulysses Joint Youth Commission Liaison	Liz Thomas	Annual appointment
J. Trumansburg Ulysses Joint Youth Commission – Citizen Reps	Deb Austic Michele Vonderweidt	Annual appointment
K. Recreation Partnership representative	Vacant	2-year
L. TC Council of Governments	D. Austic/ L. Thomas alternate	Annual appointment
M. Ag Lands Protection Committee - liaison	Doug Austic	June 2010
N. Ag Land Protection Committee – members	Bruce Austic Ed & Pat Stevenson Charles & Anne Houghton Philip Switzer Yhi-Chaw Chang John Wertis Robert Weatherby Robert Howarth George Holmes Tony Potenza OR James Taylor James Brown	June 2010
O. Water District Commission Chair	Diane Hillman	Annual Appointment
P. Water District Commission – members	Diane Hillman Mike Lunger Chip Martin Sue Oakes Bret Seafuse	Annual Appointment

### **Tompkins County Delegates and Appointments:**

<b>Title of Position</b>	<b>Name of Appointment</b>	<b>Term</b>
A. Board of Assessment Review	Dick Coogan Carol Duddleston	Annual Appointment
B. TC Environmental Management Council (EMC)	Lucia Tyler	2-year appointment Ending 2010
C. TC Fire Disaster and EMS Advisory Board.	Fire Dept (Jason Fulton)	3-year delegate
D. TC Youth Services Board	Vacant	3-year term
E. Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde	Annual
F. Ithaca/Tompkins County Transportation Council Policy Committee	Dick Coogan	Ulysses staggers representation with Enfield and Newfield
*****		

April 14, 2009

#### **40. Approval of Vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #105 through 151 in the amount of \$19,052.78.

\*\*\*\*\*

#### **41. Appoint new chair of the Ag and Farmland Protection Committee**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint John Wertis as the chair to the Ag Land Protection Committee.

\*\*\*\*\*

#### **42. Hiring of engineer for Town Barns project**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Highway Superintendent to hire an engineer to draw up plans for the Town Barns project staying in the range of \$10,500 to \$12,000.

\*\*\*\*\*

#### **43. Reappointment of member to Board of Zoning Appeals**

BE IT RESOLVED that the Town Board of the Town of Ulysses re-appointment Barbara Bristow to the Zoning Board of Appeals for a term of 5 years ending December 31, 2013.

\*\*\*\*\*

**44. Request for Planning Board to review Spruce Row PUD**

BE IT RESOLVED that the Town Board of the Town of Ulysses directs the Planning Board to review Spruce Row PUD under the guidelines of 3.4 of the Zoning Law as a request for sales of limited amount of campers on the premises and the installation of park models.

Further resolve that the existing PUD not be subject to the new Zoning Law but the new sites be subject to all the new Zoning regulations.

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**45. Request Grassroots apply for PUD**

BE IT RESOLVED that the Town Board of the Town of Ulysses have Grassroots submit a formal application for a PUD.

\*\*\*\*\*

**46. Rescinding Grassroots request to apply for PUD**

BE IT RESOLVED that the Town Board of the Town of Ulysses rescinds the previous passed resolution directing the Grassroots to apply for a PUD.

\*\*\*\*\*

**47. Request Grassroots apply for Special Permit for camping**

BE IT RESOLVED that the Town Board of the Town of Ulysses have Grassroots apply for a Special Permit for camping and submit this to the Town Board for approval.

\*\*\*\*\*

**48. Increased water rate from Town of Ithaca**

WHEREAS: The existing water supply agreement between the Town of Ithaca and The Town of Ulysses states that the Town of Ithaca has the right to increase the price of water supplied to Ulysses from time to time to reflect the increases of their source supply, and

WHEREAS: The Town of Ithaca notified the Town of Ulysses of the intention of increasing the water rate for our water districts supplied from the Town of Ithaca on January 5, 2009 and under the agreement a forty day notice is required to allow proper notification of the increase, and

WHEREAS: Local Law # 1 of 2003 also requires a forty day notification of our district users of price increases and in light of the strict adherence to the supply agreement, Ulysses is now being charged for all unaccounted for water, and that the amount of such unaccounted for water is approximately eighteen percent of the Ulysses metered water usage, now

THEREFORE BE IT RESOLVED THAT: The new water rate for Ulysses Water Districts # 3 and # 4 be established starting with the second quarter billing cycle at a price of \$5.25 per thousand

gallons to allow supply payment of the increased Ulysses rate and the amount of unaccounted for water supplied from the Town of Ithaca, and

BE IT FURTHER RESOLVED THAT: The Town of Ulysses in cooperation with the Town of Ithaca start as soon as possible to design and install a system of meters on the Town Line to more clearly meter and account for all water that is used by the Town of Ulysses users.

\*\*\*\*\*

**49. Recalculation of water rate for mobile home park**

WHEREAS: The owner of Washington Heights Mobile Home park has asked the Ulysses Water Commission to reconsider what the park is charged for water service under the present system used to establish annual taxation for the district, and

WHEREAS: Upon investigation, inconsistencies were discovered in the district as to how the user number is determined and have historically been levied, and

WHEREAS: Washington Heights appears to be the only such discrepancy in the user determination procedure, and

WHEREAS: The Ulysses Water Commission has met and discussed this discrepancy with Mr. Washington and recommended a policy change to correct the discrepancy, now

THEREFORE IT BE RESOLVED THAT: From now forward that the user numbers be calculated for each parcel based on the discounted assessment of eight tenths of a charge for each unit after the first unit on the parcel regardless of the fact that the units are attached to one another or are housed in the same structure. In order to qualify for the reduced rate, the units must all be contained on the same parcel and be supplied from one water line tap for the parcel metered by a master meter for the parcel.

\*\*\*\*\*

**May 12, 2009**

**50. Minutes and vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meetings of March 10<sup>th</sup> and April 14<sup>th</sup>, 2009, The Special Town Board meetings of March 26<sup>th</sup>, April 23<sup>rd</sup> and April 30<sup>th</sup>, 2009 and a Public Hearing of April 14<sup>th</sup>, 2009 as modified.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve vouchers #152 through #186 in the amount of \$34,916.82.

\*\*\*\*\*

**51. Withholding payment for SPCA**

BE IT RESOLVED that the Town Board of the Town of Ulysses hold the payment of \$300 to the SPCA until further investigation can be made for the charge of \$300.

\*\*\*\*\*

**52. Sponsorship of Joint Youth Commission movie**

BE IT RESOLVED that the Town Board of the Town of Ulysses sponsor one movie for the July movie nights sponsored by the Ulysses Joint Youth Committee in the amount of \$150.00

\*\*\*\*\*

**53. Reducing membership of the Ag and Farmland Protection Committee**

BE IT RESOLVED that the Town Board of the Town of Ulysses reduce the Farmland Protection Committee by two members; Ms. Pat Stevenson and Mr. Jim Brown.

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**54. Authorizing payment to engineers for Town Barn work.**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize an expenditure to MAS Engineering up to \$13,500 for the Town Barn Project and expense it out of account DA building Capital Expense.

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**55. Website design contract**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Austic to sign the contract not to exceed \$2000 for the design of the web site.

\*\*\*\*\*

**56. Gravel for Jacksonville Association**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Ulysses Highway Department to provide a load of stone for the Jacksonville Association.

**June 9, 2009**

**57. Minutes and vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of May 12, 2009 as amended.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher numbers #187 through 214 in the amount of \$16,502.26.

\*\*\*\*\*

#### **58. County-wide evaluation of water and sewer**

WHEREAS, the Tompkins County Economic Development Strategy's goals include increasing and diversifying the County's housing supply and revitalizing the County's unique commercial districts and town centers, and

WHEREAS, the Economic Development Collaborative was organized to formalize, strengthen and deepen the cooperation among the many local agencies and municipal bodies addressing economic development issues in the County to make the process more effective through common goals and approach, and

WHEREAS, the Tompkins County Council of Governments (TCCOG) is a member of the Economic Development Collaborative, which is currently working to address the goals of the County's Economic Development Strategy, and

WHEREAS, the Economic Development Collaborative has suggested the creation of an updated, County-wide evaluation of existing water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needed to support planned future growth to meet housing and economic development goals, and

WHEREAS, the last County-wide evaluation of water and sewer infrastructure was completed in 1994, and

WHEREAS, an updated evaluation would facilitate the development of housing within town and village centers, commercial revitalization of those centers and growth in the tax base, with the most efficient use of public dollars for infrastructure, and

WHEREAS, the result of this evaluation will be a report that is available for all municipalities to use in their planning of infrastructure development, but that no actual investment in water or sewer facilities is included in this project, and

WHEREAS, the County of Tompkins, on behalf of TCCOG, applied for and was awarded a grant known as Shared Municipal Services Incentive (SMSI) grant from the State of New York, to conduct a County-wide evaluation of water and sewer infrastructure and develop a conceptual plan, and

WHEREAS, the TCCOG unanimously adopted this resolution on September 25, 2008 and directed that it be forwarded to municipalities for consideration and approval by local municipal boards, and

WHEREAS, the Tompkins County Legislature adopted Resolution No. 186 of 2008 on September 16, 2008, that authorized the acceptance of this grant in the amount of \$82,245.24 for the purpose of conducting a County-wide evaluation of water and sewer infrastructure and to develop a conceptual plan, now therefore be it

RESOLVED, That the Town of Ulysses, by adoption of this resolution, declares its intent to support the development of a County-wide evaluation of water and sewer infrastructure and the

development of a conceptual plan of water and sewer infrastructure needed to support planned future growth to meet housing and economic development goals,

**RESOLVED**, further, That the Town of Ulysses pledges to work with the Economic Development Collaborative to ensure cooperation of members' planning and engineering departments with this project, providing information and documentation requested by the consultant team, led by TO Miller, including but not limited to:

- Current rated capacity of water and wastewater treatment systems from existing SPDES (State Pollution Discharge Elimination System) permits and facility plans
- Electronic files or paper copies of maps showing current water distribution and/or sanitary sewer collection systems
- Recent studies of water and sewer facilities
- Treatment processes, mechanical and other systems related data
- Scheduled or anticipated system upgrades or new construction
- Historical problems and obstacles including operational difficulties, regulatory compliance, land use restrictions, public impact and complaints, and funding
- Current population served by the utilities including number of service connections
- Anticipated population growth rate for the next ten years
- Existing or planned funding sources that may be available, and

Statement of need:

Increasing housing supply and revitalization of commercial districts are two of the Tompkins County Economic Development Strategy's three goals. Both require improvements to water and sewer infrastructure, especially in the non-urbanized areas of the county. The proposed infrastructure study is, therefore, an integral step to achieving affordable housing and revitalization goals. In particular, to provide for housing to be reasonably affordable, housing requires density. Continuing to build individual homes on 1-2 acre lots is not an affordable approach to providing housing. Dependable water and sewer infrastructure is also critical for revitalization of our town and village centers.

Preliminary scope of work:

A consultant will be hired to:

- Update the 1994 County-wide evaluation of water and sewer infrastructure working with local municipal staff.
- Prepare a conceptual plan of water and sewer infrastructure, including potential service areas, to support future growth.
- Prepare preliminary costs to expand infrastructure to accommodate planned growth.

Work will reflect anticipated growth of the municipalities, local plans, and the Tompkins County Comprehensive Plan."

**59. Enter agreement with Greater Tompkins County Health Care Consortium**  
 AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH  
 THE GREATER TOMPKINS COUNTY HEALTH CARE CONSORTIUM  
 FOR NEW YORK STATE SHARED MUNICIPAL SERVICES  
 PROGRAM

WHEREAS, The Tompkins County Council of Governments (TCCOG) is comprised of all the municipalities in Tompkins County, and

WHEREAS, the Town of Ulysses is a member of the Tompkins County Council of Governments (TCCOG), and

WHEREAS, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program,

WHEREAS, the grant's purpose is to assist the municipalities in Tompkins County create a local municipal health insurance consortium, and

WHEREAS, the Health Insurance Consortium will develop health benefits coverage for all participating municipalities with the intent to provide a net savings to the taxpayers of Tompkins County, and

WHEREAS, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members, now therefore be it

RESOLVED, by the Town Board of the Town of Ulysses, that the Supervisor is hereby authorized to execute an inter-municipal agreement effective January 1, 2010 with the Greater Tompkins County Health Insurance Consortium for the New York State Shared Municipal Services Program subject for approval by the Town Board prior to signing agreement.

\*\*\*\*\*

**60. SEQRA action**

**SEQRACTION:** TYPE 11-20

BE IT RESOLVED that the Town Board of the Town of Ulysses declares that after review of the information that the proposal for a Special Permit will not result in any significant environmental impacts and declares a negative impact.

\*\*\*\*\*

**61. Grassroots special permit**

WHEREAS, Finger Lakes Grassroots Festival (hereafter "the Applicant") applied for a special permit for an overnight campground on premises located on Agard Road in the Town of Ulysses, Tompkins County (Town of Ulysses tax map #20.- 1-6.1) (hereafter "the Premises"); and

WHEREAS, the Premises are located in the R-1 (Rural Residence) zoning district; and

WHEREAS, pursuant to Section 7.5 of the Town Zoning Ordinance, overnight campgrounds are permitted in the R-1 district upon approval of a Special Permit by the Town Board, subject to the design standards set forth in section 17.9 of the Zoning Ordinance; and

WHEREAS, the Applicant submitted an Environmental Assessment Form for the (the "EAF") in compliance with Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQR"); and

WHEREAS, this application came before the Town Board on May 12, 2009 and \_\_\_\_\_

WHEREAS, the Town Board adopted a Negative Declaration for this action pursuant to SEQR;

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby grants the Applicant a special permit to operate a temporary overnight campground on the Premises for a period of one week from July 13-20, 2009, including parking by campground patrons and event parking for the Grassroots Festival on the Premises, subject to the following conditions:

1. Receipt of all applicable and necessary permits from the Tompkins County Health Department;

2. The Applicant shall submit an application for a Development District (DD) under the Town of Ulysses Zoning Ordinance no later than August 1, 2009.

\*\*\*\*\*

**62. Withdrawal of funds for Audit**

BE IT RESOLVED that the Town Board of the Town of Ulysses advertise a permissive resolution for the withdrawal of money from the Audit Reserve Account to pay the auditor for the audit in the amount of \$12,043.

\*\*\*\*\*

**July 14, 2009**

**63. Minutes and vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes for the Regular Town Board meeting of June 9, 2009 as modified and corrected.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #215 through 267 in the amount of \$37,099.07.

\*\*\*\*\*

**64. Establishing the Town as lead agency for SEQRA for Spruce Row Development District**

BE IT RESOLVED that the Town Board of the Town of Ulysses declare themselves as "Lead Agent" for the SEQR for the updating of the Spruce Row Development District.

\*\*\*\*\*

### **65. Route 96 Corridor Study**

WHEREAS, pursuant to General Municipal Law Section 119-o, the County of Tompkins, the City of Ithaca, and the Towns of Ithaca and Ulysses entered into an agreement to complete a corridor management study of New York State Route 96 within Tompkins County to determine current and projected transportation patterns as they relate to development in that transportation corridor and to make recommendations for mitigation of future traffic congestion and safety issues; and

WHEREAS, a consultant team was hired and completed Technical Reports # 1, 2 and 3 with technical information, analysis and recommendations, and

WHEREAS, a survey of residents in the Route 96 Corridor was conducted, focus group meetings with businesses/institutions in the Corridor were held, and two area-wide public meetings were held at the Museum of the Earth regarding the Route 96 Study in 2008, and comments received from the public participation process were factored into the Route 96 Corridor Management Study reports, and

WHEREAS, Draft Technical Report #4 (dated 4/6/09) was prepared by the representatives of the Route 96 Corridor Technical Review Committee, including representatives from the participating organizations. Technical Report #4 draws from the three earlier technical reports to develop an inter-municipal strategy for mitigating the impacts of traffic by promoting a nodal pattern of development in the Corridor and utilizing related strategies of enhanced transit opportunities, improved pedestrian and bicycle connections and systems, better management of access within the corridor, traffic calming measures, infrastructure improvements, and zoning and land use modifications where applicable, and

WHEREAS, the Town of Ulysses Planning Board and the Town Board has reviewed Technical Report #4 (dated 4/6/09), and the Comprehensive Planning Committee has reviewed the study and discussed the study in relation to the Comprehensive Plan update, and

WHEREAS, the Town of Ulysses Comprehensive Plan Steering Committee considered and acknowledged the importance of the Route 96 Corridor Study during the update of the 1999 Comprehensive Plan, and now,

BE IT RESOLVED, that the Town of Ulysses Town Board hereby supports the Route 96 Corridor Management Study and the principles therein as a useful planning tool that can be considered by the participating organizations, and

BE IT FURTHER RESOLVED that the Town of Ulysses Town Board recommends that the Town of Ulysses continues the cooperative planning efforts begun during the study among participating organizations.

\*\*\*\*\*

### **66. Request to DEC to extend comment period to 90 days for sGEIS on natural gas drilling**

Whereas the New York State Department of Environmental Conservation (DEC) is currently updating regulations governing gas drilling referred to as the Supplemental Generic Environmental Impact Statement (SGEIS) and;

Whereas the proposed comment period to review the draft SGEIS is only 30-days leaving little time to carefully review what is expected to be an extensive document and;

Whereas Town leadership needs to meet and discuss the ramifications of the draft SGEIS as well as adequate time to pass official responses to the draft SGEIS and;

Whereas Town residents also should be afforded the time to meet, discuss and respond to the draft SGEIS;

Therefore, be it resolved that by July 20<sup>th</sup> 2009, the Town of Ulysses shall send the letter below to DEC Commissioner, Pete Grannis; Deputy Secretary for the Environment, Judith Enck; and Governor David Paterson, **requesting the comment period for the draft supplemental Generic Environmental Impact Statement be extended to 90 days.** Each letter will be written on the Town of Ulysses letterhead and be signed by all Town Board members favoring this request.

\*\*\*\*\*

**67. Appreciation for the Water Needs Survey Committee**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to give the Water Needs Survey Committee each a gift certificate in the amount of \$50 to Trumansburg Shur Save as a measure of appreciation for all their hard work.

\*\*\*\*\*

**August 11, 2011**

**68. Minutes and vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Special Board Meetings of May 28, 2009, June 1, 2009, and June 29, 2009.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Bid Opening dated July 28, 2009.

87. BE IT RESOLVED that the Town Board of the Town of Ulysses approve the budget modifications as follows:

Increase A1220.4 Supervisor Contractual	\$2500.
Decrease A1920.4 Municipal Dues	2500
Increase DA5140.4 Roadside Mowing	600
Decrease DA5120.1 Bridge Labor	600

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the examined voucher # 268 through # 301 in the amount of \$20,202.48. previous

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**69. Agreement with County for Seneca Road bridge replacement**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Austic to sign the following agreement.

Municipal Agreement  
Between

The County of Tompkins and the Town of Ulysses

Agreement, made as of August 11, 2009 between the County of Tompkins, hereinafter referred to as the "County", and the Town of Ulysses, hereinafter referred to as the "Town", for the reconstruction and continued cooperative maintenance of the bridge carrying West Seneca Road over Boardman Creek (NYS BIN 03210250), hereinafter referred to as the "Bridge".

WHEREAS, the County and the Town cooperatively maintain the Bridge under provisions of New York State Highway Law §234(10) and County Resolutions 43 of 1946 and 259 of 1998, which divide maintenance responsibilities according to specific bridge elements for bridges on Town roads listed therein, and

WHEREAS, in response to deterioration of the Bridge, the County has applied for and was granted Federal funding to reconstruct the bridge and approaches; has contracted with an engineering firm to prepare plans, specifications, and estimates for the reconstruction; and has scheduled reconstruction of the Bridge in 2009-2010.

THEREFORE, IT IS AGREED AS FOLLOWS:

The County will administer the reconstruction of the Bridge. The County will oversee design; acquire right-of-way; advertise and receive bids; and contract for construction and construction inspection services.

The County will keep the Town informed of project progress and cost estimates through their respective highway departments. The County and Town will approve specifications, plans, and estimates for the Bridge prior to advertisement for construction bids.

The County will initially pay the total project cost, estimated as \$726,250, which includes design, right of way, construction, construction inspection, and administrative components. The Town agrees to pay the County in accordance with the division of financial responsibility illustrated in the following table.

W. Seneca Road Bridge Estimated Cost Shares

	TOTAL		Construction		Design & ROW	
	%	Est. Cost	Estimate	%	Estimate	%
Total	100%	\$ 726,250	\$ 671,250	100%	\$ 55,000	100%
Federal	73.9%	\$ 537,000	\$ 537,000	80%	\$ -	0%
County	20.8%	\$ 151,400	\$ 107,400	16%	\$ 44,000	80%
Town	5.2%	\$ 37,850	\$ 26,850	4%	\$ 11,000	20%

The County shall separately itemize and support project costs by written documentation. The Town shall make payments to the County within 45 days of receipt of itemized billings and supporting documentation, for design phase costs upon Notice to Proceed to the construction contractor, and for the balance at substantial completion of the project. All Federal reimbursements will be paid to the County.

In the event that actual costs exceed the estimates, or that Federal reimbursement agreements are terminated or suspended, the parties to this agreement shall not be obligated to proceed unless both parties ratify additional costs or funding is guaranteed by Federal sources.

Upon reconstruction of the Bridge, the County shall be responsible for maintenance, refinishing, replacement, or repair of the following Bridge components:  
abutments and inverts, including erosion and scour protection, wing walls, including erosion and scour protection, superstructure structural elements, parapet walls, miscellaneous deck elements not listed below as Town responsibilities, and  
stream channel within permanent easements acquired for the Bridge project, upstream and downstream of the structure.

For ten years following construction, the County shall also be responsible for maintenance, refinishing, replacement, or repair of the wearing surface on the Bridge and approaches within approved project limits. Following this initial 10-year period, the Town shall be responsible for this item, as indicated in paragraph 8, below.

The Town shall be responsible for routine maintenance, refinishing, replacement, or repair of the following Bridge components:  
approaches, including shoulders, drainage, guide rail, pavement markings, traffic control devices, landscaping and roadside vegetation, removal and disposal of litter and rubbish, removal and disposal of snow and ice,  
removal of graffiti, and repair of non-structural vandalism.

The division of responsibility enumerated in paragraphs 6 through 8 inclusive shall remain in effect during construction and for the existence of the new Bridge.

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**70. Request for the Planning Board to review zoning for GrassRoots**

BE IT RESOLVED that the Town Board of the Town of Ulysses rescind the request to the Planning Board for there recommendations for a Development District for Grassroots and,

Further Resolve the Town Board directs the Planning Board to take a further look at Special Permits for camping and come up with an Operating Permit with parking requirements with specific criteria.

\*\*\*\*\*

**71. Entering construction contract for Town Barns**

Whereas: The Town of Ulysses Advertised for bids on a proposed Town Barn construction project in the official town newspaper (The Ithaca Journal) in the June 26, 2009 edition, and

Whereas: On July 28,2009, the official day of bid opening as advertised, the town had received three bids by the 2PM opening date and time. At 2PM on July 28, 2009 the three submitted bids were officially opened at a duly advertised meeting for bid opening, and

Whereas: The town's engineer for the project reviewed the two lowest bids for adherence to the bid document and has indicated that the two lowest bids had in fact bid in accordance with the bid document, and

Whereas: Fingerlakes Construction Company, Inc. was the lowest bid of record for the project and has been deemed by the town to be a responsible bidder, now

Therefore be it Resolved That: The Town of Ulysses Town Board accepts Fingerlakes Construction Company, Inc as the lowest responsible bid for the construction of Ulysses Town Barn and

Be it Further Resolved That: The Town of Ulysses enters into contract negotiations with Fingerlakes Construction Company, Inc. for construction of the Town Barn Project as advertised.

BE IT FURTHER RESOLV that upon successful contract negotiations the Town Supervisor is authorized to sign the contract supplied by Ms. Geldenhuys.

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**72. Support for State and Federal bills that protect the safety of drinking water**  
RESOLUTION SUPPORTING STATE AND FEDERAL BILLS PROTECTING DRINKING WATER

Whereas the Town of Ulysses stands to protect the safety of drinking water for all its residents and all waters within the Great Lakes Basin Compact of which Ulysses and Cayuga Lake is part, and

Whereas gas companies propose to use a technique called hydrofracturing to extract gas from wells drilled in the Marcellus Shale. This technique is without a proven record of ensuring the safety of ground water as a result of the hydrofracturing process, and

Whereas proven processes for safely purifying or disposing of the spent liquid resulting from the hydrofracturing process are not in place, leaving the fate of the this liquid in question, and

Whereas approximately forty percent of lands in the Town of Ulysses are leased to gas drilling companies,

Therefore, be it resolved that the Ulysses Town Board urges representatives at the state and federal level to support any state or federal legislation or regulation that definitively protects water resources, including drinking water. We support the House of Representatives Bill 2766 sponsored by Maurice Hinchey, Diana DeGette, and Jared Solis, and Senate Bill 1215 sponsored by Robert Casey and Charles Schumer which asks for a repeal of the exemption of hydrofracturing liquid from the Safe Drinking Water Act of 2005 and also requires the ingredients of hydrofracturing liquid to be public.

Be it further resolved, That a copy of this resolution shall be sent to Governor Paterson, Senators Winner, Seward, and Nozzolio, Speaker Silver, Assemblywoman Lifton, Chair of Senate Committee on Environmental Conservation Marcellino, Chair of Assembly Committee on Environmental Conservation Sweeney, Attorney General Cuomo, Representatives Arcuri and Hinchey, Senators Schumer and Gillibrand, New York State Association of Towns, Department of Environmental Conservation Commissioner Pete Grannis, and New York State Deputy Secretary for the Environment Judith Enck.

\*\*\*\*\*

**August 27, 2009**

**73. Negative declaration for SEQRA on re-zoning**

BE IT RESOLVED that the Town Board of the Town of Ulysses has made its findings and issued a negative declaration, under SEQR as to the re-zoning issue.

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**74. Amending Development District No. 1 – Spruce Row Campground**

**RESOLUTION** of the Town Board of the Town of Ulysses establishing and authorizing Development District No 1 Amendment (Formerly Development District No. 1, as amended October 8, 1991), pursuant to Article IV Section 5 of the Town of Ulysses Zoning Ordinance dated November 28, 2007.

**WHEREAS**, application has been made to the Town Board by Scott Sherwood for a Planned Development District pursuant to Ulysses Zoning Ordinance, Article IV Section 5 for Spruce Row Campgrounds located at 2235 Kraft Road, Tax Parcel #26.-1-5.2 and,

**WHEREAS**, establishing a Development District is a zoning amendment, the provisions of Article X, Section 2, are applicable and have been complied with; and

**WHEREAS**, the application was referred to the Town Planning Board pursuant to Section 5(b) of Article N, and said Planning Board has unanimously approved the application pursuant to Section 5(c) at a meeting on June 2, 2009 and

**WHEREAS**, the Town Board, after due publication and notice, has held a public hearing on August 27<sup>th</sup>, 2009 hearing applicants presentation and public comment thereon, and receiving a full environmental assessment form for a Type I action under the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board has made its findings and issued a negative declaration of significance, under SEQR as to the re-zoning issue; and

**WHEREAS**, the Town Board has received by letter dated July 30, 2009 being a review by the Tompkins County Planning Department under General Municipal Law §239- I & m, wherein they have determined that the proposed action has no negative inter-community, or county-wide impacts; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Ulysses hereby approves the amendment of Development District No. 1 as follows:

**16.3.1 (a) Allowed uses**

The purposes for which the district may be used are as follows:

1. The site plan as listed on the map dated June 2009 for this district is listed as a legal and conforming use. Any future buildings, site changes/additions will require compliance with the Zoning Regulations Section 17.9.1 Campgrounds-Seasonal.

Site Plan Review shall be required for future buildings, site changes/additions above the 208 sites regulated by Tompkins County Department of Health.

The maximum sites for the Development District shall be 425.

2. Campsites.

3. Living accommodations for campers shall be Tents, Recreational Vehicles, Recreational Park trailers, or camping cabins intended for transient use.

A Tent shall be defined as a portable shelter, made of fabric, stretched over a supporting framework of poles with ropes and pegs.

A Recreational Vehicle shall be defined as a vehicle that can only be moved on the highway without a special permit from the New York State D.O.T, (therefore no wider than 8 feet) built on a single chassis, mounted on wheels, with gross trailer area not to exceed 400 square feet in area.

A Recreational Park Trailer shall be defined as a vehicle that can be moved on the highway with a special permit from the New York State D.O.T (therefore may be wider than 8 feet but no more than 12 feet) built on a single chassis, mounted on wheels with gross trailer area not to exceed 400 square feet in area.

A Camping Cabin shall be defined as a hard sided tent or shelter less than 400 square feet in an area without plumbing which is on skids or otherwise designed to be readily moveable.

4. The campgrounds shall be open for the season camping annually from May 1 through October 31. Off-season, no more than 20 percent occupancy of existing sites at any given time is permitted for temporary camping units. Length of stay is no more than seven (7) consecutive days during the off-season. (This is designed to accommodate such recreational activities as hunting, fishing, skiing, etc.) Snowmobiles will be limited to 4 per site with a maximum of 40 allowed in the campground at anyone time.

5. Commercial sales of Recreational Vehicles, Recreational Park Trailers and Retail Sales of camping related items shall be an allowed use.

6. The following recreational uses are allowed in the campsite for only registered campers and guests: Mini-golf, hayrides, arcade, 2 playgrounds (as listed on the map), Swimming pool, fishing pond, paddle boat rentals, geo-caching, pedal cart rentals, golf cart rentals, volleyball, basketball, horseshoes, nature & hiking trails, live music entertainment, ball field and similar activities.

#### **16.3.1 (b) District Area Boundaries**

The area of said district shall be approximately 83 acres as described on the map dated June 2009.

The district boundaries are as follows: All that tract or parcel of land situated in the Town of Ulysses, County of Tompkins and State of New York, being part of Military Lot 16 in said Town and bounded and described as follows:

BEGINNING at a point in the centerline of Kraft Road approximately 2,643 feet from the west line of Military Lot 16, thence south parallel to the west line of Military Lot 16 approximately 2,061 feet to the south line of Military Lot 16; thence west along the said south line of Military Lot 16 approximately 2,643 feet to the west side of said Military Lot 16 (being the east line of military lot 15); thence north along the west line of Military Lot 16 approximately 1,188 feet to a point; thence northeasterly along a hedgerow and woodlot about 528 feet; thence southeasterly along the said hedgerow and woodlot about 462 feet; continuing in a southeasterly direction along the said hedgerow about 792 feet to a second hedgerow which runs north and south; thence north along said second hedgerow about 792 feet to a third hedgerow which runs east and west; thence west and

parallel to Kraft Road approximately 88 feet to a point; thence north and perpendicular to Kraft Road approximately 351 feet to a center line of Kraft Road; thence east along center line of Kraft Road 1,034 feet to the point of beginning.

#### **16.3.1 (c) Specifications for Campsites**

1. The number of campsites in the district is not to be more than 425 sites. The sites shall be a minimum of 30 feet wide and a depth of 50 feet or as directed by NYS DOH.
2. East of the driveway (to the left as entering the campgrounds) campsite numbers 2, 4, 6 to 9, 11, 20, 21 and 20A are to remain as they are. No campsites will be permitted closer than 275 feet from the center line of Kraft Road. A natural vegetative buffer must be maintained between the eastern most campsites and the eastern most boundary. Campsites to remain as they are on the map, no new campsites are to be added within this area.
3. Parking: Two hour temporary parking is permitted north of the hedgerow (labeled as Hedgerow # 1 on the map) for patrons and their guests.
4. Each campsite shall have a designated area for a campfire that shall be located, cleared and protected in accordance with recommendations of the Trumansburg Fire Chief. All firewood in the campground to be in compliance with DEC Regulations on transported in firewood.
5. The sites as listed in the map dated June 2009 shall be considered legal, and conforming according to existing zoning regulations. All new and additional campsites are required to be in compliance with the Zoning Regulation Section 17.9.1

#### **Campgrounds-Seasonal**

6. Recreational Park Trailers will be limited to 15% of existing sites within the district not to exceed 43 sites. Recreational Park Trailers can be located on sites indicated with an X on the map dated June 2009.
7. Camping Cabins will be limited to 15% of existing sites within the district not to exceed 43 sites.

#### **16.3.1 (d) Sewage and Garbage Disposal**

1. Sewage and garbage disposal shall meet all requirements of the Tompkins County Health Department.
2. Rodent-tight refuse containers shall be provided so that there shall be a minimum of one container for every four campsites.
3. There shall be absolutely no dumping of any type of refuses whatsoever in Willow Creek.
4. Garbage shall be picked up at least twice per week during the months of June, July and August, and at least once per week the remainder of the season.
5. Underground sewage receptacles shall not be allowed within 100 feet of the edge of Willow Creek-all recreational vehicles within that area must have self-contained sewage holding tanks.

#### **16.3.1 (e) Water**

1. Drinking water shall be provided and conform to the standards of the Tompkins County Health Department.
2. There shall be no cleaning activities (activities that include soaps, shampoos, or cleansers) in Willow Creek (e.g. bathing, car washing, and dishwashing).

3. Under conditions of drought a water conservation plan shall be enacted that could include reduction of shower usage, prohibition of washing vehicles, campers and pets. Further under drought consideration no watering of lawns or plants shall take place.

#### **16.3.1 (f) Maintenance**

1. The entire district shall be kept free and clear of all litter and be maintained in a neat and orderly manner.
2. A monthly visual inspection shall be conducted of the sewage holding tanks of all Recreational Vehicles and Recreational Park Trailers located along and up gradient of Willow Creek.
3. Chlorinated water from the swimming pool will not be discharged in excess of 100 gallons in a 24 hour period for maintenance procedures.

#### **16.3.1 (g) Signs**

One namesake sign or bulletin board not exceeding eighteen (18) square feet is allowed. Said sign shall not be self-illuminating and the bottom of said sign shall not be more than five (5) feet from the ground.

#### **16.3.1. (h) Commercial Sales**

1. Commercial sales of Recreation Vehicles and Recreational Park Trailers are allowed in this district. A maximum of 6 units may be displayed in the area (40' x 75') listed on the map dated June 2009.
2. New units are allowed on camping sites for purpose of commercial sales.
3. Individuals may display their used units for second hand sale on sites within the district.
4. The existing retail store for sales of camping related items such as firewood, ice, and sundry items for the accommodations of the campers and their guests is permitted.

#### **16.3.1 (i) Storage**

1. Storage of recreation vehicles and boats on trailers is allowed, with the provision that no more than 60 percent of the existing campsites can be used for storage and no more than one unit per campsite.
2. In-season storage shall be limited to the campsites themselves or the area designated on the map June 2009 as off site storage.

#### **16.3.1 G) Buffers**

All natural buffers are to remain, and in addition:

1. From the current driveway, east, approximately 40 feet from the centerline of the road in line with the current tree line, a hedge (indicated as Hedgerow #2 on the map) of evergreens is to be maintained, using a minimum spacing of 6 feet, with the minimum size of trees to be planted of 4 feet and with the hedgerow to be two rows of trees deep. If any trees die, they are to be replaced.
2. The area along hedgerow # 1 is to be inter-planted with evergreen trees and shrubs, from the entrance road to the west boundary. The purpose is to create a dense visual barrier to hide vehicles and activities and to provide privacy for regular users and campers as well as neighbors. Minimum size of plants at planting shall be 4 feet.
3. All natural covers on the remaining boundaries shall remain and natural growth of said hedgerows shall be encouraged.

4. The existing sites along Willow Creek indicated on the map dated June 2009 will be

maintained with a minimum 20' wide natural vegetative buffer adjacent to the stream. All future sites will be in compliance with Zoning Regulation Section 17.9.1 which states no campsite, buildings, structures, or parking areas shall be located within one hundred (100) feet of a stream edge or any wetland as defined by state or federal law.

### **16.3.1 (k) Mobile Home**

1. One mobile home, larger than 750 square feet, shall be permitted in the Development District as indicated on the map dated June 2009.

2. The mobile home will be skirted and the hedgerow that now exists shall remain as screening.

### **75. Transfer of funds for Town Barn construction project**

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt a resolution subject to a permissive resolution to transfer up to \$408,000 from the Capital Reserve Account to the Highway Town Barn Account #A5132.2.

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### **76. Declaring the water district vehicle as junk**

BE IT RESOLVED that the Town Board of the Town of Ulysses declare the Water Vehicle that was totaled in the accident as junk.

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### **September 8, 2009**

### **77. Approval of minutes and vouchers**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Board meetings of July 14, 2009 and August 11, 2009 as corrected and changed per Ms. Thomas and Ms. Tyler.

BE IT RESOLVED that the Town Board of the Town of Ulysses approved the previous examined vouchers #302 through #340 in the amount of \$40,530.12.

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### **78. Appointment of representative to the Health Care Consortium Board of Directors**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Richard Coogan to the Board of Directors for the Healthcare Consortium and,

Further Resolved that Alex Rachun be appointed as the alternate to the Board.

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**79. Authorization of Supervisor to acquire a vehicle at auction**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Austic to attend the action and spend up to \$10,000 on a used vehicle.

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**80. Better Housing Grant celebration**

BE IT RESOLVED that the Town authorizes spends up to \$300 for a celebration of the completion of the Better Housing Grant program.

FURTHER RESOLVE that the Town applies for the Celebration Grant.

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**SPECIAL TOWN BOARD MEETING SEPTEMBER 28, 2009**

The Town supports and recognizes the economic value of existing commercial land uses and existing Development Districts, located in areas where they might not be recommended or identified on the Future Land Use Map.

Add the following sentence: Consideration for specific environmentally sensitive sights for recommendations as Critical Environmental Areas will be reviewed by the Town Planning Board for consideration by the Town Board.

Table 2 identifies the highest priority action items for the Town to undertake towards successful implementation of this Plan.

Resolved that the Town Board of the Town of Ulysses update the Future Land Use Map (page 39) to reflect the change as depicted on the attached map to the "Office and Technology Mixed Use" category to a larger area.

Further Resolved that a copy of this map will be faxed to Ms. Baptiste at Bergmann Associates.

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the Comprehensive Plan of July 2009 as amended at tonight's meeting.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve that the Planning Board be authorized to spend up to \$500 on environmental legal advice to get their questions answered on CEA's.

**REGULAR TOWN BOARD MEETING OCTOBER 13, 2009**

**104.** BE IT Resolved that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of September 8, 2009, the Special Board meetings of July 9, 2009, August 27, 2009 and September 28, 2009 and the Public Hearing of August 27, 2009.

**105.**

GENERAL FUND A

Increase A1320.4 Audit	\$1400.00
Increase A1620.4 Building CE	1500.00
Increase A6672.4 Veterans Svc.	25.00
Increase A9060.8 Health Ins.	8752.00
Decrease A1990.4 Contingency	11677.00

HIGHWAY FUND DA

Increase DA5140.1 Brush and Weeds PS	2174.84
Increase A9060.8 Health Ins.	7741.00
Decrease DA5120.4 Bridges CE	9915.84

HIGHWAY FUND DB

Increase DB9060.8 Health Ins.	1448.00
Decrease DB5110.4 Gen. Repair CE	1448.00

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

BE IT Resolved that the Town Board of the Town of Ulysses approve the above budget modifications for the 2009 budget.

**106.** BE IT Resolved that the Town Board of the Town of Ulysses approve the previous examined vouchers #'s 341 through 386 in the amount of \$42,977.12.

**107.** Resolution, urging Department of Environmental Conservation Commissioner Grannis to promulgate regulations requiring that local governments be designated as involved agencies for SEQR proceedings relating to natural gas permit applications for proposed sites within the boundaries of the local governments; and that local government' views be sought and given significant weight when determinations relating to natural gas permits applications are made.

Whereas, it is estimated that the geologic rock bed known as Marcellus Shale may contain up to several cubic feet of natural gas;

Whereas. Dramatic increases in the price of crude oil and the corresponding need to reduce our nation's dependence on foreign oil have resulted in a tremendous increase in interest and activity relating to natural gas exploring and drilling;

Whereas, municipalities in which natural gas drilling is proposed, should be consulted regarding natural gas permit applications and the comments of municipalities should be considered and given significant weight when determinations relating to natural gas applications are made;

Now Therefore Be It Resolved that the Ulysses Town Board requests that the Department of Environmental Conservation promulgate regulations to require that local government be designated as involved agencies for State Environmental Quality Review Act (SEQRA) proceedings relating to natural gas applications for proposed sites within the boundaries of the local governments and that local governments' views be solicited and given significant weight when determinations relating to natural gas applications are made; and further

Resolved, that copies of this resolution shall be forwarded to: Commissioner Pete Grannis, NYS Department of Environmental Conservation, and Governor David Peterson. Representative Michael Arcuri, State Senator George Winner, State Assemblywoman Barbara Lifton and County Legislator James Dennis.

**108.** BE IT Resolved that the Town Board of the Town of Ulysses adjourn to an executive session for the discussion of a personnel matter.

### **SPECIAL TOWN BOARD MEETING OCTOBER 22, 2009**

**109.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve a 1% pay increase for all .01 accounts in the 2010 Budget.

**110.** BE IT RESOLVED that the Town Board of the Town of Ulysses moves the tentative budget with the changes made to the 2010 to Preliminary Budget and be advertised for the Public Hearing to be held on November 4<sup>th</sup>, 2009 at 6:30 pm.

### **REGULAR TOWN BOARD MEETING NOVEMBER 10, 2009**

**111.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes for the Regular Town Board meeting of October 13<sup>th</sup>, 2009 and the Special Town Board meeting of October 22, 2009.

**112.** Mr. Kerness moved, seconded by Ms. Thomas the following 2009 Budget Modifications:

#### **General Fund A**

Increase A9060.8 Health Insurance	\$1500.
Increase A1920.4 Ass. Dues	49.

Decrease A3510.4 Dog Control \$1549.

**Highway DA**

Increase DA5140.1 Brush & Weeds PS \$ 800.

Decrease DA5120.1 Bridges PS 800.

**113.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #387 through 426, less voucher #402 in the amount of \$15000, for a total of \$128,552.25.

**114.** BE IT RESOLVED that the Town Board of the Town of Ulysses except the price for the Town of Ulysses insurance from E.C. Cooper and continue with them.

**115.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve the expense of \$200 to help pay for a stenographer to take comments at a public hearing and provide this information to DEC.

FURTHER RESOLVED that the \$200 be taken from the account A1010.4 Town Board Contractual.

**116.** BE IT RESOLVED that the Town Board of the Town of Ulysses use the \$35,000 more of fund balances in the A Fund that was received from additional mortgage tax and use \$35,000 less Sales Tax in the A Fund but increase \$35,000 use of Sales Tax in the DA Fund.

**117.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve to adopt the 2010 Budget as modified.

**118.** BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session for a personal matter.

**DECEMBER REGULAR TOWN BOARD 12/8/2009**

**119.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the November Regular Town Board meeting with minor modifications

**120.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve increasing A1620.4 by \$1584.18 and decreasing A3510.4 by \$1584.18.

**121.** BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #'s 427 through 473 in the amount of \$202,180.73.

**122.** BE IT RESOLVED that the Town Board of the Town of Ulysses recommends that Ms. Tyler remain the Ulysses representative on the EMC Board.

123. RESOLUTION TO COMMENT ON THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ON WELL PERMIT ISSUANCE FOR HORIZONTAL DRILLING AND HIGH-VOLUME HYDRAULIC FRACTURING TO DEVELOP THE MARCELLUS SHALE AND OTHER LOW-PERMEABILITY GAS RESERVOIRS.

Whereas the Town of Ulysses is above the natural gas deposit in the Marcellus Shale; and

Whereas all residents could be impacted from gas drilling whether it be from drinking water contamination, increased truck traffic, potential damage to roads, air pollution, destruction of scenic views, unwanted noise, light pollution, a disregard of current zoning, or a combination of all these factors; and

Whereas the Town of Ulysses supports the intention of the supplemental Generic Environmental Impact Statement (sGEIS) to limit the environmental impact of shale-gas development, however there are areas where it is critical that additional measures are taken to protect human health and preserve the environment.

**Therefore, be it resolved that to ensure the health, welfare, and safety of Ulysses residents, to protect its natural resources, and preserve its character, the Town of Ulysses requests the Department of Environmental Conservation withdraw its draft Supplemental Generic Environmental Impact Statement (sGEIS) until the following concerns are resolved and those of other municipalities are resolved:**

**Water**

- The sGEIS should comprehensively address the cumulative impacts on stream flows from surface water withdrawal from creeks and lakes acknowledging pre-existing and future water needs. [P.7-22].
- The sGEIS states it will **encourage** operators to position rig fuel tanks 500 feet from any primary or principal aquifer, public or private water well, domestic-supply spring, reservoir, reservoir stem, controlled lake, watercourse, perennial or intermittent stream, storm drain, wetland, lake or pond, but does not **require** this setback. It must be required [p 7-27].
- The draft sGEIS states that the DEC **may** require the applicant to identify in application materials the anticipated maximum number, type, and volume of liquid fracturing additive containers to be simultaneously present onsite. [P 7-32]. This must be **required** rather than leaving it optional.
- Although hydrofracturing used in the extraction of natural gas is exempt from the federal Safe Drinking Water Act, the DEC must **require** adherence to this law in its sGEIS regulations.
- The draft sGEIS states on page 7-38 that routine testing of drinking water should no longer be necessary a year after the last hydrofracturing event. Given that little is known about the hydrofracturing process, annual testing should continue for at least 5 years. [section 7.1.4.1]

- The sGEIS states that drinking water wells within 1000 feet of a gas well are required to be tested for contamination. The sGEIS must be revised to require surface water drinking sources within 1000 feet to be included as well.
- The DEC needs to revise the sGEIS to be more specific about how water quality data will be evaluated and the criteria it will use to make determinations.
- County Health Departments are required in the sGEIS to investigate complaints about water contamination, but costs associated with these investigations are not funded by the State to cover the increased staffing for this work. The DEC must work in conjunction with the County Health Departments in order to adequately protect water resources [page 7-42 section 7.1.4.1].
- Centralized flow back water surface impoundments must not be allowed. All flow back liquid should be stored in closed steel containers. [Section 7.1.7 pg. 7-51]. This would prevent the need for the air pollution setbacks as described in section 7.5.3 pg 7-89, would negate the concern over wildlife drinking flow back water, and further ensure no leakage into groundwater or overflow caused by above average rainfall or corrupted dams.
- Publically Owned Treatment Works (POTW) cannot adequately treat the quantity of brine and chemicals predicted to be generated as flow back. The total dissolved solids are too high for POTW to treat in facilities not designed for this type of disposal. The draft sGEIS does not require flow back to be tested for materials that cannot be safely treated in POTW such as benzene, toluene, naturally occurring radioactive materials (NORMS), and the high concentrations of salt prior to receiving the liquid. With the chemicals now allowed in the dsGEIS, flow back water must be treated at facilities specifically designed and built to treat contaminants generated from this hydrofracturing process not in POTW [section 7.1.8.1 pg 7-56]. These water treatment facilities must know the full chemical content of the flow back water prior to treatment. If hydrofracturing additives could be restricted to biodegradable materials, this could be reconsidered [section 7.1.8].
- Section 7.1.11 is titled *Protecting the Quality of New York City's Drinking Water Supply*. This protection cannot be limited to the water supply of New York City. Cayuga Lake is a major supply of drinking water for the Tompkins County region including the Town of Ulysses. The draft sGEIS suggests drillers avoid drilling in the vicinity of New York City's drinking water, but this must be expanded to ALL watersheds, aquifers, and private drinking water wells in New York State.
- Setbacks from any stream, river, lake or other body of water must be increased from the proposed 150 feet to 1000 feet [section 7.1.12.2 page 7-69], to be consistent with the requirements for drinking water wells.
- Actions located within 100 feet of a DEC-regulated wetland require permits from the DEC [Page 7-6 section 7.1.1.1]. Other wetland resources should be considered as well such as those identified by the National Wetland Inventory. All of these wetlands serve important roles to water quality, habitat, and other functions. Site-specific analyses should include mapping of all existing wetlands on a site and setbacks expanded to 1000 feet.

- The draft sGEIS requires that additive products for the hydrofracturing process be disclosed, but the actual ingredients and their proportions within those products are not. The DEC should require full disclosure of all ingredients in products [8.2.1.2]. This information must be made public for the benefit of first responders, physicians, and for scientific review.
- Section 5.4 discusses specific chemicals that **may** be used in the fracturing fluids and lists the desirable properties, including minimal environmental effects, but does not identify which additives meet these criteria. Section 5.4.3.1 lists serious health hazards associated with the chemicals along with a statement that “toxicity data are very limited for many chemical additives to fracturing fluids”. The DEC should identify which additives would minimize environmental and human health impacts. If drillers wish to use alternative chemicals, they must be required to provide an additional environmental review for approval.
- In section 9.3.1 the DEC discusses preliminary work on green chemical alternatives. They should return to this investigation and identify green chemicals.
- Analysis of flow back liquid in Pennsylvania and West Virginia frequently show high concentrations of 4-Nitroquinoline-1-oxide, a highly toxic chemical. The dsGEIS does not address this finding which is a concern. The DEC must provide better guidelines for chemical additives to prevent water contamination from high risk chemicals. The DEC should also assess the additive effects of the many chemicals being used together.
- Due to their extreme toxicity, 4-Nitroquinoline-1-oxide, benzene, toluene, ethyl benzene, and xylenes must be banned from use in fracturing fluids.
- Cracks in well casings are one of the main avenues for contamination from hydrofracturing liquid into drinking water wells. DEC inspectors must be on site when well casings are being poured [4.1.4.2 pg 4-48].

### **Planning and Zoning**

- Local zoning ordinances should be followed and Towns should be designated as *involved agencies* for determining environmental impacts from gas drilling. Gas drilling is an industrial use of land and should not be allowed in or within 1000 feet of R1-rural residential, R2-moderate residential, H1 and 2- hamlets, or PR-Park/recreation in the Town of Ulysses.
- Drilling activities must adhere to the local noise and light ordinances described in the Town of Ulysses zoning law.
- Drilling activities must take into consideration the intent of the Comprehensive Plan for the Town of Ulysses especially regarding the designated areas for conservation, environmental protection, lakeshore, unique natural areas, parks, steep slopes, streams, gorges, prime

agricultural lands, scenic views, and recreational areas as spelled out in figure 6: *Natural Features* (page 101) and figure 10 *Community Resources* (page 121) of the 2009 Comprehensive Plan. The Comprehensive Plan strongly encourages activities that will increase tourism, small scale agriculture, and outdoor recreation. Natural gas drilling should be prohibited in areas that will compromise these activities and negate the intent of the Comprehensive Plan.

- Drilling activities must not occur within 1000 feet of a critical environmental area as designated by towns.
- Many adverse impacts may be prevented by mandating that drilling companies plan and site their drilling operations to avoid natural features such as steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands [7-23].

### Other

- The dsGEIS describes that physical barriers to public access at least 500 feet from the well pad **could prevent** negative exposure to pollutants. The SGEIS **should specifically require** a physical barrier. Working with the Public Service Commission, the NYS DEC needs to determine the proper setback distance to limit exposure, not simply assign 500 feet as a setback. (p. 7-89 to 90).
- Drilling companies should be required to notify Towns when EACH permit is granted not simply the first permit. The DEC should require gas companies to enter in to a road use agreement which would include route selection for maximum efficiency and safety, coordination with emergency management and highway departments, road upgrades for water transport, and road use agreements to pay for road repairs in the event of damage due to heavy truck traffic which by the DEC's own estimations would range from 890 to 1350 truck loads per well [section 6.10 pg 6-137 and section 7.11 pg 7-109/110].
- The sGEIS does not evaluate the impact of increased truck traffic and states that this is more appropriately considered in the context of policy making, primarily at the local level, but local governments are understaffed for projects of this magnitude without additional funding [section 7.11 pg 7-109, section 8.1.1.5 pg 8-4]. Road use agreements should be required prior to any drilling action.
- Due to the chemicals and potential radioactivity contained in the hydrofracturing flow back liquid as stated above, this liquid should not be allowed to be spread on roads where it can be transported to Cayuga Lake through culverts and ditches [section 7.6.1.2 pg 7-50].
- The sGEIS should include quantification of possible cumulative impacts of gas well drilling not only on water resources, but also on community infrastructure and social services, and at least semi-quantitative analyses of a range of potential mitigation strategies. This will require coordination among a number of state and local agencies, as well as additional funding for them.

- The Cargill salt mine runs through tunnels under Cayuga Lake, the Town of Ulysses and the Town of Lansing. How horizontal drilling and hydrofracturing will interact with this existing mining must be addressed in the dsGEIS, especially in areas near and under Cayuga Lake.
- The State of New York's official policy, enacted into law, is "to conserve, improve and protect its natural resources and environment . . .," and it is the Department's responsibility to carry out this policy. Natural gas drilling does not *conserve, improve and protect New York State's natural resources and environment*.
- The DEC currently has only 17 inspectors for over 13,000 existing wells; if gas production by hydraulic fracturing begins, there could potentially be tens of thousands of more wells in New York State. The draft SGEIS does not address how the number of inspectors will be increased or where funds will come from to pay for more inspectors; the current plan expressed in the draft sGEIS is woefully inadequate to manage natural resources to assure their protection and balanced utilization, prevent and abate water, land and air pollution, and regulate storage, handling and transport of solids, liquids and gases to prevent pollution.
- Rules within the sGEIS need to be clearer for the benefit of everyone involved, using words such as "require", "must", and "shall" rather than the more vague terms such as "should" "might" or "may".

Be it further resolved that this resolution be sent to Governor David Paterson, Senators Charles Schumer and Kirsten Gillibrand, Representative Michael Arcuri, State Senator George Winner, State Assemblywoman Barbara Lifton, State Assembly speaker Sheldon Silver, State Senate President Malcolm Smith, State Attorney General Andrew Cuomo, and County Legislator James Dennis.

DEC Representative.

#### 124. CREATING AN AD HOC COMMITTEE ON LAKESHORE ZONING

**WHEREAS**, the Comprehensive Plan adopted September 2009 by the Ulysses Town Board cited the need for lake shore zoning as the 2<sup>nd</sup> and 3<sup>rd</sup> priorities for short term implementation; and

**WHEREAS**, the Town Planning Board whom the Town Board has charged with developing recommendations for the Town Board, and

**WHEREAS**, the current significant work load of the Planning Board, including the development of a conservation zone ( first priority of the 2009 Comprehensive Plan), precludes it from taking on this additional responsibility within the desired time frame; and

**WHEREAS**, the West Shore Homeowner's Association supports Lake Shore zoning and has urged the Town Board to move forward expeditiously on this issue, now therefore be it

**RESOLVED**, that the Ulysses Town Board hereby authorizes the creation of a time-limited Ad Hoc committee on Lake Shore Zoning effective January 2010, and be it further

**RESOLVED** that the charge to the committee, objectives, composition of the committee, tasks and time targets are described below and hereby incorporated into this resolution.

### **Objectives of the Ad Hoc Committee on Lakeshore Zoning**

Develop a DRAFT zoning law to be forwarded to the Planning Board and Town Board that gives primary consideration to natural and environmental resources, and considers;

New development as it relates to and impacts steep slopes, water quality, soil erosion and view sheds.

Existing properties as future design standards may dictate including any improvement made, be evaluated to determine any impacts on natural features, steep slopes, water quality, soil erosion, and view sheds.

Specific concerns such as; septic testing, density limitations, and design standards for docks, boat houses, moorings and accessory buildings.

### **Composition of the Ad Hoc Committee on Lakeshore Zoning**

Public (2 Representatives)

West Shore Homeowner's Association (1 Representative) Don Smith (willing to be Chairperson)

Town Board (1 Representative) Dave Kerness

Planning Board (1 Representatives) Rod Hawks

Board of Zoning Appeals (1 Representative)

Total = 6 Members

Clerical support - Robin Carlisle-Peck

### **Schedule Targets**

Kickoff	January 2010
Develop First Draft	February 2010
Public Informational Meeting	April 2010
Planning Board Review, comment and approval	May 2010
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Town Board review and adoption	August 2010

### **Tasks**

Chris Blistro, Town of Ithaca Planning, will present Ithaca's Lakeshore zoning law and rationale. Planning and Town Board to be invited.

Review Town of Ithaca's Lakeshore zoning & other municipalities.  
Develop 1<sup>st</sup> Draft and Review with Alex Rachun

Review Draft with the Department of Health

Support application for legislative authority under section 46a of the NYS Navigation Law to enact regulations concerning boat houses, moorings, and decks on a Cayuga Lake within the Town.

Develop Preliminary zoning language & review with Planning Board and Town Board members

Finalize Preliminary zoning law for a Public Information meeting (Chris to support).

Modify as required and present to Planning Board for review and comments, approval

Present to Town Board for review, comments, approval

Prepare for Public Hearing after Town Board approval

Minutes of meetings shall be taken and available for Town web site posting

125. BE IT RESOLVED that the Town Board of the Town of Ulysses approves the gift certificates to the employees and related board members for there dedicated service and hard work throughout the year in the amount of \$50 each.

126. BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session to discuss a possible legal litigation matter

127. BE IT RESOLVED that the Town Board of the Town of Ulysses hold the 2010 Organizational Meeting January 4<sup>th</sup>, 2010 at 7PM at the Town Hall.

#### DECEMBER REGULAR TOWN BOARD MINUTES

128. BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the November Regular Town Board meeting with minor modifications.

129. BE IT RESOLVED that the Town Board of the Town of Ulysses approve increasing A1620.4 by \$1584.18 and decreasing A3510.4 by \$1584.18.

130. BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #'s 427 through 473 in the amount of \$202,180.73.

131. BE IT RESOLVED that the Town Board of the Town of Ulysses recommends that Ms. Tyler remain the Ulysses representative on the EMC Board.

132. RESOLUTION TO COMMENT ON THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ON WELL PERMIT ISSUANCE FOR HORIZONTAL DRILLING AND HIGH-VOLUME HYDRAULIC FRACTURING TO DEVELOP THE MARCELLUS SHALE AND OTHER LOW-PERMEABILITY GAS RESERVOIRS.

Whereas the Town of Ulysses is above the natural gas deposit in the Marcellus Shale; and

Whereas all residents could be impacted from gas drilling whether it be from drinking water contamination, increased truck traffic, potential damage to roads, air pollution, destruction of scenic views, unwanted noise, light pollution, a disregard of current zoning, or a combination of all these factors; and

Whereas the Town of Ulysses supports the intention of the supplemental Generic Environmental Impact Statement (sGEIS) to limit the environmental impact of shale-gas development, however there are areas where it is critical that additional measures are taken to protect human health and preserve the environment.

**Therefore, be it resolved that to ensure the health, welfare, and safety of Ulysses residents, to protect its natural resources, and preserve its character, the Town of Ulysses requests the Department of Environmental Conservation withdraw its draft Supplemental Generic Environmental Impact Statement (sGEIS) until the following concerns are resolved and those of other municipalities are resolved:**

#### **Water**

- The sGEIS should comprehensively address the cumulative impacts on stream flows from surface water withdrawal from creeks and lakes acknowledging pre-existing and future water needs. [P.7-22].
- The sGEIS states it will **encourage** operators to position rig fuel tanks 500 feet from any primary or principal aquifer, public or private water well, domestic-supply spring, reservoir, reservoir stem, controlled lake, watercourse, perennial or intermittent stream, storm drain, wetland, lake or pond, but does not **require** this setback. It must be required [p 7-27].
- The draft sGEIS states that the DEC **may** require the applicant to identify in application materials the anticipated maximum number, type, and volume of liquid fracturing additive containers to be simultaneously present onsite. [P 7-32]. This must be **required** rather than leaving it optional.

- Although hydrofracturing used in the extraction of natural gas is exempt from the federal Safe Drinking Water Act, the DEC must **require** adherence to this law in its sGEIS regulations.
- The draft sGEIS states on page 7-38 that routine testing of drinking water should no longer be necessary a year after the last hydrofracturing event. Given that little is known about the hydrofracturing process, annual testing should continue for at least 5 years. [section 7.1.4.1]
- The sGEIS states that drinking water wells within 1000 feet of a gas well are required to be tested for contamination. The sGEIS must be revised to require surface water drinking sources within 1000 feet to be included as well.
- The DEC needs to revise the sGEIS to be more specific about how water quality data will be evaluated and the criteria it will use to make determinations.
- County Health Departments are required in the sGEIS to investigate complaints about water contamination, but costs associated with these investigations are not funded by the State to cover the increased staffing for this work. The DEC must work in conjunction with the County Health Departments in order to adequately protect water resources [page 7-42 section 7.1.4.1].
- Centralized flow back water surface impoundments must not be allowed. All flow back liquid should be stored in closed steel containers. [Section 7.1.7 pg. 7-51]. This would prevent the need for the air pollution setbacks as described in section 7.5.3 pg 7-89, would negate the concern over wildlife drinking flow back water, and further ensure no leakage into groundwater or overflow caused by above average rainfall or corrupted dams.
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- Setbacks from any stream, river, lake or other body of water must be increased from the proposed 150 feet to 1000 feet [section 7.1.12.2 page 7-69], to be consistent with the requirements for drinking water wells.
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- In section 9.3.1 the DEC discusses preliminary work on green chemical alternatives. They should return to this investigation and identify green chemicals.
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- Due to their extreme toxicity, 4-Nitroquinoline-1-oxide, benzene, toluene, ethyl benzene, and xylenes must be banned from use in fracturing fluids.
- Cracks in well casings are one of the main avenues for contamination from hydrofracturing liquid into drinking water wells. DEC inspectors must be on site when well casings are being poured [4.1.4.2 pg 4-48].

## **Planning and Zoning**

- Local zoning ordinances should be followed and Towns should be designated as *involved agencies* for determining environmental impacts from gas drilling. Gas drilling is an industrial

use of land and should not be allowed in or within 1000 feet of R1-rural residential, R2-moderate residential, H1 and 2- hamlets, or PR-Park/recreation in the Town of Ulysses.

- Drilling activities must adhere to the local noise and light ordinances described in the Town of Ulysses zoning law.
- Drilling activities must take into consideration the intent of the Comprehensive Plan for the Town of Ulysses especially regarding the designated areas for conservation, environmental protection, lakeshore, unique natural areas, parks, steep slopes, streams, gorges, prime agricultural lands, scenic views, and recreational areas as spelled out in figure 6: *Natural Features* (page 101) and figure 10 *Community Resources* (page 121) of the 2009 Comprehensive Plan. The Comprehensive Plan strongly encourages activities that will increase tourism, small scale agriculture, and outdoor recreation. Natural gas drilling should be prohibited in areas that will compromise these activities and negate the intent of the Comprehensive Plan.
- Drilling activities must not occur within 1000 feet of a critical environmental area as designated by towns.
- Many adverse impacts may be prevented by mandating that drilling companies plan and site their drilling operations to avoid natural features such as steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands [7-23].

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- Drilling companies should be required to notify Towns when EACH permit is granted not simply the first permit. The DEC should require gas companies to enter in to a road use agreement which would include route selection for maximum efficiency and safety, coordination with emergency management and highway departments, road upgrades for water transport, and road use agreements to pay for road repairs in the event of damage due to heavy truck traffic which by the DEC's own estimations would range from 890 to 1350 truck loads per well [section 6.10 pg 6-137 and section 7.11 pg 7-109/110].
- The sGEIS does not evaluate the impact of increased truck traffic and states that this is more appropriately considered in the context of policy making, primarily at the local level, but local governments are understaffed for projects of this magnitude without additional funding [section 7.11 pg 7-109, section 8.1.1.5 pg 8-4]. Road use agreements should be required prior to any drilling action.

- Due to the chemicals and potential radioactivity contained in the hydrofracturing flow back liquid as stated above, this liquid should not be allowed to be spread on roads where it can be transported to Cayuga Lake through culverts and ditches [section 7.6.1.2 pg 7-50].
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- The Cargill salt mine runs through tunnels under Cayuga Lake, the Town of Ulysses and the Town of Lansing. How horizontal drilling and hydrofracturing will interact with this existing mining must be addressed in the dsGEIS, especially in areas near and under Cayuga Lake.
- The State of New York's official policy, enacted into law, is "to conserve, improve and protect its natural resources and environment . . .," and it is the Department's responsibility to carry out this policy. Natural gas drilling does not *conserve, improve and protect New York State's natural resources and environment*.
- The DEC currently has only 17 inspectors for over 13,000 existing wells; if gas production by hydraulic fracturing begins, there could potentially be tens of thousands of more wells in New York State. The draft SGEIS does not address how the number of inspectors will be increased or where funds will come from to pay for more inspectors; the current plan expressed in the draft sGEIS is woefully inadequate to manage natural resources to assure their protection and balanced utilization, prevent and abate water, land and air pollution, and regulate storage, handling and transport of solids, liquids and gases to prevent pollution.
- Rules within the sGEIS need to be clearer for the benefit of everyone involved, using words such as "require", "must", and "shall" rather than the more vague terms such as "should" "might" or "may".

Be it further resolved that this resolution be sent to Bureau of Oil & Gas Regulation, Governor David Paterson, Senators Charles Schumer and Kirsten Gillibrand, Representative Michael Arcuri, State Senator George Winner, State Assemblywoman Barbara Lifton, State Assembly speaker Sheldon Silver, State Senate President Malcolm Smith, State Attorney General Andrew Cuomo, and County Legislator James Dennis.

133. Whereas, the Tompkins County Environmental Management Council (EMC) has designated certain areas within the Town of Ulysses as Unique Natural Areas (UNA's), as shown on the map dated September 1999 attached hereto; and

Whereas, the Planning Board is in the process of drafting a proposed amendment to the Zoning Ordinance of the Town of Ulysses for consideration by the Town Board creating a Conservation Zone; and

Whereas, the UNA's are important natural resources in the Town;

Therefore, It Is Hereby Resolved that the Town Boar concurs with the designation of the UNA's and acknowledges that the UNA's are an important factor when considering a Conservation Zone.

Mr. Austic stated that as per the Rules and Procedures adopted by the Town Board a resolution can not be voted upon at the meeting unless the Board has been provided a copy at least by the Tuesday prior to the Board meeting so it can not be voted on unless there is a vote of supermajority.

Mr. Austic called for the vote.

Mr. Austic	nay
Mr. Ferrentino	nay
Mr. Kerness	aye
Ms. Thomas	aye
Ms. Tyler	aye

Resolution failed not a supermajority.

#### 134. CREATING AN AD HOC COMMITTEE ON LAKESHORE ZONING

**WHEREAS**, the Comprehensive Plan adopted September 2009 by the Ulysses Town Board cited the need for lake shore zoning as the 2<sup>nd</sup> and 3<sup>rd</sup> priorities for short term implementation; and

**WHEREAS**, the Town Planning Board whom the Town Board has charged with developing recommendations for the Town Board, and

**WHEREAS**, the current significant work load of the Planning Board, including the development of a conservation zone ( first priority of the 2009 Comprehensive Plan), precludes it from taking on this additional responsibility within the desired time frame; and

**WHEREAS**, the West Shore Homeowner's Association supports Lake Shore zoning and has urged the Town Board to move forward expeditiously on this issue, now therefore be it

**RESOLVED**, that the Ulysses Town Board hereby authorizes the creation of a time-limited Ad Hoc committee on Lake Shore Zoning effective January 2010, and be it further

**RESOLVED** that the charge to the committee, objectives, composition of the committee, tasks and time targets are described below and hereby incorporated into this resolution.

#### **Objectives of the Ad Hoc Committee on Lakeshore Zoning**

Develop a DRAFT zoning law to be forwarded to the Planning Board and Town Board that gives primary consideration to natural and environmental resources, and considers;

New development as it relates to and impacts steep slopes, water quality, soil erosion and view sheds.

Existing properties as future design standards may dictate including any improvement made, be evaluated to determine any impacts on natural features, steep slopes, water quality, soil erosion, and view sheds.

Specific concerns such as; septic testing, density limitations, and design standards for docks, boat houses, moorings and accessory buildings.

### **Composition of the Ad Hoc Committee on Lakeshore Zoning**

Public (2 Representatives)

West Shore Homeowner's Association (1 Representative) Don Smith (willing to be Chairperson)

Town Board (1 Representative) Dave Kerness

Planning Board (1 Representatives) Rod Hawks

Board of Zoning Appeals (1 Representative)

Total = 6 Members

Clerical support - Robin Carlisle-Peck

### **Schedule Targets**

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### **Tasks**

Chris Blistro, Town of Ithaca Planning, will present Ithaca's Lakeshore zoning law and rationale. Planning and Town Board to be invited.

Review Town of Ithaca's Lakeshore zoning & other municipalities.  
Develop 1<sup>st</sup> Draft and Review with Alex Rachun

Review Draft with the Department of Health

Support application for legislative authority under section 46a of the NYS Navigation Law to enact regulations concerning boat houses, moorings, and decks on a Cayuga Lake within the Town.

Develop Preliminary zoning language & review with Planning Board and Town Board members

Finalize Preliminary zoning law for a Public Information meeting (Chris to support).

Modify as required and present to Planning Board for review and comments, approval

Present to Town Board for review, comments, approval

Prepare for Public Hearing after Town Board approval

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135. BE IT RESOLVED that the Town Board of the Town of Ulysses approves the gift certificates to the employees and related board members for there dedicated service and hard work throughout the year in the amount of \$50 each.

136. BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session to discuss a possible legal litigation matter.

137. BE IT RESOLVED that the Town Board of the Town of Ulysses hold the 2010 Organizational Meeting January 4<sup>th</sup>, 2010 at 7PM at the Town Hall.

**81. Support of the Village of Trumansburg to investigate billing for EMS services**

BE IT RESOLVED that the Town Board of the Town of Ulysses support the Village of Trumansburg to investigate billing and work out the details that are associated with that billing and present that to the Town of Ulysses in the next 30 days.

\*\*\*\*\*

**82. Investigate establishing a fire district to oversee expenditures of EMS and Fire Department**

BE IT RESOLVED that the Town Board of the Town of Ulysses along with the Village of Trumansburg, the Town of Hector and the Town of Covert investigate developing a fire district or an advisory board ( made up of municipal representatives based on contributions) to oversee the expenditures for both EMS and the Fire Department.

\*\*\*\*\*

**September 28, 2009**

**83. Changes to the Future Land Use Map in the Comprehensive Plan**

The Town supports and recognizes the economic value of existing commercial land uses and existing Development Districts, located in areas where they might not be recommended or identified on the Future Land Use Map.

Add the following sentence: Consideration for specific environmentally sensitive sights for recommendations as Critical Environmental Areas will be reviewed by the Town Planning Board for consideration by the Town Board.

Table 2 identifies the highest priority action items for the Town to undertake towards successful implementation of this Plan.

Resolved that the Town Board of the Town of Ulysses update the Future Land Use Map (page 39) to reflect the change as depicted on the attached map to the "Office and Technology Mixed Use" category to a larger area.

Further Resolved that a copy of this map will be faxed to Ms. Baptiste at Bergmann Associates.

\*\*\*\*\*

**84. Adoption of Comprehensive Plan by the Town Board**

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the Comprehensive Plan of July 2009 as amended at tonight's meeting.

\*\*\*\*\*

**85. Authorizing funds for the Planning Board to request legal advice**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve that the Planning Board be authorized to spend up to \$500 on environmental legal advice to get their questions answered on CEA's.

\*\*\*\*\*

**OCTOBER 13, 2009 - REGULAR TOWN BOARD MEETING**

**86. Approval of minutes and vouchers and budget amendments**

BE IT Resolved that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of September 8, 2009, the Special Board meetings of July 9, 2009, August 27, 2009 and September 28, 2009 and the Public Hearing of August 27, 2009.

GENERAL FUND A

Increase A1320.4 Audit	\$1400.00
Increase A1620.4 Building CE	1500.00
Increase A6672.4 Veterans Svc.	25.00
Increase A9060.8 Health Ins.	8752.00

Decrease A1990.4 Contingency 11677.00

HIGHWAY FUND DA

Increase DA5140.1 Brush and Weeds PS 2174.84  
Increase A9060.8 Health Ins. 7741.00

Decrease DA5120.4 Bridges CE 9915.84

HIGHWAY FUND DB

Increase DB9060.8 Health Ins. 1448.00

Decrease DB5110.4 Gen. Repair CE 1448.00

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

BE IT Resolved that the Town Board of the Town of Ulysses approve the above budget modifications for the 2009 budget.

BE IT Resolved that the Town Board of the Town of Ulysses approve the previous examined vouchers #'s 341 through 386 in the amount of \$42,977.12.

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**87. Requesting local involvement in SEQR for natural gas extraction**

Resolution, urging Department of Environmental Conservation Commissioner Grannis to promulgate regulations requiring that local governments be designated as involved agencies for SEQR proceedings relating to natural gas permit applications for proposed sites within the boundaries of the local governments; and that local government' views be sought and given significant weight when determinations relating to natural gas permits applications are made.

Whereas, it is estimated that the geologic rock bed known as Marcellus Shale may contain up to several cubic feet of natural gas;

Whereas. Dramatic increases in the price of crude oil and the corresponding need to reduce our nation's dependence on foreign oil have resulted in a tremendous increase in interest and activity relating to natural gas exploring and drilling;

Whereas, municipalities in which natural gas drilling is proposed, should be consulted regarding natural gas permit applications and the comments of municipalities should be considered and given significant weight when determinations relating to natural gas applications are made;

Now Therefore Be It Resolved that the Ulysses Town Board requests that the Department of Environmental Conservation promulgate regulations to require that local government be designated as involved agencies for State Environmental Quality Review Act (SEQRA) proceedings relating to natural gas applications for proposed sites within the boundaries of the local governments and that local governments' views be solicited and given significant weight when determinations relating to natural gas applications are made; and further

Resolved, that copies of this resolution shall be forwarded to: Commissioner Pete Grannis, NYS Department of Environmental Conservation, and Governor David Peterson. Representative Michael Arcuri, State Senator George Winner, State Assemblywoman Barbara Lifton and County Legislator James Dennis.

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**88. Executive session**

BE IT Resolved that the Town Board of the Town of Ulysses adjourn to an executive session for the discussion of a personnel matter.

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**OCTOBER 22, 2009 - SPECIAL TOWN BOARD MEETING**

**89. Pay increase for 2010 Budget**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve a 1% pay increase for all .01 accounts in the 2010 Budget.

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**90. Preliminary budget**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves the tentative budget with the changes made to the 2010 to Preliminary Budget and be advertised for the Public Hearing to be held on November 4<sup>th</sup>, 2009 at 6:30 pm.

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**NOVEMBER 10, 2009 - REGULAR TOWN BOARD MEETING**

**91. Minutes, vouchers and budget modifications**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes for the Regular Town Board meeting of October 13<sup>th</sup>, 2009 and the Special Town Board meeting of October 22, 2009.

Mr. Kerness moved, seconded by Ms. Thomas the following 2009 Budget Modifications:

**General Fund A**

Increase A9060.8 Health Insurance	\$1500.
Increase A1920.4 Ass. Dues	49.

Decrease A3510.4 Dog Control	\$1549.
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**Highway DA**

Increase DA5140.1 Brush & Weeds PS	\$ 800.
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Decrease DA5120.1 Bridges PS	800.
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BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #387 through 426, less voucher #402 in the amount of \$15000, for a total of \$128,552.25.

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**92. Accept E.C. Cooper for town insurance**

BE IT RESOLVED that the Town Board of the Town of Ulysses except the price for the Town of Ulysses insurance from E.C. Cooper and continue with them.

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**93. Contribution to public hearing for DEC on sGEIS**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the expense of \$200 to help pay for a stenographer to take comments at a public hearing and provide this information to DEC.

FURTHER RESOLVED that the \$200 be taken from the account A1010.4 Town Board Contractual.

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**94. Budget adjustments and adoption of 2010 Budget**

BE IT RESOLVED that the Town Board of the Town of Ulysses use the \$35,000 more of fund balances in the A Fund that was received from additional mortgage tax and use \$35,000 less Sales Tax in the A Fund but increase \$35,000 use of Sales Tax in the DA Fund.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to adopt the 2010 Budget as modified.

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**95. Executive Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session for a personal matter.

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**DECEMBER 8, 2009 - REGULAR TOWN BOARD MEETING****96. Approval of minutes, vouchers, and budget adjustments**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the November Regular Town Board meeting with minor modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve increasing A1620.4 by \$1584.18 and decreasing A3510.4 by \$1584.18.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #'s 427 through 473 in the amount of \$202,180.73.

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**97. Appointment of Tyler to the Environmental Management Commission**

BE IT RESOLVED that the Town Board of the Town of Ulysses recommends that Ms. Tyler remain the Ulysses representative on the EMC Board.

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**98. Comments to the DEC supplemental Generic Environmental Impact Statement (sGEIS)**

RESOLUTION TO COMMENT ON THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ON WELL PERMIT ISSUANCE FOR HORIZONTAL DRILLING AND HIGH-VOLUME HYDRAULIC FRACTURING TO DEVELOP THE MARCELLUS SHALE AND OTHER LOW-PERMEABILITY GAS RESERVOIRS.

Whereas the Town of Ulysses is above the natural gas deposit in the Marcellus Shale; and

Whereas all residents could be impacted from gas drilling whether it be from drinking water contamination, increased truck traffic, potential damage to roads, air pollution, destruction of scenic views, unwanted noise, light pollution, a disregard of current zoning, or a combination of all these factors; and

Whereas the Town of Ulysses supports the intention of the supplemental Generic Environmental Impact Statement (sGEIS) to limit the environmental impact of shale-gas development, however there are areas where it is critical that additional measures are taken to protect human health and preserve the environment.

**Therefore, be it resolved that to ensure the health, welfare, and safety of Ulysses residents, to protect its natural resources, and preserve its character, the Town of Ulysses requests the Department of Environmental Conservation withdraw its draft Supplemental Generic Environmental Impact Statement (sGEIS) until the following concerns are resolved and those of other municipalities are resolved:**

### **Water**

- The sGEIS should comprehensively address the cumulative impacts on stream flows from surface water withdrawal from creeks and lakes acknowledging pre-existing and future water needs. [P.7-22].
- The sGEIS states it will **encourage** operators to position rig fuel tanks 500 feet from any primary or principal aquifer, public or private water well, domestic-supply spring, reservoir, reservoir stem, controlled lake, watercourse, perennial or intermittent stream, storm drain, wetland, lake or pond, but does not **require** this setback. It must be required [p 7-27].
- The draft sGEIS states that the DEC **may** require the applicant to identify in application materials the anticipated maximum number, type, and volume of liquid fracturing additive containers to be simultaneously present onsite. [P 7-32]. This must be **required** rather than leaving it optional.
- Although hydrofracturing used in the extraction of natural gas is exempt from the federal Safe Drinking Water Act, the DEC must **require** adherence to this law in its sGEIS regulations.
- The draft sGEIS states on page 7-38 that routine testing of drinking water should no longer be necessary a year after the last hydrofracturing event. Given that little is known about the hydrofracturing process, annual testing should continue for at least 5 years. [section 7.1.4.1]
- The sGEIS states that drinking water wells within 1000 feet of a gas well are required to be tested for contamination. The sGEIS must be revised to require surface water drinking sources within 1000 feet to be included as well.
- The DEC needs to revise the sGEIS to be more specific about how water quality data will be evaluated and the criteria it will use to make determinations.
- County Health Departments are required in the sGEIS to investigate complaints about water contamination, but costs associated with these investigations are not funded by the State to cover the increased staffing for this work. The DEC must work in conjunction with the County Health Departments in order to adequately protect water resources [page 7-42 section 7.1.4.1].
- Centralized flow back water surface impoundments must not be allowed. All flow back liquid should be stored in closed steel containers. [Section 7.1.7 pg. 7-51]. This would prevent the need for the air pollution setbacks as described in section 7.5.3 pg 7-89, would negate the concern over wildlife drinking flow back water, and further ensure no leakage into groundwater or overflow caused by above average rainfall or corrupted dams.

- Publically Owned Treatment Works (POTW) cannot adequately treat the quantity of brine and chemicals predicted to be generated as flow back. The total dissolved solids are too high for POTW to treat in facilities not designed for this type of disposal. The draft sGEIS does not require flow back to be tested for materials that cannot be safely treated in POTW such as benzene, toluene, naturally occurring radioactive materials (NORMS), and the high concentrations of salt prior to receiving the liquid. With the chemicals now allowed in the dsGEIS, flow back water must be treated at facilities specifically designed and built to treat contaminants generated from this hydrofracturing process not in POTW [section 7.1.8.1 pg 7-56]. These water treatment facilities must know the full chemical content of the flow back water prior to treatment. If hydrofracturing additives could be restricted to biodegradable materials, this could be reconsidered [section 7.1.8].
- Section 7.1.11 is titled *Protecting the Quality of New York City's Drinking Water Supply*. This protection cannot be limited to the water supply of New York City. Cayuga Lake is a major supply of drinking water for the Tompkins County region including the Town of Ulysses. The draft sGEIS suggests drillers avoid drilling in the vicinity of New York City's drinking water, but this must be expanded to ALL watersheds, aquifers, and private drinking water wells in New York State.
- Setbacks from any stream, river, lake or other body of water must be increased from the proposed 150 feet to 1000 feet [section 7.1.12.2 page 7-69], to be consistent with the requirements for drinking water wells.
- Actions located within 100 feet of a DEC-regulated wetland require permits from the DEC [Page 7-6 section 7.1.1.1]. Other wetland resources should be considered as well such as those identified by the National Wetland Inventory. All of these wetlands serve important roles to water quality, habitat, and other functions. Site-specific analyses should include mapping of all existing wetlands on a site and setbacks expanded to 1000 feet.
- The draft sGEIS requires that additive products for the hydrofracturing process be disclosed, but the actual ingredients and their proportions within those products are not. The DEC should require full disclosure of all ingredients in products [8.2.1.2]. This information must be made public for the benefit of first responders, physicians, and for scientific review.
- Section 5.4 discusses specific chemicals that **may** be used in the fracturing fluids and lists the desirable properties, including minimal environmental effects, but does not identify which additives meet these criteria. Section 5.4.3.1 lists serious health hazards associated with the chemicals along with a statement that "toxicity data are very limited for many chemical additives to fracturing fluids". The DEC should identify which additives would minimize environmental and human health impacts. If drillers wish to use alternative chemicals, they must be required to provide an additional environmental review for approval.
- In section 9.3.1 the DEC discusses preliminary work on green chemical alternatives. They should return to this investigation and identify green chemicals.

- Analysis of flow back liquid in Pennsylvania and West Virginia frequently show high concentrations of 4-Nitroquinoline-1-oxide, a highly toxic chemical. The dsGEIS does not address this finding which is a concern. The DEC must provide better guidelines for chemical additives to prevent water contamination from high risk chemicals. The DEC should also assess the additive effects of the many chemicals being used together.
- Due to their extreme toxicity, 4-Nitroquinoline-1-oxide, benzene, toluene, ethyl benzene, and xylenes must be banned from use in fracturing fluids.
- Cracks in well casings are one of the main avenues for contamination from hydrofracturing liquid into drinking water wells. DEC inspectors must be on site when well casings are being poured [4.1.4.2 pg 4-48.

### Planning and Zoning

- Local zoning ordinances should be followed and Towns should be designated as *involved agencies* for determining environmental impacts from gas drilling. Gas drilling is an industrial use of land and should not be allowed in or within 1000 feet of R1-rural residential, R2-moderate residential, H1 and 2- hamlets, or PR-Park/recreation in the Town of Ulysses.
- Drilling activities must adhere to the local noise and light ordinances described in the Town of Ulysses zoning law.
- Drilling activities must take into consideration the intent of the Comprehensive Plan for the Town of Ulysses especially regarding the designated areas for conservation, environmental protection, lakeshore, unique natural areas, parks, steep slopes, streams, gorges, prime agricultural lands, scenic views, and recreational areas as spelled out in figure 6: *Natural Features* (page 101) and figure 10 *Community Resources* (page 121) of the 2009 Comprehensive Plan. The Comprehensive Plan strongly encourages activities that will increase tourism, small scale agriculture, and outdoor recreation. Natural gas drilling should be prohibited in areas that will compromise these activities and negate the intent of the Comprehensive Plan.
- Drilling activities must not occur within 1000 feet of a critical environmental area as designated by towns.
- Many adverse impacts may be prevented by mandating that drilling companies plan and site their drilling operations to avoid natural features such as steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands [7-23].

### Other

- The dsGEIS describes that physical barriers to public access at least 500 feet from the well pad **could prevent** negative exposure to pollutants. The SGEIS **should specifically require** a physical barrier. Working with the Public Service Commission, the NYS DEC needs to

determine the proper setback distance to limit exposure, not simply assign 500 feet as a setback. (p. 7-89 to 90).

- Drilling companies should be required to notify Towns when EACH permit is granted not simply the first permit. The DEC should require gas companies to enter in to a road use agreement which would include route selection for maximum efficiency and safety, coordination with emergency management and highway departments, road upgrades for water transport, and road use agreements to pay for road repairs in the event of damage due to heavy truck traffic which by the DEC's own estimations would range from 890 to 1350 truck loads per well [section 6.10 pg 6-137 and section 7.11 pg 7-109/110].
- The sGEIS does not evaluate the impact of increased truck traffic and states that this is more appropriately considered in the context of policy making, primarily at the local level, but local governments are understaffed for projects of this magnitude without additional funding [section 7.11 pg 7-109, section 8.1.1.5 pg 8-4]. Road use agreements should be required prior to any drilling action.
- Due to the chemicals and potential radioactivity contained in the hydrofracturing flow back liquid as stated above, this liquid should not be allowed to be spread on roads where it can be transported to Cayuga Lake through culverts and ditches [section 7.6.1.2 pg 7-50].
- The sGEIS should include quantification of possible cumulative impacts of gas well drilling not only on water resources, but also on community infrastructure and social services, and at least semi-quantitative analyses of a range of potential mitigation strategies. This will require coordination among a number of state and local agencies, as well as additional funding for them.
- The Cargill salt mine runs through tunnels under Cayuga Lake, the Town of Ulysses and the Town of Lansing. How horizontal drilling and hydrofracturing will interact with this existing mining must be addressed in the dsGEIS, especially in areas near and under Cayuga Lake.
- The State of New York's official policy, enacted into law, is "to conserve, improve and protect its natural resources and environment . . .," and it is the Department's responsibility to carry out this policy. Natural gas drilling does not *conserve, improve and protect New York State's natural resources and environment*.
- The DEC currently has only 17 inspectors for over 13,000 existing wells; if gas production by hydraulic fracturing begins, there could potentially be tens of thousands of more wells in New York State. The draft SGEIS does not address how the number of inspectors will be increased or where funds will come from to pay for more inspectors; the current plan expressed in the draft sGEIS is woefully inadequate to manage natural resources to assure their protection and balanced utilization, prevent and abate water, land and air pollution, and regulate storage, handling and transport of solids, liquids and gases to prevent pollution.
- Rules within the sGEIS need to be clearer for the benefit of everyone involved, using words such as "require", "must", and "shall" rather than the more vague terms such as "should" "might" or "may".

Be it further resolved that this resolution be sent to Governor David Paterson, Senators Charles Schumer and Kirsten Gillibrand, Representative Michael Arcuri, State Senator George Winner, State Assemblywoman Barbara Lifton, State Assembly speaker Sheldon Silver, State Senate President Malcolm Smith, State Attorney General Andrew Cuomo, and County Legislator James Dennis.

DEC Representative.

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### **99. Creating an ad hoc committee on lakeshore zoning**

**WHEREAS**, the Comprehensive Plan adopted September 2009 by the Ulysses Town Board cited the need for lake shore zoning as the 2<sup>nd</sup> and 3<sup>rd</sup> priorities for short term implementation; and

**WHEREAS**, the Town Planning Board whom the Town Board has charged with developing recommendations for the Town Board, and

**WHEREAS**, the current significant work load of the Planning Board, including the development of a conservation zone ( first priority of the 2009 Comprehensive Plan), precludes it from taking on this additional responsibility within the desired time frame; and

**WHEREAS**, the West Shore Homeowner's Association supports Lake Shore zoning and has urged the Town Board to move forward expeditiously on this issue, now therefore be it

**RESOLVED**, that the Ulysses Town Board hereby authorizes the creation of a time-limited Ad Hoc committee on Lake Shore Zoning effective January 2010, and be it further

**RESOLVED** that the charge to the committee, objectives, composition of the committee, tasks and time targets are described below and hereby incorporated into this resolution.

#### **Objectives of the Ad Hoc Committee on Lakeshore Zoning**

Develop a DRAFT zoning law to be forwarded to the Planning Board and Town Board that gives primary consideration to natural and environmental resources, and considers;

New development as it relates to and impacts steep slopes, water quality, soil erosion and view sheds.

Existing properties as future design standards may dictate including any improvement made, be evaluated to determine any impacts on natural features, steep slopes, water quality, soil erosion, and view sheds.

Specific concerns such as; septic testing, density limitations, and design standards for docks, boat houses, moorings and accessory buildings.

#### **Composition of the Ad Hoc Committee on Lakeshore Zoning**

Public (2 Representatives)

West Shore Homeowner's Association (1 Representative) Don Smith (willing to be Chairperson)

Town Board (1 Representative) Dave Kerness

Planning Board (1 Representatives) Rod Hawks

Board of Zoning Appeals (1 Representative)

Total = 6 Members

Clerical support - Robin Carlisle-Peck

### **Schedule Targets**

Kickoff	January 2010
Develop First Draft	February 2010
Public Informational Meeting	April 2010
Planning Board Review, comment and approval	May 2010
Public Hearing	July 2010
Town Board review and adoption	August 2010

### **Tasks**

Chris Blistro, Town of Ithaca Planning, will present Ithaca's Lakeshore zoning law and rationale. Planning and Town Board to be invited.

Review Town of Ithaca's Lakeshore zoning & other municipalities.  
Develop 1<sup>st</sup> Draft and Review with Alex Rachun

Review Draft with the Department of Health

Support application for legislative authority under section 46a of the NYS Navigation Law to enact regulations concerning boat houses, moorings, and decks on a Cayuga Lake within the Town.

Develop Preliminary zoning language & review with Planning Board and Town Board members

Finalize Preliminary zoning law for a Public Information meeting (Chris to support).

Modify as required and present to Planning Board for review and comments, approval

Present to Town Board for review, comments, approval

Prepare for Public Hearing after Town Board approval

Minutes of meetings shall be taken and available for Town web site posting

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**100. Gift certificates**

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the gift certificates to the employees and related board members for their dedicated service and hard work throughout the year in the amount of \$50 each.

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**101. Executive session**

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session to discuss a possible legal litigation matter

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**102. Setting organizational meeting date**

BE IT RESOLVED that the Town Board of the Town of Ulysses hold the 2010 Organizational Meeting January 4<sup>th</sup>, 2010 at 7PM at the Town Hall.

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