

TOWN BOARD MEETING

Town of Ulysses

May 13, 2014

Audio of the minutes are available on the website at ulysses.ny.us.

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

PRESENT:

Supervisor- Liz Thomas

Board members- Rich Goldman, John Hertzler, Nancy Zahler, Dave Kerness

Clerk- Carissa Parlato

2nd Deputy Supervisor- Michelle Wright

Environmental Planner- Darby Kiley

Highway Superintendent- Jim Meeker

Town Attorney- Mariette Geldenhuys

OTHERS PRESENT:

Melissa Kemp of Solar Tompkins, Kat Clement (reporter)

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

Ms. Thomas called the meeting to order at 7 p.m.

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2014-105:

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the May 13, 2014 meeting with the following changes:

- 1) Presentation from Solar Tompkins directly after the approval of the claims
- 2) Change item 7c to read "Zoning Regulations for Parks and Recreation"
- 3) Add an Executive Session –prior to Mariette's departure (mid-meeting)

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas aye

Ms. Zahler aye

Mr. Kerness aye

Mr. Goldman aye

Mr. Hertzler aye

Vote: 5-0

Date Adopted: 5/13/14

APPROVAL OF MINUTES: 4/22/14, 5/7/14**RESOLUTION 2014-106:**

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the April 22 and May 7, 2014 meetings as amended by the Town Clerk based on comments from Town Board members.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 5-0

Date Adopted: 5/13/14

APPROVAL OF CLAIMS:**RESOLUTION 2014-107:**

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 10-66 that were reviewed and entered into the system in the amount of \$210, 890.17.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 5-0

Date Adopted: 5/13/14

PRESENTATION: SOLAR TOMPKINS

Melissa Kemp, Director of Solar Tompkins, a non-profit organization funded by Park Foundation, gave a presentation.

The program is launching at the end of May/early June with a May 31st tour of Ulysses properties utilizing solar energy; and a community meeting on June 11 at the Ulysses Town Hall.

The program aims to install at least 300 solar PV (photovoltaic) systems across Tompkins County this year. The organization has partnered with two local companies and a third regional company to do the installing. Consumers will be able to choose the installer that they desire. Incentives and tax breaks are now lower than in the past.

Ms. Geldenhuys entered the meeting at 7:25pm.

PRIVILEGE OF THE FLOOR:

(no comments submitted nor spoken)

REPORTS FROM REPRESENTATIVES:

(no reports)

TOWN REPORTS:**PLANNING/ZONING: Reported/submitted by Ms. Kiley****PLANNING:**

On April 15th, the Planning Board reviewed and approved a site plan for a single-family residence on a flag lot, and held a public hearing on the Site Plan for Cayuga Compost. On May 6th, the Planning Board visited the Cayuga Compost site and continued discussion of the Site Plan.

BZA:

At the April 16 meeting, the BZA reviewed an area variance for the Antiques Mall property, which was adjourned until the next meeting because additional information was needed. The BZA also reviewed and denied a use variance for a property along Route 96.

GRANTS:

Energy Projects: Grant – The Project Team (Towns of Caroline, Danby, Ithaca, and Ulysses and City of Ithaca, along with CCE and Tompkins County) are still working on the details of the work plan and budget in the draft contract. A Request for Qualification for the Project Manager will be released on Friday

Transportation Grant: Michelle Wright, Marty Petrovic and I continue to work on a federal grant application for sidewalk projects Town and Village.

OTHER MEETINGS:

April 10 – Save the Rain presentation by Onondaga County.

April 15 – ITCTC (Ithaca Transportation Council), update on NYS State Parks, other projects.

April 25 – Trails Group, updates on projects

April 30 – Cayuga Lake Watershed Intermunicipal Organization, approved 2014 funding for Floating Classroom.

May 6 – Ag Committee, met in small group to discuss how to move forward with committee.

HIGHWAY SUPERINTENDENT: Reported by Jim Meeker

The Highway Department helped Tompkins County with a grinding project on Coddington Road. They also finished sod work from plowing, patched potholes on town roads, pulled the saltboxes, cleaned plows, cleaned out culvert pipes, picked up trash and limbs from cemeteries, and installed a driveway pipe on Cold Springs Road. They are currently assisting the Town of Ithaca with a grinding project on Sandbank Road.

Ms. Thomas acknowledged the highway team for helping with water district management since Mr. Austic's passing.

TOWN CLERK:

The clerk's office collected \$1503.50 in fees for licenses (dog, marriage and sporting). The town keeps \$979.73 of that.

Licenses issued:

Sporting licenses- 13

Disabled parking permits- 5

Dog licenses- 63
 Marriage licenses- 0

Activities:

- Completed the FOIL (Freedom of Information Law)/Public Access to Records Law subject matter list for our website, which is required by law.
- Gathered information needed for General Code project.
- Attended the annual NYS Clerk's Assoc. conference in Saratoga and passed the Notary Public exam. Also attended the following sessions: tax collection, records management, clerk basics, and issuing sporting licenses
- Attended a full day Public Information Officer training through TC Dept. of Emergency Response as part of updating the Town's emergency plan.
- Participated in the town's ethics training
- Started adding addresses to the town list serv, which should be ready to go next week with about 400 addresses.

CODE ENFORCEMENT: Submitted by Mr. Rachun:

<i>Date</i>	<i>Parcel</i>	<i>Owner</i>	<i>Project</i>	<i>Constr. Costs</i>	<i>fee</i>
4/14/14	32.-2-11	Racker Center	Office space	\$35,000	\$160.
4/28/14	21.-3-3.11	K. Fellows	Accessory building	\$33,000	\$154.
5/9/14	22.-1-5.4	G. Morraco	Accessory building	\$15,000	\$100.

SUPERVISOR: Reported/submitted by Ms. Thomas

CSI Presentation 4/3/14

The Community Science Institute held its annual meeting. The website has been vastly improved. They continue to work to monitor water downstream from the T-burg water treatment plant, to help with hydrilla control, and even did some free testing for Ulysses based on a request from some Planning Board members at the composting facility on Agard Road. To get a better look at how they serve our community, see their website.

Dog Control 4/21/14

The coalition of municipalities re-advertised the position of enumerator and have several candidates to interview. Interviews will be in May.

Food Scraps Recycling 4/10/2014 and 5/6/14

The County Solid Waste Management has launched a pilot food scraps curbside pickup for certain residential areas for the purpose of reducing the overall amount garbage going to the landfill. Items will be composted at the facility on Agard Road. Areas include approximately half the residents of Jacksonville and Trumansburg. A training for residents was held at the Fire Hall in T-burg on 5/6.

TCCOG 4/24/14

- **Tax cap**
 Many municipalities would like to pass resolutions that they may exceed the tax cap in protest of the Governor's plan. Tompkins County would stand and show the shared services already in place and challenge that the tax cap is in the best interest of local residents

considering so many services will be cut and their financial health compromised. A subgroup of TCCOG is meeting to create a listing of shared services within Tompkins.

- **Haul Routes**

The County, Danby, Dryden and several other municipalities already have road protection laws in place but don't always know when large projects are being initiated in other municipalities. The County and Town of Danby both had examples of systems whereby a building permit would not be issued to a developer until a haul route for heavy trucks is provided along with proof of compliance with road protection laws in municipalities within Tompkins County.

- **Supervisory Training**

The County contracts with TC3.biz to train employees in supervisory positions within the County. They have extended this offer to other municipalities at their negotiated reduced rate. Municipalities interested in this service (for a fee) should contact the County.

- **Cable Contracts**

This has been complicated by the potential purchase of Time Warner.

- **Emergency Training- 4/30/2014**

The County Emergency Response Center offered a full day training in Joint Information Communications. Information gathered made it clear the updating of our Emergency Management Plan is critical. The County offered us help in any way needed. Good communication lines are imperative between the Village, fire dept, EMS, school district, sheriff, police, highway departments and the community.

- **Water system**

A large chunk of my time has been spent on the water district management and surrounding issues. Fred, Carissa, Patty and I have been trying to recreate all the documentation needed to make the system function. Multiple meetings with multiple people and groups have occurred throughout the last few months and will continue until we have a final decision on who will manage the system and how we will handle the TTHMs. Another letter to residents will go out with the water bills at the end of the week of 5/12. The annual water quality report is due at the end of May. A small group including a resident from Jacksonville met on 5/12 to discuss alternate options. The Forum in Jacksonville on 5/21 will serve to communicate this info to residents and gather more input.

- **Ergonomic Assessments**

The Town will be purchasing new equipment to ensure all work stations are ergonomically sufficient. An evaluator from New York State Dept of Labor evaluated each workers setup and we will be replacing at least 2 desks this year if not 3. Four and possibly 5 replacements are necessary along with proper chairs. These replacements are important. After meeting with our representative from Workman's Compensation this month, she sent me the following estimate should a worker suffer from carpal tunnel:

- \$7000-\$8000 in medical cost
- minimum \$25,000 for indemnity
- if the employee has surgery they will get at least a 10% scheduled loss of use award

These are long-term costs that are best to avoid.

- **Waterburg Bridge-4/28/2014**
The County Engineers and Highway Superintendent presented the near final version of the bridge replacement design for the bridge in Waterburg. Work on this bridge is scheduled to commence in 2015. The County owns the bridge therefore the Town will not need to contribute financially to this project.
- **Ag Committee**
John Wertis, the former chair of the Ag and Farmland Protection Plan Committee met with Brian Henahan, Darby and I to discuss steps to move forward on forming an Ag Committee to move the objectives of the Plan forward. We will be meeting again on June 5 to draft a mission statement and vision and to finalize recommendations for the committee makeup.
- **Fire Department**
A number of board members toured the Fire Hall with members of the Village Board. The Village is considering expansion of the Fire Hall to better accommodate fire and EMS members and equipment.
- **Sidewalk to ShurSave**
The Village and Town continue to work to co-submit a proposal requesting grant funding for sidewalks in both municipalities.
- **Construction in the Court Offices**
Pretty disruptive for everyone, but it will be good to have it done. A few cost overruns: 1) insulation between Clerk's office and the Court offices to cut down on noise, 2) run the internet and phone cables inside the walls while they are apart.
- **An operating statement is available if any board members would like to view it.**

DEPUTY SUPERVISOR: Reported/submitted by Ms. Wright

Major projects:

- Federal sidewalk grant with village
 - Working with Darby, Marty and Liz
 - Some outstanding questions were answered after the initial friendly review deadline, so we won't have that...but feel that we can submit a strong application
 - More information next meeting including hopefully the cash outlay
- Emergency Management Plan
 - Working on next steps with Liz & Marty
 - More to say at the next meeting after I get some more information from Beth Harrington, Assistant Director at TC Dept of Emergency Response
- Unified Solar Permitting
 - Working with Darby
 - Next meeting hoping to have the permit ready for your approval, then start working on grant associated with it

Smaller projects:

- Ergonomics assessment performed
- Signed up for DMV Lens Program which is mentioned in our Personnel Policy, Carissa is the contact person
- Ongoing website editing

TOWN BOARD MEMBERS AND COMMITTEES:

Reported by Ms. Zahler:

- The Youth Commission's Super Summer Sign-up Night went well.
- The Youth Commission will come to a future meeting to give a presentation.
- John, Liz and Nancy got a tour of the fire hall, which is slated for expansion. Costs for this would affect the town's contract.
- A Cornell graduate student has been working on some calculations regarding insurance. Ms. Zahler has received some preliminary information from this.
- Ms. Zahler attended the health consortium meeting in Mr. Goldman's absence. The group will be offering a supplemental insurance plan.

Reported by Mr. Goldman:

- Mr. Goldman met with Paul Mazarella, the INHS (Ithaca Neighborhood Housing Services) director. The organization may be able to work with the town.
- The Tompkins County foreclosure auction/tax sale is coming up in June.

Reported by Mr. Hertzler:

- Mr. Hertzler attended a Town of Lansing board meeting. Like Ulysses, they have recently found high TTHM levels in their water. The Lansing board voted to purchase an aerator to solve the problem.

Mr. Meeker excused himself at 8:30pm.

OLD BUSINESS:

CONSIDERATION OF ZONING MAP CHANGE- light industrial:

RESOLUTION 2014-108:

RESOLVED that the Town Board of the Town of Ulysses accepts the proposed Local Law for amending the Town of Ulysses Zoning Map for purposes of the public hearing, and

RESOLVED that the Town Board hold a Public Hearing on Tuesday, June 10, 2014 at 6:30 p.m. at the Ulysses Town Hall, 10 Elm St, Trumansburg, for the purpose of hearing public comment on the proposed Zoning Map Amendment, and

RESOLVED that the Town Clerk shall arrange for publication of notice of the public hearing in the Ithaca Journal at least ten days prior to the public hearing.

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas aye

Ms. Zahler aye

Mr. Kerness aye
 Mr. Goldman aye
 Mr. Hertzler aye

Vote: 5-0

Date Adopted: 5/13/14

OPTIONS FOR IMPROVED CODE ENFORCEMENT:

The board continued their discussion on how to deal with Jacksonville homes in need of repair. Town attorney, Ms. Geldenhuys, presented information on New York state codes, and possible steps for the town. The state has stringent guidelines but also allows for municipal home rule law in this area.

Ms. Geldenhuys suggested that Ulysses strengthen its current guidelines.

One possibility would be that the town cleans up a property and bills the owner. This rule would likely only be used in extreme circumstances. If the bill was not paid, it would then be levied onto the owner's tax bill. A local law would need to be passed to allow this.

The town is collaborating with the village on a historic inventory, scheduled to be completed by this fall. Homes with some level of historic designation would help to protect them from getting too rundown or demolished.

Ms. Zahler expressed concern over driving out low-income folks with regulations that are too strict.

Ms. Geldenhuys will draft a local law to amend the existing code enforcement law.

EXECUTIVE SESSION:

ZONING REGULATIONS FOR PARKS AND RECREATION ZONES:

RESOLUTION 2014-109:

RESOLVED that the Ulysses Town Board move into executive session at 9:05pm for the advice of counsel and matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas aye
 Ms. Zahler aye
 Mr. Kerness aye
 Mr. Goldman aye
 Mr. Hertzler aye

Vote: 5-0

Date Adopted: 5/13/14

The board returned from executive session at 9:55pm.

NEW BUSINESS:

PLANNING BOARD MEMBERSHIP:**RESOLUTION 2014-110:**

RESOLVED that the Ulysses Town Board appoints David Blake to the position of Alternate to the Planning Board for the remainder of 2014, and

RESOLVED that the Ulysses Town Board appoints David Means to the position of Alternate to the Board of Zoning Appeals for the remainder of 2014.

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 5-0

Date Adopted: 5/13/14

OUTSIDE WATER SALES:

As per the Town of Ulysses' water resale agreement with the Town of Ithaca, it is necessary for Ulysses to have a formal agreement with anyone outside the water district who wishes to purchase water.

RESOLUTION 2014-111:

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

THIS AGREEMENT is made as of the 13th day of May 2014, by and between the TOWN OF ULYSSES, a municipal corporation with offices at 10 Elm Street, Trumansburg, NY 14886 (hereafter referred to as "the Town") and Willie's Water, of 7460 Route 96, Ovid, New York, 14521, hereafter referred to as "the Customer". WHEREAS, the Town has water available for sale in Water District 3 of the Town; and

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

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

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

The Town hereby agrees to sell and furnish to the Customer water from Water District 3.

The water will be furnished to the Customer as follows:

The Customer will access the water at a designated metered hydrant, which is locked and is accessible only by the Customer; or

Upon prior arrangement with the Administrator of the Water District.

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

The Customer agrees and acknowledged that, if the Customer purchases water from the Town and delivers the water by truck to third parties, the quality of the water so delivered (including, but not limited to, portability) is not in any way guaranteed by the Town of Ulysses. The Customer shall be solely responsible for the quality of any water delivered by truck to third parties and shall indemnify the Town and hold the Town harmless from any liability or claims related to the quality of such water.

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

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

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

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

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

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 5-0

Date Adopted: 5/13/14

Moving more water through the system helps to manage TTHM levels. To this end, the water rate to outside users has been lowered:

RESOLUTION 2014-112: Setting Water Rate for Outside Users

BE IT RESOLVED that the Town Board of the Town of Ulysses set the rate for the bulk outside water users at 1 times the rate charged to bulk water users within Water District 3.

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye

Mr. Hertzler aye

Vote: 5-0

Date Adopted: 5/13/14

WATER DISTRICT OPERATOR- salary consideration

RESOLUTION 2014-113:

RESOLVED that the Ulysses Town Board authorizes an increase in pay for J. Fred Dean to \$18.18/hour.

Moved: Ms. Thomas

Seconded: Mr. Kerness

Ms. Thomas aye

Ms. Zahler aye

Mr. Kerness aye

Mr. Goldman aye

Mr. Hertzler aye

Vote: 5-0

Date Adopted: 5/13/14

(Ms. Wright excused herself at this time.)

Ms. Zahler expressed her gratitude for the highway department's assistance with water district management.

ZONING REGULATIONS FOR PARKS AND RECREATION ZONES:

The Town will be working to clarify intent for this zone and will put this issue on a future agenda.

PERSONNEL POLICY UPDATE:

The board will take up the following personnel issues at a future meeting:

- Clarify the smoking policy
- Healthcare- current vs retirees

TOWN FORUM:

An amended version of the original forum has been scheduled for May 21 in Jacksonville. Water quality, the old church, code enforcement/abandoned buildings, and curbside compost pick up will be discussed.

MEET AND GREETINGS:

Ms. Zahler and Mr. Goldman had breakfast at the Falls Tavern on May 9 to interact with constituents. As it was not well-attended, they would like to reconsider their approach to how best connect with community members. Attending the Westshore Homeowners' Association, senior citizens' meetings, is one idea.

WATER UPDATE:

Ms. Thomas reported that Tim Steed, the engineer working on water district issues, encouraged the town to move forward on seeking a grant to connect with village water.

Michael Boggs, Jacksonville resident who has some experience working on water issues at Cornell, has offered to produce a model of the system to help determine the best solution.

In the short term, the town will continue to flush the system.

PRIVILEGE OF THE FLOOR:

(no comments submitted nor spoken)

ADJOURN:

Mr. Goldman made a motion to adjourn the meeting at 10:29pm, seconded by Mr. Kerness.

Respectfully submitted

by Carissa Parlato

5/23/14