

WORKING TOWN BOARD MEETING

Town of Ulysses

March 25, 2014

The meeting was held at the Ulysses Town Hall at 10 Elm Street, Trumansburg, on March 11, 2014.

PRESENT:

Supervisor- Liz Thomas- (in attendance for some portions via Skype audio (*no voting rights as per town law))

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

Clerk- Carissa Parlato

Town Attorney- Mariette Geldenhuys

Deputy Supervisor- Michelle Wright

Environmental Planner- Darby Kiley

OTHERS PRESENT:

Kat Clement, Steve Gordon

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

Ms. Zahler (Deputy Supervisor) called the meeting to order at 7 p.m.

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

Discussion: The board would like to approve the agenda with the following edits:

- deletion of the presentation by Alex Rachun
- tabling of the executive session regarding compensation

RESOLUTION 2014-78:

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda as amended for March 25, 2014.

Moved: Ms. Zahler

Seconded: Mr. Hertzler

Ms. Thomas (*ineligible for voting)

Ms. Zahler aye

Mr. Kerness aye

Mr. Goldman aye

Mr. Hertzler aye

Vote: 4-0

Date Adopted: 3/25/14

APPROVAL OF MINUTES: 3/11/14

RESOLUTION 2014-79:

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the March 11, 2014 meeting as edited by Ms. Thomas on 3/19/14 and Ms. Zahler on 3/20/14.

Moved: Mr. Goldman

Seconded: Mr. Kerness

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0

Date Adopted: 3/25/14

PRIVILEGE OF THE FLOOR:

(no speakers present nor comments submitted at this time)

PRESENTATIONS:

POLICE AGREEMENT W/VILLAGE: Rordan Hart, Village of Trumansburg Trustee

Ms. Zahler prefaced the conversation by stating that the purpose of the presentation was to promote questions and gauge interest, but not to make a decision. The next step will be to schedule a joint meeting with the town and village boards to discuss this issue as well as Fire and EMS services.

Mr. Hart started off by noting that newly-elected trustee Ben Carver will be the official representative to the town board, attend the meetings regularly, and be able to answer questions in the future.

Mr. Hart noted that the village police department responds to town emergencies about 1-3 times per week. The village is alerted by 911 dispatch when the sheriff is unavailable. They are not mandated to respond, but being good public servants, they do anyway. However, due to jurisdictional rules, they do not have authority to handle all arresting and investigation duties outside of the Village. They are only able to “babysit” a situation until the sheriff can get there. This presents safety hazards for the officers and difficulties for the overall logistics of potential court cases. Other municipalities have set up inter-municipal agreements to manage these issues, and this is a possibility for the town and village.

Mr. Hart stated that such an agreement would not include the general policing of the town by the village, but simply the granting of police powers in the town’s jurisdiction when they are responding to calls from Dispatch or the Sheriff’s Department as the closest car, to protect the Village when their officers are operating outside the village limits.

He responded to board member inquiries as to the costs of such an agreement by affirming that there would be none. The discussion ended with a decision that the town and village attorneys would work together on a plan to present to the board in mid-April.

OLD BUSINESS:

PROPOSED OPEN DEVELOPMENT AREA (TOWN LAW §280(a)4:

Ms. Geldenhuys and Ms. Kiley gave a briefing on the background of the proposal:

- Anytime the town takes an action, an environmental review is necessary (SEQR or State Environmental Quality Review). The SEQR must be completed and adopted by the town board before the resolution to establish the open development area can be passed.
- If a lot does not front on a public street but rather is accessed across someone else's property, it must be designated as an "open development area" before any other development can be permitted, or building permits issued.
- Other properties on lake may have the same situation; those properties will now need to be addressed.

Ms. Kiley distributed the environmental review (SEQR) form, explained the process, and cited the resources that she used to arrive at her determination that designating the area would not lead to any significant adverse environmental impacts.

RESOLUTION 2014-80: STATE ENVIRONMENTAL QUALITY REVIEW FOR ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4

WHEREAS, this action is the establishment of an open development area for Tax Parcel Numbers 18.-1-2, 18.-1-3, 18.-1-4, 18.-1-5.1, and 18.-1-5.2; and

WHEREAS, this is an Unlisted Action for which the Town of Ulysses Town Board is acting as lead agency in an environmental review with respect to this action; and

WHEREAS, the Town Board, at a meeting held on March 25, 2014, has reviewed and accepted as adequate the Short Environmental Assessment Form, Parts 1 and 2 for this action, prepared by Town staff;

NOW, THEREFORE BE IT RESOLVED that the Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review, for the above referenced action as proposed, based on information in the SEAF Part 1 and for the reasons set forth in the SEAF Part 2, and therefore, a Draft Environmental Impact Statement will not be required.

Moved: Ms. Zahler

Seconded: Mr. Kerness

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0

Date Adopted: 3/25/14

The Planning Board's resolution urging establishment of an Open Development Area was distributed and is included in the Appendix.

RESOLUTION 2014-81: ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4

WHEREAS, access from Taughannock Boulevard to Tax Parcel Numbers 18.-1-2, 18.-1-3, 18.-1-4, 18-1-5.1, and 18-1-5.2 is via a right of way across the lands of adjacent property owners; and

WHEREAS, three of the parcels (1577, 1575, and 1573 Taughannock Blvd, Tax Parcel Numbers 18.-1-2, 18.-1-3 and 18.-1-4) have existing residential structures, and two parcels, Tax Parcel Numbers 18-1-5.1 and 18-1-5.2, are vacant; and

WHEREAS, pursuant to Town Law section 280-a(4), on March 11, 2014, the Town Board referred the proposed establishment of an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 to the Planning Board for its advice; and

WHEREAS, as its March 18, 2014 meeting, the Planning Board adopted a resolution recommending that an open development area for the above referenced parcels be established, subject to certain conditions; and

WHEREAS, the Trumansburg Fire Department and EMS stated that the right of way provides sufficient access for emergencies; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617, the establishment of said open development area is an Unlisted action for which the Town of Ulysses Town Board, acting as lead agency in an environmental review with respect to the establishment of the open development area, has, on March 25, 2014, made a negative environmental determination of environmental significance, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1 and 2, maps, and other materials;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulysses hereby establishes an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 be established, subject to the following conditions as specified by the Planning Board and approved by the Town Board:

- a. There will be no future subdivision of the parcels unless the Planning Board makes a determination that the access is sufficient for any future parcels;
- b. The right of way granting access to the parcels shall remain in place;
- c. The driveway to the parcel will consist of asphalt, another hard surface or gravel and will be sufficient to support the passage and weight of emergency vehicles with at least a 20 ft wide entrance on new driveways;

- d. Any land disturbance within the open development area and within the Slope Overlay Area is subject to Site Plan Approval by the Planning Board; and
- e. Prior to Site Plan Approval and/or building permit issuance, the Fire Department and EMS must approve access to the property; and
- f. All future deeds and easements for all of the parcels in the open development area shall contain the following provision: “This conveyance is made and accepted subject to the open development area conditions approved by the Town Board of the Town of Ulysses on March 25, 2014.”

Moved: Ms. Zahler

Seconded: Mr. Kerness

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0

Date Adopted: 3/25/14

OTHER:

JACKSONVILLE:

Mr. Goldman drew attention to the deteriorating properties in Jacksonville, and his recent conversation with Mr. Rachun, the Code Enforcement Officer. Apparently the town’s powers are currently very limited with regard to actions that can be taken on such issues.

Ithaca’s policy was discussed and whether portions of it may be adopted by Ulysses.

Other ideas included:

- Purchase of the properties at a reduced rate
- Increasing fines
- Obtaining funding for community renewal
- Adopting a local code that is stricter, which has implications for increased enforcement costs for the Town

Ms. Zahler and Mr. Goldman will attend the Jacksonville Community Association on March 27. Ms. Zahler would like to get a sense of that community’s long and short term wishes on the subject.

FROM MS. WRIGHT:

Newsletter update-

The newsletters were mailed on Monday, March 25 and some have been received. The process promises to be easier and smoother next time around, and the costs came in less than anticipated. She will leave some around town- at the library, Gimme! Coffee, laundromats, etc.

Low income home repair info-

Grant information for homeowners is available on the website.

FROM MS. ZAHLER:

Estimates for 2 different approaches for remediating the TTHM issue in Water District 3 were distributed.

NEW BUSINESS:

ACCEPTANCE OF JUSTICE COURT ASSISTANCE PROGRAM GRANT

RESOLUTION 2014-82: the Ulysses Town Board congratulates Justice Dresser for his grant award from the Justice Court Assistance Program in the amount of \$4,500 to be used to update the Court Office facilities as spelled out in the grant proposal; also

RESOLVED that the remaining funds of \$2,734.18 from the last JCAP grant may also be used for this office upgrade using Mainstay Builders as the contractor; and

RESOLVED that the total for the upgrade of the office and equipment shall not to exceed the overall amount of grant money received totaling \$7,234.

Moved: Mr. Goldman

Seconded: Mr. Hertzler

Discussion: Mr. Kerness questions why the board is voting on this as the procurement policy allows the supervisor to make a decision and notify the board.

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	nay
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 3-1

Date Adopted: 3/25/14

APPOINTMENT TO PLANNING BOARD:

RESOLUTION 2014-83: the Ulysses Town Board appoints Richard Garner to serve as a full member of the Planning Board for the remaining five (5) year term of outgoing member Stan Beames. The term begins immediately and expires on December 31, 2018.

Further RESOLVED that the Town of Ulysses thanks Stanley Beames for his many years of excellent service to the Town.

Moved: Mr. Goldman

Seconded: Mr. Hertzler

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye

OTHER:

Mr. Kerness brought up the idea of a “consent agenda” as an effort to help streamline the meetings. Non-controversial resolutions, those dealing with routine business matters, and topics that the town board has discussed in advance could be passed with one vote. The group will decide which items will be included on this agenda, removing any items from the consent agenda that they would like to discuss further.

RESOLUTION 2014-84:

RESOLVED, the Ulysses Town Board will adopt the practice of using a consent agenda that includes non-controversial routine decisions with the understanding that any item can be removed from the consent agenda for discussion at the request of a single member.

FURTHER RESOLVED, all items on the consent agenda will be approved with one vote in favor of the consent agenda.

Moved: Mr. Goldman Seconded: Mr. Hertzler

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

Vote: 4-0

Date Adopted: 3/25/14

ADJOURN:

A motion to adjourn the meeting at 9:39pm was made by Mr. Goldman and seconded by Mr. Hertzler.

Respectfully submitted
by Carissa Parlato
4/2/14

APPENDIX to Minutes of March 24, 2014 :

Recommendation from the Ulysses Planning Board on the PROPOSED OPEN DEVELOPMENT AREA:

RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF ULYSSES RECOMMENDING THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4

Motion by Mr. Wertis, Seconded by Mr. Beames.

WHEREAS, the Town of Ulysses Board of Zoning Appeals adopted a resolution on March 5, 2014, referring the following question to the Town Board: Whether an open development area should be established pursuant to Town Law section 280-a(4) for Town of Ulysses tax parcel number (“TPN”) 18.-1-5.1 and 18.-1-5.2; and

WHEREAS, access from Taughannock Boulevard to TPN 18-1-5.1 and 18-1-5.2 is via a right of way across the lands of an adjacent property owner; and

WHEREAS, the same right of way and the driveway located therein also provides access from Taughannock Boulevard to TPN 18.-1-2, 18.-1-3 and 18.-1-4, and it would be in the best interest of the Town and the owners of these parcels to consider all parcels served by the same right of way for inclusion in a proposed open development area; and

WHEREAS, pursuant to Town Law section 280-a(4), on March 11, 2014, the Town Board referred the proposed establishment of an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 to the Planning Board for its advice; and

WHEREAS, the Trumansburg Fire Department stated that the right of way provides sufficient access for emergencies; and

WHEREAS, the Tax Parcel Numbers 18.-1-5.1 and 18.-1-5.2 contain the soil called HsD3 (Hudson silty clay loam, 12 to 20 percent slopes), which is one of the soils that is part of the Slope Overlay Area, a new designation in the Lakeshore zoning; and

WHEREAS, the Planning Board has considered maps and other materials regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends to the Ulysses Town Board that an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 be established, subject to the following conditions:

- a. There will be no future subdivision of the parcels unless the Planning Board makes a determination that the access is sufficient for any future parcels;
- b. The right of way granting access to the parcels shall remain in place;
- c. The driveway to the parcel will consist of asphalt, another hard surface or gravel and will be sufficient to support the passage and weight of emergency vehicles with at least a 20 ft wide entrance on new driveways;

- d. Any land disturbance within the open development area and within the Slope Overlay Area is subject to Site Plan Approval by the Planning Board; and
- e. All future deeds and easements for all of the parcels in the open development area shall contain the following provision: “This conveyance is made and accepted subject to the open development area conditions approved by the Town Board of the Town of Ulysses on _____*[insert date]*.”

Vote: Ayes – Beames, Hawkes, Rice, Wertis; Nays – Adams, Cutler, Garner

Motion passed.