

WORKING TOWN BOARD MEETING

Town of Ulysses

June 23, 2015

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
1st Deputy Supervisor- Nancy Zahler
2nd Deputy Supervisor- Michelle Wright
Board members- Dave Kerness, Rich Goldman. John Hertzler
Clerk- Carissa Parlato
Environmental Planner- Darby Kiley

OTHERS PRESENT:

Phil Antweiler, Jose Lozano, Wade Wykstra, John Wertis, Michael Boggs and Rod Kearn

MEETING NOTICE:

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

CALL TO ORDER:

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

PRESENTATION:

Power Grids and Distributed Power Generation - Jose Lozano and Wade Wykstra of the Ithaca Area Wastewater Facility (IAWWF)

Dr. Lozano is Director of the Environmental Laboratory, (IAWWTF). Mr. Wykstra is Chairman of the Special Joint Committee, the IAWWTF governing body.

Their project proposal, the Ithaca Community Microgrid, would utilize biogas, thermal and hydro energy from various sources.

Along with other partners, they are applying for NY Prize funding- a NYSERDA competition that awards feasibility study grants as well as funding for creation of microgrids.

Board members inquired whether Ulysses would be suitable for a microgrid.

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2015-103:

BE IT RESOLVED that the Ulysses Town Board approve the agenda for June 23, 2015 with the addition of a General Announcements section.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0

Date Adopted: 6/23/15

PRIVILEGE OF THE FLOOR:

(none)

OLD BUSINESS:

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CONSIDERATION OF OPEN DEVELOPMENT AREA (TOWN LAW §280(a)4)

The board spent time discussing and clarifying the issues of this topic.

SEQR:

RESOLUTION 2015-104:

STATE ENVIRONMENTAL QUALITY REVIEW FOR ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8.

WHEREAS, this action is the establishment of an open development area for Tax Parcel Numbers 18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8; 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 June 23, 2015, has reviewed and accepted as adequate the Short Environmental Assessment Form, Parts 1, 2, and 3 for this action, prepared by Town staff;

NOW, THEREFORE, BE IT

RESOLVED that the Town of 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. Thomas

Seconded: Mr. Goldman

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

Vote: 4-0

Date Adopted: 6/23/15

RESOLUTION 2014-105:

ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8.

1. WHEREAS, pursuant to Town Law section 280-a, a building permit cannot be issued if a property does not have access to a street or highway; and
2. WHEREAS, pursuant to Town Law section 280-a(4), Town Board establishment of an open development area allows for the issuance of building permits for lots that do not have access to a street or highway; and
3. WHEREAS, the property owner of Tax Parcel Number 18.-1-19.8 would like to pursue a building permit for a residence on the property, which is an existing nonconforming lot; and
4. WHEREAS, access from Taughannock Boulevard to TPN 18.-1-19.8 is via a right of way across the lands of adjacent property owners; and
5. WHEREAS, the same right of way and the driveway located therein also provides access from Taughannock Boulevard to TPN 18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, and 18.-1-19.7, 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
6. WHEREAS, pursuant to Town Law section 280-a(4), on April 14, 2015, the Town Board referred the proposed establishment of an open development area for Tax Parcel Numbers

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18.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8 to the Planning Board for its advice; and

7. WHEREAS, the Trumansburg Fire Department and EMS recommended additional signage for house numbers, tree trimming along the access road, and a 20 foot wide entrance at the proposed residence that would allow for emergency vehicles to turn around; and
8. WHEREAS, at its June 16, 2015, the Planning Board approved a resolution with narrative recommendations regarding the establishment of an open development area for the above referenced parcels, subject to certain conditions; and
9. 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 June 23, 2015, 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.-1-19.21, 18.-1-19.22, 18.-1-19.4, 18.-1-19.5, 18.-1-19.62, 18.-1-19.7, and 18.-1-19.8 be established, subject to the following conditions:

- a. There shall 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 will consist of asphalt, another hard surface, or gravel and will be sufficient to support the passage of emergency vehicles with at least a 20' wide entrance for new residences.
- d. Trees and branches overhanging the access road shall be trimmed to accommodate vehicles approximately 13-14 feet tall.
- e. House number signs shall be installed where the access road splits and at the start of the driveway of each house.
- f. Any land disturbance within the Open Development Area and within the Slope Overlay Area and/or Unique Natural Area is subject to Site Plan Approval by the Planning Board.
- g. All future deeds and easements for all 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 June 23, 2015."

Moved: Ms. Thomas

Seconded: Mr. Kerness

Discussion:

- Mr. Kerness asked for further clarification of Fire/EMS vehicle turnaround capability.
- Ms. Zahler wished to clarify section f. The Town Board recently approved guidelines to better define "disturbance."
- Mr. Goldman and Ms. Zahler thanked the members of the Planning Board for their thoughtful consideration of this issue.
- Mr. Kerness wondered whether other residents of the West Shore with shared driveways would be notified of the Fire Chief's recommendations to install clearer signage to direct emergency vehicles.
- Ms. Zahler will be sending information to Nancy Cool to distribute through the West Shore list serve.

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

Vote: 5-0

Date Adopted: 6/23/15

LOCAL LAW #1 OF 2015: TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

RESOLUTION 2015-106:

WHEREAS, municipalities of the State of New York are limited in the amount of real property taxes that may be levied each year under the tax levy limit established in General Municipal Law §3-c, and

WHEREAS, subdivision 5 of General Municipal Law §3-c expressly authorizes a municipality to override the tax levy limit if the town government decides to adopt a budget with a property tax levy that exceeds the level set by the State, by the adoption of a local law approved by vote of at least sixty percent (60%) of the governing body, and

WHEREAS, the Town Board of the Town of Ulysses reviewed and discussed a proposed local law to override the tax levy limit and adopted a resolution on June 9, 2015 for a public hearing to be held by said Town on June 23, 2015 at 6:30 p.m. to hear all interested parties on the proposed local law entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C"; and

WHEREAS, information from New York State that enables calculation of the Town's 2016 property tax cap is not available until late summer, and

WHEREAS, in the event the Town of Ulysses annual tax levy exceeds the allowable tax levy limit due to their own decisions or cost increases outside their control, New York State has the authority to penalize the Town unless the Town has formally given itself permission to exceed the tax cap, and

WHEREAS, adopting this local law is not predictive of the final tax levy but will provide the Town of Ulysses Town Board the flexibility to exceed the Property Tax Cap if it is deemed necessary, and

WHEREAS a Public Hearing was held on June 23, 2015 having been publicized in the Ithaca Journal on June 13, 2015.

Therefore be it

RESOLVED that the Town of Ulysses Town Board enacts a local law to override the tax levy limit for the fiscal year 2016, as follows:

LOCAL LAW 1 of 2015: TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ulysses, County of Tompkins pursuant to General Municipal Law §3-c, and to allow the Town of Ulysses, County of Tompkins to adopt a town budget for (a) town purposes, (b) fire protection districts, and (c) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2016 and ending December 31, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to

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override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Ulysses, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

AND FURTHER RESOLVED, that the Town Clerk file this local law with the Secretary of State as required by law.

SEQR ACTION: TYPE II-20

Moved: Mr. Hertzler Seconded: Ms. Zahler

Discussion- Ms. Thomas noted that the town has passed this law every year for 5 years but have only once exceeded the tax cap.

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

Vote: 4-1

Date Adopted: 6/23/15

NEW BUSINESS:

CHANGE OF WATER RATE – WATER DISTRICT 3

Ms. Thomas discussed how the Town of Ithaca raised its rate from \$5.99/1000g1 to \$6.38 but did not notify us. Ms. Thomas spoke with the Town of Ithaca supervisor about better communication for future increases.

The board discussed this and agreed to gather more information before taking action.

PRIVILEGE OF THE FLOOR:

Mr. Boggs inquired about the amount of “lost units” of water between Ulysses and Ithaca.

GENERAL ANNOUNCEMENTS:

Ms. Thomas announced that:

- The sidewalk grant team (composed of Village and Town members) has been interviewing engineers for the project. Each interview is intensive and takes about 5 hours
- The EPA will be auditing the Town’s stormwater program. Darby has been working on this.

Ms. Zahler announced that:

- She has been working with Darby on getting Requests for Qualifications (RFQs) out to begin work on the Planning and Zoning grant received from NYSERDA.
- The Youth Commission has hired local teacher Neil DeRaiche to supervise summer youth programs. They will look for a full-time staff person for the fall.

MONTHLY BUSINESS:

WORKING TOWN BOARD

June 23, 2015

APPROVAL OF MINUTES: 6/9

RESOLUTION 2015-107:

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 6/9.

Moved: Ms. Thomas Seconded: Mr. Goldman

Discussion- Ms. Zahler requested that she be added to the attendance section.

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

Vote: 5-0

Date Adopted: 6/23/15

EXECUTIVE SESSION:

Mr. Goldman moved to go into Executive Session at 8:53pm to discuss matters leading the appointment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. This was seconded by Ms. Zahler and passed unanimously.

Mr. Kerness moved to end Executive Session at 9:10pm, seconded by Mr. Goldman and passed unanimously.

ADJOURN:

Ms. Thomas made a motion to adjourn the meeting at 9:11pm, seconded by Ms. Zahler and passed unanimously.

Respectfully submitted by Carissa Parlato on 06/26/15.