

TOWN BOARD MEETING

Town of Ulysses

March 28, 2017

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.

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

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Liz Thomas

First Deputy Supervisor/Board member- Nancy Zahler

Board members- Michael Boggs, Rich Goldman, John Hertzler

Town Clerk- Carissa Parlato

Highway Superintendent- Dave Reynolds

Water District Operator- Chris Stevenson

OTHERS PRESENT:

(none)

CALL TO ORDER:

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

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2017-70: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for March 28, 2017 with the addition of adding a new resolution to set a public information session on the proposed acquisition of Exxon-Mobil properties in Old Business section B, plus an executive session to discuss the acquisition of property; move up the TTHM (total trihalomethanes) remediation discussion to the beginning of the meeting.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler aye

Mr. Boggs aye

Mr. Goldman aye

Vote: 5-0

Date Adopted: 3/28/17

PRIVILEGE OF THE FLOOR:

Mr. Antweiler shared his thoughts:

- As far as remediation efforts for water district 3, he thinks that it would be best to try out an aerator in the tank first and that if we do not receive the grant, we should not undertake the more expensive options.
- He is unsure of his support for the plan for the Exxon-Mobil properties, depending on what parcels are in question.

OLD BUSINESS:

DISCUSSION AND POSSIBLE DECISION ON WD3 TTHM REMEDIATION

Ms. Thomas gave an update on water district 3 TTHM remediations. She shared that if the grant for \$944K is received, the town will receive about \$750K. The water district would pay about \$250K, which would break down to about ~\$68/year (or \$17/quarter for each user). She has been advised that if grant funds are offered, a decision be made quickly while funds are still available, before possible federal cuts.

The grant would fund a project to install an intake/outtake pipe and an aerator, which engineers believe will lower TTHM level by half or more.

The group discussed the topic further.

RESOLUTION 2017-71: DISCUSSION AND POSSIBLE DECISION ON WD3 TTHM REMEDIATION

WHEREAS since August 2012, the Town of Ulysses Water District 3 water system has been identified with chlorination by-products known as Total Trihalomethanes (TTHMs) which have been exceeding the US Department of Environmental Protection’s (EPA) Maximum Contaminant Level (MCL) of 80 ug/l for TTHM’s; and

WHEREAS this exceedance is a violation of the Subpart 5-1.52 of the NYS Sanitary Code (NYSSC), and

WHEREAS on June 27, 2014 the Tompkins County Health Department (TCHD) ordered the Town of Ulysses to resolve the TTHM exceedance in accordance with TCHD Resolution Order #13.1.20 requiring the TTHM levels in Water District 3 to be maintained below the annual average maximum contaminant level (MCL) of 80ug/l for the sake of the public health of residents in Water District 3; and

WHEREAS, MRB Group, as authorized by the Town, completed the Preliminary Engineering Report in July 2016 of the disinfection by-products in the water distribution system for Water District #3 (WD #3), providing a recommended water improvement project that includes the separation of the water storage tank inlet and outlet and the installation of a Trihalomethane (THM) removal system which would assure all parts of WD#3 would remain under the 80ug/l threshold; and

WHEREAS, the Preliminary Engineering Report and the recommended water improvement project has been reviewed and approved by the Tompkins County Health Department; and

WHEREAS, the Town has been pursuing funding options for the water improvement project, including submission of the project to the New York State Environmental Facilities

Corporation and the United States Department of Agriculture's Rural Development Program;
and

WHEREAS, the income survey authorized by the town identified the Median Household Income (MHI) for WD #3 should qualify the water district for grant and loan funding through USDA Rural Development; and

WHEREAS, the Environmental Review of the water improvement project has been completed;
and

WHEREAS the USDA Rural Development grant is anticipated to pay for approximately 75% of the estimated cost of \$944,000 if granted.

NOW THEREFORE BE IT

RESOLVED, that if the USDA Rural Development grant is offered to the Town of Ulysses along with a loan component to pay for chlorination by-product remediation, the Town Board authorizes the Town Supervisor to execute the required documents to accept the grant funds and begin implementation of the remediation efforts including a dedicated inlet and outlet along with a TTHM removal system as proposed in the July 2016 preliminary engineering report, as stated in the Rural Development application, and as required by the Tompkins County Health Department; and

FURTHER RESOLVED that if the grant is not funded, the Town of Ulysses will review how to meet the requirements of the Tompkins County Health Department at a public meeting before proceeding to implement remediation measures.

Mr. Boggs suggests that they look at running a line up Iradell Road to create a new district.

Moved: Ms. Thomas

Seconded: Mr. Goldman

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

Vote: 5-0

Date Adopted: 3/28/17

INTRODUCE RESOLUTION TO CONSIDER PURCHASE AGREEMENT FOR JACKSONVILLE PROPERTIES FROM EXXON MOBIL

Ms. Zahler presented the following draft resolution:

Authorization to Purchase Property from Exxon Mobil Oil Corporation (3/23/17)

WHEREAS, the Exxon Mobil Oil Corporation (EMOC) is divesting itself of the properties they purchased in the hamlet of Jacksonville following the remediation of gasoline spills from the Mobil Oil gas station in 1979 and 1984; and

WHEREAS, the Town of Ulysses Comprehensive Plan of 2009 outlines the Town's commitment to preserving the historic character of our community; and

WHEREAS, the structure on Town of Ulysses tax parcel # 25.-4-26 is an example of unique architecture from the 1860's and has been documented in the Town's 2014 inventory of Historic Buildings; and

WHEREAS, the Town has a public interest in assuring that this 1860's structure is preserved as an historic building; and

WHEREAS, the historic structure needs additional land for a septic system and parking to be re-purposed for allowable uses; and

WHEREAS, sufficient land is available in the adjacent Town of Ulysses tax parcel #25.-4-27; and

WHEREAS, the Town's Comprehensive Plan of 2009 also includes a commitment to revitalize the hamlet of Jacksonville by providing improved access to public transportation, well-maintained housing, and other amenities; and

WHEREAS, Town of Ulysses tax parcel # 25.-4-21 can be developed for allowable public purposes consistent with the Comprehensive Plan to be determined by the Town, in consultation with the community; and

WHEREAS, the Town has exercised due diligence to determine that these three tax parcels can be safely re-developed with certain restrictions; and

WHEREAS, on June 14, 2016 the Town Board agreed to enter into negotiations with Exxon Mobil Oil Corporation for the purpose of acquiring Town of Ulysses tax parcels as shown on the sketch map in Appendix A; and

WHEREAS, the 2017 combined assessed taxable value of the Town of Ulysses three parcels is \$84,700; and

WHEREAS, the three Town of Ulysses parcels were listed for sale in 2016 for a combined price of \$170,500; and

WHEREAS, the Ulysses Town Board has negotiated terms in the proposed sales contract and bargain and sale deed included as Appendices B and C that will allow the Town to achieve the aforementioned public purposes for a combined sale price of \$5,001; and

WHEREAS, the purchase price of \$5,001 and the \$ 2,000 estimated for pro-rated taxes and closing costs are available in the Town's unassigned fund balance; now therefore be it

RESOLVED, that the Ulysses Town Supervisor be authorized to execute the contract for sale and all necessary legal documents to purchase certain real property located in the Hamlet of Jacksonville, Town of Ulysses, Tompkins County, New York comprising three (3) Town of Ulysses tax parcels

(#25.-4-26, #25.-4-27 and #25.-4-21) together with all improvements, personality, and fixtures located in, on, or under the land, and all easements, appurtenances and hereditaments, for a total cost of \$5,001 from Exxon Mobil Oil Corporation; and

FURTHER RESOLVED, that the sum of \$ 7,001 be appropriated from the Unassigned General Fund Account _____ for purchase and closing expenses.

Ms. Zahler also shared the SEQR documents (*see appendix*).

SCHEDULING A PUBLIC INFORMATION SESSION ON PROPOSED EXXON-MOBIL PROPERTY ACQUISITION

RESOLUTION 2017-72: SETTING A PUBLIC INFORMATION SESSION ON PROPOSED ACQUISITION EXXON-MOBIL PROPERTY

WHEREAS, the Ulysses Town Board has been engaged in discussions with Exxon Mobil regarding the acquisition of properties in Jacksonville since 2013 and has been engaged in negotiations for the purchase of three (3) properties since June 2016; and

WHEREAS, the Ulysses Town Board has concluded its negotiations and is considering the acquisition of Town of Ulysses Tax Parcels #25.-4-26, #25.-4-27 and #25.-4-21 from Exxon Mobil; and

WHEREAS, the Town of Ulysses is not required to hold a public hearing regarding the proposed acquisition of these properties but wishes to make sure the public is fully informed about the Town's interests and intentions related to the potential acquisition of these properties; now therefore be it

RESOLVED, the Town of Ulysses set a Public Information Session on the proposed acquisition of properties from Exxon Mobil for Tuesday, April 11, 2017 at 6:30 PM at the Ulysses Town Hall to share and discuss all relevant information related to the proposed purchase of these tax parcels with members of the community prior to taking action on the draft resolution authorizing purchase of property from Exxon Mobil Oil Corporation.

Moved: Ms. Zahler Seconded: Ms. Thomas

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

Vote: 5-0

Date Adopted: 3/28/17

RESOLUTION 2017-73: RESCIND AND REPLACE RESOLUTION 2017-72

Ms. Zahler moved that the Town Board rescind and replace the last resolution and change the date of the Public Information Meeting to Tuesday, April 18 at 7pm at the Ulysses Town Hall.

Moved: Ms. Zahler Seconded: Mr. Boggs

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

Vote: 5-0
Date Adopted: 3/28/17

NEW BUSINESS:

DOG ENUMERATION PLANS

RESOLUTION 2017-74: IMPLEMENTING A DOG ENUMERATION

Ms. Zahler moved that Town Clerk implement a dog enumeration project as described.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 3/28/17

BENCHMARKING OF ENERGY USE IN MUNICIPAL BUILDINGS

RESOLUTION 2017-75: BENCHMARKING OF ENERGY USE IN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Ulysses is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Ulysses Town Board desires to use Building Energy Benchmarking, a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Ulysses; and

WHEREAS, as such the Town of Ulysses Town Board desires to establish procedure or guideline for Town of Ulysses staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Ulysses:

Building Energy Benchmarking POLICY/procedures:

§1. DEFINITIONS

- (1) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (2) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) “Commissioner” shall mean the head of the Department.
- (4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Ulysses that is 1,000 square feet or larger in size.
- (5) “Department” shall mean Town of Ulysses Supervisor’s Office.
- (6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.
- (2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

- (1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
 - (a) no later than September 1 each year for Covered Municipal Buildings; and
 - (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
 - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Ulysses including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

FURTHER RESOLVED, The Town of Ulysses Town Board, in regular session duly convened, does hereby authorize and direct the Town Supervisor or Town Clerk of the Town of Ulysses to execute such other and additional documents as may be required for the resolutions herein.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 5-0
Date Adopted: 3/28/17

PRIVILEGE OF THE FLOOR:

(none)

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2017-76: APPROVAL OF MINUTES: 3/22

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 3/22.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-0

Date Adopted: 3/28/17

EXECUTIVE SESSION:

Ms. Zahler moved to go into Executive Session at 9:13pm for the purpose of discussing the acquisition of real property. This was seconded by Mr. Goldman and passed unanimously.

Mr. Goldman moved to end Executive Session at 9:54pm, seconded by Mr. Boggs and passed unanimously.

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 9:54pm; seconded by Mr. Boggs and passed unanimously.

APPENDIX

Proposed RESOLUTION- SEQOR DETERMINATION FOR LAND ACQUISITION OF THREE JACKSONVILLE PROPERTIES

WHEREAS, this is consideration of the land acquisition of three properties in the hamlet of Jacksonville. Two are vacant parcels (1853 Trumansburg Rd, TPN 25.-4-21; and 5036 Jacksonville Rd, TPN 25.-4-27), and the other parcel (5020 Jacksonville Rd, TPN 25.-4-26) includes the "old church"; and

WHEREAS, this is an Unlisted Action for which the Town of Ulysses Town Board is acting in this uncoordinated environmental review with respect to a land acquisition; and

WHEREAS, the Town Board, on April 11, 2017, has reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2 and 3 prepared by Town staff;

NOW THEREFORE BE IT RESOLVED:

That the Town of Ulysses Town Board hereby makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and, therefore, an Environmental Impact Statement will not be required.

Respectfully submitted by Carissa Parlato on 4/5/17.