

TOWN BOARD MEETING

Town of Ulysses

May 23, 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 (at 7:23pm)

Board members- Michael Boggs, Rich Goldman, John Hertzler

Town Clerk- Carissa Parlato

Water District Operator- Chris Stevenson

Planner- Darby Kiley

Conservation & Sustainability Committee Chair- Roxanne Marino

OTHERS PRESENT:

Mary Chappell (Municipal Financial Advisor, Municipal Solutions), Matt McKenna(Engineer, MRB Group)

CALL TO ORDER:

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

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2017-91: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for May 23, 2017.

Moved: Ms. Thomas

Seconded: Mr. Hertzler

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

Vote: 4-0

Date Adopted: 5/23/17

PRIVILEGE OF THE FLOOR:

(none)

GENERAL UPDATES:

Ms. Thomas shared the following:

- Ms. Geldenhuys, Attorney for the Town, is working on the Manse Road ownership issue, whether to amend the Obstruction of Highways Ordinance and gathering the information needed to close on the parcel of land bordering the Black Diamond Trail that the town is purchasing from the county.
- The NYS DEC has been in communication with Bergen Farms regarding their potential CAFO (confined animal feeding operation).
- Ms. Thompson (new bookkeeper) is at a NYS Comptroller's training and plans to share the financial report after the town audit in June.
- Ms. Kiley was permitted an extension from the NYSERDA grant on completion of the zoning update.

OLD BUSINESS:

WATER DISTRICT 3- DISCUSSION OF OPTIONS

Ms. Thomas distributed talking points highlighting the background on the trihalomethane (TTHM) issue, remediation options and the current funding package offered through USDA Rural Development.

Ms. Chappell gave more information on the funding package.

The board discussed whether to accept the funding package.

The discussion turned to the NYS EFC (Environmental Facilities Corporation) funding cycle. Mr. McKenna, Ms. Chappell, and the board discussed whether to complete the application and re-submit for the next grant cycle, due June 23. They decided to do so.

ACCEPTANCE OF RURAL DEVELOPMENT GRANT

RESOLUTION 2017-92: ACCEPTANCE OF RURAL DEVELOPMENT GRANT

RESOLVED That the Town Board of the Town of Ulysses accepts the USDA Rural Development funding package for Water District 3 dated May 9, 2017 for \$977,000, of which \$477,000 are grant funds and \$500,000 are loans at a 2% interest rate.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-1

Date Adopted: 5/23/17

ENGAGEMENT OF BOND COUNSEL

RESOLUTION 2017-93: ENGAGEMENT OF BOND COUNSEL

RESOLVED That the Town Board of the Town of Ulysses engage Orrick, Herrington & Sutcliffe as bond counsel and that Municipal Solutions contact them regarding a bond resolution for the Water District 3 project.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-1

Date Adopted: 5/23/17

CLEAN ENERGY COMMUNITIES

Ms. Thomas said that the last item needed before the town is considered for Clean Energy Communities funding is for the Code Enforcement Officer to be accompanied on an inspection by someone from the program.

Once complete, the town will be eligible for either \$50,000 or \$100,000. If submitting for the \$100,000, we will need to complete a project that is a model/training site for others, such as an electric vehicle charging site.

The board, Ms. Kiley, and Ms. Marino discussed options for how to use the money if it is awarded to the town.

DISCUSSION OF SOLAR PILOTS

Ms. Thomas noted that she has been working with Tompkins County Assessment on this issue. Ms. Marino shared further information on the topic, advising that the town table taking any action until more information is available.

NEXT STEPS FOR JACKSONVILLE PROPERTIES

Ms. Zahler gave an update. They are hoping to close on the properties in the next few weeks.

NEW BUSINESS:

FINANCIAL AUDIT CONTRACT APPROVAL

RESOLUTION 2017-94: FINANCIAL AUDIT CONTRACT

BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor to contract with Inero Certified Public Accountants to audit the finances of the Supervisor's accounts as outlined in the contract dated 5/9/2017, and also

RESOLVED Inero will add to the contract an audit of the accounts of the Ulysses Courts for an amount not to exceed \$1500.

Moved: Mr. Goldman

Seconded: Mr. Hertzler

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

Vote: 5-0

Date Adopted: 5/23/17

AMICUS CURIAE STATUS IN THE MATTER OF RIVERKEEPER Inc. et al. v. BASIL SEGGOS AND THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Ms. Thomas spoke with Attorney for the Town, Ms. Geldenhuys, who felt that it was okay for the town to proceed ahead on this issue. There is no financial obligation in joining on.

RESOLUTION 2017-95: RESOLUTION AUTHORIZING (1) AN APPLICATION TO REQUEST AMICUS CURIAE STATUS IN THE MATTER OF RIVERKEEPER, INC.; CORTLAND-ONONDAGA FEDERATION OF KETTLE LAKE ASSOCIATIONS, INC.; SIERRA CLUB; THEODORE GORDON FLYFISHERS, INC.; and WATERKEEPER ALLIANCE, INC., v. BASIL SEGGOS, in his capacity as Commissioner of the New York State Department of Environmental Conservation, and NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; and (2) ENTERING INTO A RETAINER AGREEMENT FOR THIS PURPOSE WITH LEGAL COUNSEL

WHEREAS, the Town Board of the Town of Ulysses (hereafter “Town Board”) is concerned about the impacts on its community of the recently adopted Clean Water Act General Permit for CAFOs; and

WHEREAS, EarthJustice has filed a petition challenging the aforementioned General Permit;

NOW, THEREFORE, BE IT RESOLVED that the Town Board will seek amicus curiae status in the matter of Riverkeeper, Inc. et al. v. Basil Seggos and New York Department of Conservation, Index No. 902103-17 and seek consent of the court to submit an amicus curiae brief; and be it further

RESOLVED that the Town Board will retain the Columbia Environmental Law Clinic to provide legal services to the Town in connection with the preparation and submission of the amicus curiae brief; and be it further

RESOLVED that the Supervisor or a Deputy Supervisor is hereby authorized to sign the retainer letter with the Columbia Environmental Law Clinic for such legal representation and services.

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: 5/23/17

PRIVILEGE OF THE FLOOR:

Anne Koreman shared information on the new LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning) group that she started, Finger Lakes Pulse. As June is Gay Pride Month, she requests that the town raise a flag and proclaim its support.

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2017-96: APPROVAL OF MINUTES: 4/11

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 4/11/17 as edited by Ms. Zahler.

Moved: Ms. Zahler Seconded: Mr. Hertzler

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

Vote: 5-0
Date Adopted: 5/23/17

RESOLUTION 2017-97: APPROVAL OF MINUTES: 4/18

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 4/18/17 as edited by Ms. Zahler.

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: 5/23/17

RESOLUTION 2017-98: APPROVAL OF MINUTES: 5/9

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 5/9/17 as edited by Ms. Zahler.

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: 5/23/17

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 9:43pm; seconded by Mr. Boggs and passed unanimously.

Respectfully submitted by Carissa Parlato on 6/8/17.