

TOWN BOARD MEETING

Town of Ulysses

September 12, 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

1st Deputy Supervisor/Board member- Nancy Zahler

Board members- John Hertzler, Michael Boggs

Town Clerk- Carissa Parlato

Attorney for the Town- Mariette Geldenhuis

Planner- Darby Kiley

Bookkeeper- Nina Thompson

ABSENT:

Board member- Rich Goldman

CALL TO ORDER:

Ms. Thomas called the meeting to order at 6 p.m.

Duane Shoen from Insero & Company CPAs presented new requirements from New York State regarding audits.

He explained that the NYS Comptroller has issued new government accounting standards, which has affected the audit that Insero performed for the town for the 2016 fiscal year.

He shared some new procedures that the town must follow.

MOVE INTO PUBLIC HEARING ON LOCAL LAW# 1

(See separate minutes)

MOVE INTO PUBLIC HEARING ON LOCAL LAW# 2

(See separate minutes)

APPROVAL OF MEETING AGENDA

RESOLUTION 2017-152: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Sept 12, 2017 with the additions of: trying to find dates for the budget meeting, surplus truck resolution, declaring the Jacksonville church surplus.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 4-0
Date Adopted: 9/12/17

PRIVILEGE OF THE FLOOR:

Laurie Konwinski from Catholic Charities shared information on the services that they provide and requested that we share the information with our constituents.

Joel Podkaminer asked who the Town Board favors in the upcoming Republican primary for Town Highway Superintendent.

Ms. Zahler and Ms. Geldenhuys responded that board members could discuss this as individuals outside of town business.

Mr. Hannon remarked that there has been debate around town about the trees near the fairground that will be taken down and congratulated the board on receiving the Climate Smart Community designation.

REPORTS FROM REPRESENTATIVES:

(none)

TOWN REPORTS:

(See Appendix)

NEW BUSINESS:

RECOGNIZING THE CHAIR OF THE BOARD OF ZONING APPEALS FOR HIS YEARS OF SERVICE

RESOLUTION 2017-153: RECOGNIZING THE CHAIR OF THE BOARD OF ZONING APPEALS FOR HIS YEARS OF SERVICE

WHEREAS, George Tseleki served as a member and the Chair of the Town of Ulysses Board of Zoning Appeals for almost 30 years – from his first appointment in February 1988 until his resignation in August 2017; and

WHEREAS, George served on a number of valuable zoning amendment committees including the Lakeshore Committee and the current Zoning Update Steering Committee; and

WHEREAS, George’s review and decision making was fair and level-headed, always giving thoughtful consideration to the matters before the board with a professional approach.

NOW THEREFFORE BE IT RESOLVED

That the Town Board of the Town of Ulysses extends its heartfelt gratitude and appreciation to George Tselekis for his many years of service.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-0
Date Adopted: 9/12/17

APPOINTING A BOARD OF ZONING APPEALS MEMBER TO FILL OUT THE REMAINING TERM ON THE BOARD OF ZONING APPEALS

RESOLUTION 2017-154: APPOINTING A BOARD OF ZONING APPEALS MEMBER TO FILL OUT THE REMAINING TERM ON THE BOARD OF ZONING APPEALS

WHEREAS, George Tselekis resigned from the Board of Zoning Appeals as of August 30, 2017; and

WHEREAS, Cheryl Thompson has been an alternate on the Board of Zoning Appeals since December 2014;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses hereby appoints Cheryl Thompson to fill remaining term, vacated by George Tselekis, that expires on December 31, 2017.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-0
Date Adopted: 9/12/17

OBJECTING TO THE DEC PERMITTING CARGILL MINE EXPANSION WITHOUT PROPER ENVIRONMENTAL REVIEW

Ms. Thomas introduced Cait Darfler and Dr. McKenzie to present information on Cargill’s mine expansion. They both expressed concern with the project and lack of oversight by the NYS Department of Environmental Conservation.

RESOLUTION 2017-155: OBJECTING TO THE DEC PERMITTING CARGILL MINE EXPANSION WITHOUT PROPER ENVIRONMENTAL REVIEW

WHEREAS the first Cayuga Salt Mine shaft was drilled in 1915 and Cargill, Inc. (“Cargill”) was permitted mining reserves that extend into the Town of Ulysses; and

WHEREAS, the Town of Ulysses recognizes the economic, social, recreational, and ecological importance of Cayuga Lake and its watershed to the State and to the local community; and

WHEREAS Ulysses Water Districts 3 and 4 obtain drinking water from Cayuga Lake via the Southern Cayuga Lake Intermunicipal Water Commission, as do many lake shore residents; and

WHEREAS New York has established the State Environmental Quality Review (SEQR) process to systematically consider environmental factors early in the planning stages of actions and projects that are directly undertaken, funded or approved by local, regional and state agencies; and

WHEREAS environmental review early in the planning stages allows a project to be vetted, and modified as needed, to avoid adverse impacts on the environment; and

WHEREAS Cargill’s proposed shaft construction, the mining of the one-mile connecting tunnel, and expanded salt mining have potential adverse impacts that have not been properly reviewed as a whole and vetted under SEQR in contrast to the Hampton Corners Salt Mine in Livingston County which is carrying out its second Draft Environmental Impact Statement; and

WHEREAS SEQR discourages the “segmentation” of projects, meaning that the environmental review of a single action or project should not be divided into various activities or stages as though they were independent, unrelated activities, resulting in a less complete environmental review than would be required for the single action or project; and

WHEREAS NYSDEC has nevertheless issued Cargill a permit to construct Shaft #4 which is proposed to be connected to Cargill’s ongoing salt mining operations under Cayuga Lake, with such permit issuance being based on an improperly “segmented” environmental review which treats shaft construction and ongoing salt mining as independent, unrelated activities; and

WHEREAS both the shaft construction and the ongoing salt mining have potential adverse impacts that have not been properly reviewed and vetted under SEQR; and

WHEREAS adverse impacts include impacts on local water resources, including groundwater and the waters of Cayuga Lake and various ways in which substantial quantities of salt would be incidentally brought into contact with such local water resources, not only during current mining operations but also during the post-operational period after the mine is closed and abandoned; and

WHEREAS “the abandonment of dry salt mines raises a difficult problem, as post-abandonment mine flooding is, in most cases, highly probable, with possible severe consequences at ground level;” and

WHEREAS “the majority of salt mines succumb to collapse and flooding” and “flooding, whether intentional or inadvertent, is ... ‘game over’ for successful containment or control of the salinity associated with the brine that will inevitably be squeezed out of the mine;” and

WHEREAS some of the adverse impacts involve gradual sagging or other loss of mechanical integrity of rock layers above the mine; and

WHEREAS the “carbonate beam supporting the overlying rocks in the area north of the present mine under the Cayuga Lake has been eroded out or greatly thinned,” resulting in “a geological condition with more risk than the Retsof mine was in, before it collapsed;” and

WHEREAS subsidence is an ongoing process that also tends to open up groundwater flow pathways in bedrock above a mine; and

WHEREAS the 1994 collapse and flooding of the Retsof salt mine in Livingston County and subsequent salinization of an adjacent fresh water aquifer provide an example of various adverse impacts and some of the factors implicated in salt-mine collapse; and

WHEREAS these and other potential adverse impacts on the environment should be subject to full and proper environmental review under SEQR; and

WHEREAS since 1975, and despite several applications for mine expansion by Cargill, the NYSDEC has never requested a full environmental impact study of the mining risks; and

WHEREAS the NYSDEC reviewed the Cargill Shaft 4 project and concluded that the action meets their standards, and on 16 August 2017 issued an applicable permit without full environmental review of the project in its entirety; now therefore, be it

RESOLVED that the Town of Ulysses joins with other municipalities and Cayuga Lake stakeholders in a soon-to-be-filed Article 78 proceeding to require environmental review under SEQR pertaining to all Cargill’s proposed projects including Cargill’s Shaft 4 project and all proposed construction and expansion of the Cargill Mine; and be it further

RESOLVED that a copy of this resolution be forwarded by the Town Clerk to Governor Andrew Cuomo, NYSDEC Commissioner Basil Seggos, State Senators Patricia Helming and Thomas O’Mara, Senate Leader John Flanagan, Senate Minority Leader Andrea Stewart-Cousins, Assemblywoman Barbara Lifton, Assembly Speaker Carl Heastie, Assembly Minority leader Brian Kolb, Chair of the Assembly’s Standing Committee on Environmental Conservation Steve Englebright, Village of Trumansburg Mayor Martin Petrovic, and Tompkins County Legislature Chair Michael Lane.

Moved: Mr. Hertzler

Seconded: Ms. Thomas

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

Vote: 3-1

Date Adopted: 9/12/17

OLD BUSINESS:

ESTABLISHING A CAPITAL IMPROVEMENT RESERVE FUND FOR THE GENERAL PART-TOWN FUND (B FUND- General Part-Town)

RESOLUTION 2017-156: ESTABLISHING A CAPITAL IMPROVEMENT RESERVE FUND FOR THE GENERAL PART-TOWN FUND (B FUND- General Part-Town)

WHEREAS the Town Board intends to clarify the establishment of all its reserves according to NYS General Municipal Law (GML), and

WHEREAS each reserve will be reestablished indicating the kind of reserve according to GML Article 2 §6-c

NOW, THEREFORE, BE IT

RESOLVED that pursuant to GML Article 2 §6-c, as amended, there is hereby established a capital improvement reserve fund in the General Part-Town Fund (B Fund) to be known as the “General Part-Town Capital Improvement Reserve Fund” (hereinafter in this resolution “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of capital improvements within the Town but outside the Village and will be classified as a “capital improvement reserve” fund per Office of the State Comptroller guidelines.

The chief fiscal officer of the Town is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by §10 of the General Municipal Law. The chief fiscal officer of the Town may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the capital improvements outside the village of Trumansburg. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by §6-c of the GML and any other law.

Expenditures from this Reserve Fund shall be subject to permissive referendum pursuant to §6-c of the GML.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 3-0
Date Adopted: 9/12/17

AUTHORIZING TRANSFER OF UNEXPENDED BALANCE FROM ONE CAPITAL IMPROVEMENT RESERVE TO ANOTHER IN THE B FUND (General Part-Town).

RESOLUTION 2017-157: AUTHORIZING TRANSFER OF UNEXPENDED BALANCE FROM ONE CAPITAL IMPROVEMENT RESERVE TO ANOTHER IN THE B FUND (General Part-Town).

WHEREAS the Town Board intends to clarify the establishment of all its reserves according to NYS General Municipal Law (GML), and

WHEREAS each reserve will be reestablished indicating the kind of reserve according to GML Article 2 §6-c, and

WHEREAS, the Town Board established a capital reserve fund by resolution adopted on February 11, 2003 for capital projects; and

WHEREAS, this capital reserve fund has been known by fund balance account code of B878 and asset account code B232; and

WHEREAS, the balance in Capital Reserve Fund B878 ("Fund B878") as of September 6, 2017 was \$70,680.52; and

WHEREAS, the Town Board wishes to transfer the funds from Fund B878 to a newly created capital improvement reserve fund (a "type" fund) for the purpose of capital improvements outside the Village of Trumansburg; and

WHEREAS transfers of funds from Fund B878 are subject to permissive referendum pursuant to GML §6-c(9)(b),

NOW, THEREFORE, BE IT

RESOLVED that the full balance in the amount of \$70,680.52 be transferred from Fund B878 to the newly created General Part-Town Fund Capital Improvement Reserve Fund; and further

RESOLVED that this resolution is subject to permissive referendum pursuant to GML §6-c(9)(b); and be it further

RESOLVED that the Town Clerk will post and publish notice of the permissive referendum in accordance to law and provide a copy of such notice to the Town Supervisor.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 3-0

Date Adopted: 9/12/17

ESTABLISHING A CAPITAL IMPROVEMENT RESERVE FUND FOR THE GENERAL PART-TOWN FUND (A FUND- General Town-wide)

RESOLUTION 2017-158: ESTABLISHING A CAPITAL IMPROVEMENT RESERVE FUND FOR THE GENERAL PART-TOWN FUND (A FUND- General Town-wide)

WHEREAS the Town Board intends to clarify the establishment of all its reserves according to NYS General Municipal Law (GML), and

WHEREAS each reserve will be reestablished indicating the kind of reserve according to GML Article 2 §6-c,

NOW, THEREFORE, BE IT

RESOLVED that pursuant to GML Article 2 §6-c, as amended, there is hereby established a capital improvement reserve fund in the General Fund (A Fund) to be known as the “General Fund Capital Improvement Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of capital improvements within the Town General Fund (A Fund) and will be classified as a “capital improvement reserve” fund per Office of the State Comptroller guidelines.

The chief fiscal officer of the Town is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by §10 of the General Municipal Law. The chief fiscal officer of the Town may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a

schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the capital improvements. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by §6-c of the GML and any other law.

Expenditures from this Capital Improvement Reserve Fund shall be subject to permissive referendum pursuant to §6-c of the GML.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 3-0

Date Adopted: 9/12/17

AUTHORIZING TRANSFER OF UNEXPENDED BALANCE FROM ONE CAPITAL IMPROVEMENT RESERVE TO ANOTHER IN THE A FUND (General Fund Town-wide)

RESOLUTION 2017-159: AUTHORIZING TRANSFER OF UNEXPENDED BALANCE FROM ONE CAPITAL IMPROVEMENT RESERVE TO ANOTHER IN THE A FUND (General Fund Town-wide)

WHEREAS the Town Board intends to clarify the establishment of all its reserves according to NYS General Municipal Law (GML), and

WHEREAS each reserve will be reestablished indicating the kind of reserve according to GML Article 2 §6-c, and

WHEREAS, the Town Board established a capital reserve fund by resolution adopted on December 11, 1984 for capital projects; and

WHEREAS, this capital reserve fund has been known by fund balance account code A878 and asset account code A234; and

WHEREAS, the balance in Capital Reserve Fund A878 (“Fund A878”) as of September 6, 2017 was \$60,749.72; and

WHEREAS, the Town Board wishes to transfer the funds from Fund A878 to a newly created capital improvement reserve fund (A “type” fund) for the purpose of capital improvements; and

WHEREAS transfers of funds from Fund B878 are subject to permissive referendum pursuant to GML §6-c(9)(b).

NOW, THEREFORE, BE IT

RESOLVED that the full balance in the amount of \$60,749.72 be transferred from Fund A878 to the newly created General Fund Capital Improvement Reserve Fund; and be it further

RESOLVED that this resolution is subject to permissive referendum pursuant to GML §6-c(9)(b); and be it further

RESOLVED that the Town Clerk will post and publish notice of the permissive referendum in accordance to law and provide a copy of such notice to the Town Supervisor.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 3-0

Date Adopted: 9/12/17

ADOPTING LOCAL LAW 1 OF 2017- A LOCAL LAW TO AMEND CHAPTER 80 OF THE CODE OF THE TOWN OF ULYSSES

RESOLUTION 2017-160: ADOPTING LOCAL LAW 1 OF 2017- A LOCAL LAW TO AMEND CHAPTER 80 OF THE CODE OF THE TOWN OF ULYSSES (“THE CODE”), WHICH PROVIDES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE AND THE PROPERTY MAINTENANCE CODE OF NEW YORK.

WHEREAS the Town of Ulysses previously adopted Local Law #1 of 2007 and Local Law # 5 of 2014 and Local Law # 1 of 2016 to enforce provisions of the New York State Uniform Fire Prevention and Building Code; and

WHEREAS, the Town Board seeks to clarify all the codes that are subject to enforcement by the Town, and to modify the penalties for failure to comply; and

WHEREAS the final version of this law was presented to the Ulysses Town Board on Tuesday, August 8, 2017 and introduced at a Town Board meeting on Tuesday, August 8, 2017 and

WHEREAS the public hearing date was set by resolution of the Town Board on Tuesday, August 8, 2017 to be held on Tuesday, September 12, 2017 and

WHEREAS notice of the public hearing was published in the Ithaca Journal on August 19, 2017 and posted as required by law; and

WHEREAS a public hearing was held on September 12, 2017,

NOW, THEREFORE, BE IT

RESOLVED that the Ulysses Town Board hereby adopts Local Law #1 of 2017: A Local Law to Amend Chapter 80 of the Code of the Town of Ulysses (“the Code”), which provides for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, The New York State Energy Conservation Construction Code And The Property Maintenance Code Of New York.

Moved: Ms. Zahler

Seconded: Mr. Hertzler

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

Vote: 4-0

Date Adopted: 9/12/17

RESOLUTION 2017-161: TO ADOPT LOCAL LAW 2 OF 2017-OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

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 final version of Local Law No. 2 of 2017 was presented to the Ulysses Town Board at a Town Board meeting on Tuesday, August 8, 2017; and

WHEREAS the Public Hearing date was set by resolution of the Ulysses Town Board on Tuesday, August 8 2017, for the Public Hearing to be on September 12, 2017 at 6:45 p.m. at the Ulysses Town Hall; and

WHEREAS, notice of a public hearing on Local Law No. 2 of 2017 was advertised as required by law in the Ithaca Journal on Saturday, August 19, 2017, and

WHEREAS, said public hearing was duly held on September 12, 2017 and all parties in attendance were permitted an opportunity to speak in favor of or in opposition to the Local Law

entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C", or any part thereof; and

WHEREAS, the Town Board of the Town of Ulysses reviewed and discussed a proposed local law to override the tax levy limit, and

WHEREAS until the tentative budget is ready at the end of September, it is impossible to know whether the Town will be able to stay under this potential limit; and

WHEREAS by the time the town knows if it can stay within the tax levy limit, it is too late to file a local law to override the tax levy limit.

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

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 2018, as follows:

LOCAL LAW NUMBER 2 of 2017, 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, 2018 and ending December 31, 2018 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 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 2018 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 and notify the Town Supervisor when the local law is in effect.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 9/12/17

AUTHORIZING THE TOWN SUPERVISOR TO CONTRACT WITH NELSON STREETER CONSTRUCTION CO. FOR THE IMPROVEMENT OF THE PEDESTRIAN ACCESS IN AND AROUND TOWN HALL

RESOLUTION 2017-162: AUTHORIZING THE TOWN SUPERVISOR TO CONTRACT WITH NELSON STREETER CONSTRUCTION CO. FOR THE IMPROVEMENT OF THE PEDESTRIAN ACCESS IN AND AROUND TOWN HALL

WHEREAS working through Fisher Associates, the Town of Ulysses, in conjunction with the Village of Trumansburg, properly selected Nelson & Streeter Construction Company Inc. (hereafter Nelson & Streeter) through the bid process to install sidewalks with funding from the Safe Routes to School program, and

WHEREAS the sidewalk in front of Town Hall is indistinguishable from the road pavement making the pedestrian path unclear, and

WHEREAS due to the prevalence of paving in the area, there is no place for stormwater to penetrate into the soil—a preferable stormwater management technique, and

WHEREAS beautification of Elm Street is in accordance with the Village sidewalk plan and the County Beautification plan, therefore, be it

RESOLVED that the Town Board of the Town of Ulysses authorizes the Town Supervisor to sign paperwork to contract with Nelson & Streeter Construction Company Inc. to replace the Town Hall sidewalk in accordance to the design presented to the town board at the bid price quoted by Nelson & Streeter dated 8/29/2017 for the base bid and alternate 2, at a cost not to exceed \$41,170 if the Village of Trumansburg decides not to install sidewalks from the Town Hall to Route 96 (alternate 1).

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 3-1

Date Adopted: 9/12/17

COMMENCEMENT OF AN ACTION PURSUANT TO ARTICLE 15 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW TO CLEAR TITLE TO THE REAL PROPERTY LOCATED AT 1284 TAUGHANNOCK BOULEVARD IN THE TOWN OF ULYSSES, TAX PARCEL NUMBER 27.-4-6

RESOLUTION 2017-163: COMMENCEMENT OF AN ACTION PURSUANT TO ARTICLE 15 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW TO CLEAR TITLE TO THE REAL PROPERTY LOCATED AT 1284 TAUGHANNOCK BOULEVARD IN THE TOWN OF ULYSSES, TAX PARCEL NUMBER 27.-4-6

WHEREAS, the Town Board by resolution adopted on August 8, 2017 approved the purchase of an approximately 4.2 acre vacant parcel of land located to the west of Taughannock Boulevard which borders a section of the Black Diamond Trail, known as Town of Ulysses tax parcel number 27.-4-6 (“the Property”) from the County of Tompkins (“the County”); and

WHEREAS, the Property was conveyed to the Town by Quitclaim Deed dated August 23, 2017 and recorded in the Tompkins County Clerk’s Office on September 8, 2017 as Instrument Number 2017-10370; and

WHEREAS, the Property is located within the lakeshore Natural Features Focus Area and in the Maplewood Glen and Lake Slopes Unique Natural Areas (“UNA’s”), and preservation of UNA’s is in accordance with the Town’s Comprehensive Plan and the County’s purpose of designating UNA’s; and

WHEREAS, the Town’s proposed use of the Property is to preserve it as open space and provide an outdoor recreation area for members of the public, and possibly convey it to the State of New York in the future, in which case clear title to the Property will be required; and

WHEREAS, title to the Property is not clear; and

WHEREAS, Article 15 of the Real Property Actions and Proceedings Law (“RPAPL”) entitled “Action to Compel the Determination of a Claim to Real Property” provides for a court action to obtain clear title, also known as a “Quiet Title Action”; and

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the commencement of a Quiet Title Action pursuant to RPAPL Article 15 with regard to the Property; and be it further

RESOLVED that the Town Supervisor is hereby authorized to sign all pleadings and other necessary documents in connection with such action on behalf of the Town.

Moved: Mr. Hertzler Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 9/12/17

APPROVING COMMENCEMENT OF ACTION PURSUANT TO ARTICLE 15 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW TO CLEAR TITLE TO THE REAL PROPERTY LOCATED AT 5020 JACKSONVILLE ROAD IN THE TOWN OF ULYSSES, TAX PARCEL NUMBER 25.-4-26

RESOLUTION 2017-164: APPROVING COMMENCEMENT OF ACTION PURSUANT TO ARTICLE 15 OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW TO CLEAR TITLE TO THE REAL PROPERTY LOCATED AT 5020 JACKSONVILLE ROAD IN THE TOWN OF ULYSSES, TAX PARCEL NUMBER 25.-4-26

WHEREAS, the real property located at 5020 Jacksonville Road in the Town of Ulysses, tax parcel number 25.-4-26 (hereafter “the Property”) was conveyed to the Town by Bargain and Sale Deed with Limited Covenants for Grantor’s Acts dated July 13, 2017 and recorded in the Tompkins County Clerk’s Office on July 20, 2017 as Instrument Number 2017-08149; and

WHEREAS, title to the Property is not clear; and

WHEREAS, Article 15 of the Real Property Actions and Proceedings Law (“RPAPL”) entitled “Action to Compel the Determination of a Claim to Real Property” provides for a court action to obtain clear title, also known as a “Quiet Title Action”; and

WHEREAS, the Town wishes to sell the property to a purchaser subject to restrictive covenants that require preservation of the historic exterior of the Property;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the commencement of a Quiet Title Action pursuant to RPAPL Article 15 with regard to the Property; and be it further

RESOLVED that the Town Supervisor is hereby authorized to sign all pleadings and other necessary documents in connection with such action on behalf of the Town.

Moved: Ms. Zahler Seconded: Mr. Boggs

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

Vote: 4-0
Date Adopted: 9/12/17

NEW BUSINESS:

MEMORANDUM OF UNDERSTANDING WITH THE JACKSONVILLE COMMUNITY ASSOCIATION (JCA) ABOUT THE JACKSONVILLE PARK

Ms. Zahler discussed the draft memorandum of understanding between the town and JCA. After receiving comments on the draft from Ms. Geldenhuys, she will share it with JCA and bring an updated copy to next board meeting.

APPROVING LEASE OF OFFICE SPACE IN TOWN HALL

RESOLUTION 2017-165: APPROVING LEASE OF OFFICE SPACE IN TOWN HALL

WHEREAS, the Town Board has the power to lease Town property, pursuant to Town Law §64(2), subject to a permissive referendum; and

WHEREAS Nelson & Streeter Construction Company Inc. is in need of a temporary office during construction of sidewalks in the Town of Ulysses and Village of Trumansburg; and

WHEREAS, there is space available for rent in the Town Hall of the Town of Ulysses;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board approves the lease of office space in town hall to Nelson & Streeter Construction Company Inc. on a month-to-month basis, and be it further

RESOLVED that the Town Supervisor is authorized to enter into a lease agreement containing the terms set forth in this resolution, after review by the Attorney for the Town, and, be it further

RESOLVED, that this resolution is subject to a permissive referendum.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 9/12/17

DECLARING THE REAL PROPERTY LOCATED AT 5020 JACKSONVILLE ROAD IN THE TOWN OF ULYSSES AND TAX PARCEL NUMBER 25.-4-26 AND PROPERTY LOCATED AT 5036 JACKSONVILLE RD 25.-4-27 AS SURPLUS PROPERTY

RESOLUTION2017-166: DECLARING THE REAL PROPERTY LOCATED AT 5020 JACKSONVILLE ROAD IN THE TOWN OF ULYSSES, TAX PARCEL NUMBER 25.-4-26 AS SURPLUS PROPERTY

WHEREAS, the real properties located at 5020 Jacksonville Road in the Town of Ulysses, tax parcel number 25.-4-26, and 5036 Jacksonville Road 25.-4-27 (hereafter “the Property”) were conveyed to the Town by Bargain and Sale Deed with Limited Covenants for Grantor’s Acts dated July 13, 2017 and recorded in the Tompkins County Clerk’s Office on July 20, 2017 as Instrument Number 2017-08149; and

WHEREAS, the Town has the power pursuant to Town Law §64(2) to convey real property, provided that such property is not required for the Town’s own use and is not held for public use, and is therefore surplus property; and

WHEREAS, the Property is not required for the Town’s own use and is not held for public use;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby declares that the Property is surplus property; and be it further

RESOLVED that any disposition of the Property shall be authorized by further resolution of the Town Board, subject to a permissive referendum as required by Town Law §64(2) and other applicable provisions of law.

Moved: Ms. Zahler Seconded: Mr. Boggs

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

Vote: 4-0
Date Adopted: 9/12/17

VOLVO SURPLUS

RESOLUTION 2017-167: DECLARING THE VOLVO DUMP TRUCK SURPLUS

BE IT RESOLVED that the Ulysses Town Board declares the following equipment belonging to the town is surplus and can be sent to auction, sold or disposed of by the Highway Superintendent:

2001 Volvo Dump Truck with Single Rear Axle, VIN #4V5J38UFX1N871579.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 9/12/17

SETTING BUDGET MEETING DATES

The Town Board agreed to meet on the following dates to create the preliminary budget:

9/28 at 8am
10/5 at 8am
10/11 at 3pm
10/12 at 3pm

PRIVILEGE OF THE FLOOR:

(none)

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2017-168: APPROVAL OF MINUTES: 8/8/17 and 8/22/17

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 8/8/17 and 8/22/17 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 absent

Vote: 4-0

Date Adopted: 9/12/17

BUDGET MODIFICATIONS

RESOLUTION 2017-169: BUDGET MODIFICATIONS

BE IT RESOLVED that the Ulysses Town Board approve the following budget modifications.

A FUND BUDGET MODIFICATIONS

A7520.4	Historical Property CE	INCREASE	\$15,000.00
<i>To cover expenses related to the Jacksonville properties</i>			
A1940.4	Purchase of Land/ROW	DECREASE	\$15,000.00
<i>Excess budget available due to restriction requiring land purchase to come from unassigned fund balance</i>			
A1620.2	Town Hall	INCREASE	\$2,500.00
<i>To cover a portion of the cost of the EV charging station</i>			
A236	Assigned Funds – Energy	DECREASE	\$2,500.00
<i>A236 total balance will be reduced to \$36,098.61 (Energy portion to \$0.00)</i>			

Moved: Ms. Thomas

Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 9/12/17

APPROVAL OF CLAIMS

RESOLUTION 2017-170: APPROVAL OF CLAIMS

BE IT RESOLVED that the Ulysses Town Board approve payment of claims # 404-458 in the amount of \$127,318.92.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 9/12/17

ADJOURN:

Mr. Boggs moved to adjourn the meeting at 10:10pm; seconded by Mr. Hertzler and passed unanimously.

APPENDIX:

TOWN REPORTS:

PLANNING/ZONING- Submitted by Ms. Kiley

Planning Board

On August 15, the Planning Board discussed the solar regulation revisions, addressing comments from the Ag Committee. On September 5, the PB reviewed sketch plan materials for a grading, retaining wall project at the Inn at Taughannock.

Board of Zoning Appeals

The BZA met on August 16 and August 22 to address the Inn at Taughannock variances. The BZA denied the proposed building setback and height, approved the cupola height, approved two of three business directional signs, denied the sign on a retaining wall, approved two other signs that did not meet the dimensional requirements of the zoning law.

Grants

Zoning Updates Grant – The steering committee met on August 21, continued to discuss the draft ag/rural zoning and agree to schedule a meeting with the various boards/committees on September 21.

Clean Energy Communities – Working through the requirements for the grant application.

Other Meetings/Issues

Cayuga Lake Watershed Intermunicipal Organization (IO) – 8/23: the IO a number of water quality issues – both local and global.

Stormwater Coalition of Tompkins County (SWC) – 8/16: the SWC discussed upcoming ditch maintenance training, looked at an online stormwater mapping tool, and discussed advertising/education.

HIGHWAY: Submitted by Mr. Reynolds

Highway Report 8/9 to 9/12/17

- Surplus Truck #7 (Volvo 6-Wheeler Dump Truck) Auctioned off (received \$4100)
- Seal Coated (Oil and Stoned) Cayuga View Rd, Rice Rd, Mayo Rd, Buck Hill Rd, Iradell Rd. Total Road coverage 3.68 miles
- Working on Budget for 2018
- Working on Equipment Plan / Got application for Federal Surplus Property (Trucks Etc.) Which will allow us to buy equipment at a surplus rate.
- Mowing brush back with county machine Mowing road sides
- Still working on info. For FEMA on winter storm Stella.
- Met with Jeff Smith regarding the billing for any road side mowing done on county roads They have agreed to pay us for this service

TOWN CLERK- submitted by Ms. Parlato

LICENSES/PERMITS issued:	#
Sporting licenses	89
Disabled parking permits	10
Dog licenses and renewals	45
Marriage licenses	5
Plumbing permits	0
Address assignments	2
Notarizations	3
FOIL requests-completed	0

FINANCIAL REPORT:	
\$4379.50	TOTAL Collected for fees & licenses
\$973.11	stays in the town
\$3406.39	goes to the state

CLERK's OFFICE TASKS:

- Issued many sporting licenses!
- Prepared 2018 water district and clerk budgets
- Attended meeting with TC Assessment regarding 2018 taxes with other clerks
- Routine tasks:
 - Notarizations
 - Ordered supplies
 - Retrieved, sorted, vouchered mail
 - Answered inquiries on various topics
 - Took and wrote up meeting minutes
 - Kept website current
 - Sent listserv messages to residents (~2/month)
 - Mailed and posted dog licenses; issued tickets as needed
 - Assist other departments when possible
 - Respond & fulfill FOIL requests- coordinate with other departments as necessary

WATER DISTRICT TASKS:

- Worked with Water District Operator to complete billing from Aug. 15 meter reads

- Posted incoming bills
- Updated testing spreadsheets

COMMITTEES/ASSOCIATIONS:

Bicentennial Committee

- Met 2x to finalize plans for Sept. 23 event

Health Consortium:

- Was on vacation during August meeting

SUPERVISOR REPORT – Reported by Ms. Thomas

Budget

- Collect materials necessary for budget development:
 - o Budget requests from departments and contractors
 - o Taxable Assessed Values from TC Assessment
 - o Review July closing to assess if budget lines are on target.
 - o Sales tax numbers
 - o Reserves – clarifying each reserve, ensuring established correctly.
 - o Review contracts and coordinate updating of contracts.

Energy

- TCCOG Energy Task Force – Prepare agenda, take minutes, and chair meeting.
- LED streetlight replacements – assist with organization of county-wide shared service.
- EV Charging Station – assist Darby in moving installation forward.
- CEC – assist Darby with Press Release.
- Solar PILOT – review info for public hearing.

Town Property

- 1284 Taughannock Blvd – Sign final documents to take ownership of land.

Water Quality

- Attend HAB conference in Geneva
- Follow up on questions from residents and info from experts on future actions.

Water Districts

- WD1 – arrange meeting with Village and MRB to discuss pipe to WD1
- WD5 (Falls Road) – review MPR with MRB
- WD3 – quarterly letter to consumers in WD3. Assess TTHM results. Discuss future actions with MRB. Begin to arrange meeting with TTHM Working Group

Zoning update

- Chair Zoning Update Steering Committee.

Other

- Chamber of Commerce Tour of Trumansburg – assist with organization
- Sidewalks – coordinate actions on TAP and Town Hall sidewalks.

- Shared Services – review County Administrator plan, attend meetings, give input.
- Salt mine – work with other stakeholders with concerns over salt mine expansion.
- Fire and EMS budget meeting preparation
- Coordinate replacement of BZA member and Chair.

Meetings

- 8/9 – HAB conference in Geneva
- 8/10 – meet with landscape architect about town hall sidewalk
- 8/14 – Attend Village meeting.
- 8/16 – speak at Chamber of Commerce meeting in Trumansburg
- 8/18 – meet with Auditor over review of books.
- 8/20 – West Shore Homeowners Association
- 8/21 – Zoning update meeting
- 8/24 – TCCOG
- 9/6 – Shared Services panel
- 9/7 – Fire/EMS meeting with Village and other Towns.
- 9/8 – Sidewalk meetings
- 9/8 – Bioblitz at Cayuga Nature Center – speak
- 9/11 – meet with village over WD1 issues.
- 9/11 – IDA solar PILOT

Questions from Residents

- Harmful Algal Bloom (many!)
- Water district request along 89
- Tree down in road
- Concern over Village water treatment plant.
- Yard waste and brush disposal question
- Drainage issue.

Repeating daily/weekly/monthly tasks:

- Work with each department on current topics.
- Respond to constant flow of questions from residents, volunteers and staff.
- Weekly review of topics with attorney for the town.
- Monthly review of county actions.
- Daily check-in with Town Hall staff.
- Communications – assist with listserv news
- Periodic discussions with Zoning Officer over a variety of topics.
- Prepare agendas, resolutions, and background documents. Review topics with TB members, conduct meetings, and review minutes.
- Provide oversight and follow-through on decisions and requests made at Town Board meetings.
- Review claims and budget, make suggested budget modifications to be approved by TB, review payroll, sign checks,
- Review financial reports.
- Periodic check in with Town Clerk and Deputy Supervisor re work load and coordination.
- Respond to surveys when requested.

BOOKKEEPER- Submitted by Ms. Thompson

Regular Duties:

Payroll

- Processed & reconciled payrolls 16, 17 & 18
- Updated employee changes and made corrections as needed

Banking

- Completed regular bank deposits – in person for cash with remote deposit system for checks
- Completed regular bank account transfers to cover payments

NYSLRS

- Monthly Reporting

Payments

- Produced vouchers for monthly pre-pays, insurance invoices and other miscellaneous payments.
- Reviewed monthly vouchers & abstract
- Printed checks for pre-pays and scheduled voucher payments

Month End Close Out – July

- Entered all cash receipts (general receipts, WD accounting, etc.)
- Entered all Payroll entries (cash receipts, cash disbursements & general journal entries)
- Entered all cash disbursements
- Entered all general journal entries (bank transfers, interest, WD3 billings & other general journal entries)
- Close out steps (Load abstracts, close CR & CD journals & print reports)
- Reviewed month end financial reports and distributed them to Town Board and department heads

2018 Budget – most of my time was spent here this month

- Started to prepare for 2018 budget season
- Created and updated new workbook for 2018 budget
- Updated historical revenue and expenditure summary workbook
- Updated and distributed individual Department Budget Worksheets and financial reports

Trainings

- NYS Government Finance Officers' Association Summer Seminar – Aug 4
- NYS OSC Webinar – Agency Funds – Aug 30

Meetings:

- 08/03/2017 – Sidewalk Project Meeting with Fisher
- 08/08 /2017 – Town Board Meeting
- 08/14/2017 – Village of Trumansburg Board Meeting

MS. ZAHLER-

- The old church has been cleaned out and a banner out front describes the project. She has received bids for contracting projects to prepare the building for winter.
- The Youth Commission has submitted their budget.

- She held a meeting with stakeholders for the sidewalk project.

MR. BOGGS:

- The intermunicipal water organization (IO) meeting focused on algal blooms & ditching
- The JCA clean up day was last weekend.
- EMS has seen decrease in CARS calls
- Talked to comptroller re: Fire/EMS mtg. reserves. They recommend having our counsel call the village counsel regarding surplus funds.

Respectfully submitted by Carissa Parlato on 9/20/17.