

## TOWN BOARD MEETING

Town of Ulysses

January 23, 2018

Audio of the minutes are available on the website at [ulysses.ny.us](http://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

Board members- Michael Boggs, Rich Goldman, Nancy Zahler, John Hertzler

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Highway Superintendent- Dave Reynolds

#### OTHERS PRESENT:

John Wertis, Kim & Bryon Moore, Anne Koreman (County Legislator)

### **CALL TO ORDER:**

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

### **APPROVAL OF MEETING AGENDA**

#### **RESOLUTION 2018-41: APPROVAL OF MEETING AGENDA**

BE IT RESOLVED that the Ulysses Town Board approve the agenda for January 23, 2018 with the addition of: a letter of support for Cayuga Lake Watershed Intermunicipal Water Organization (CLWIO) grant; budget modification; date change of second June meeting; and an executive session to discuss personnel and disposition of property.

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: 1/23/18

### **PRIVILEGE OF THE FLOOR:**

Mr. Wertis distributed minutes from the Dec. 19 Planning Board meeting highlighting a resolution from the Planning Board to the Town Board which recommends that the Town Board request that the Zoning Update Committee take various actions.

Ms. Koreman shared the following Tompkins County updates:

- She has been assigned to the following committees: facilities and infrastructure; planning, development and environmental quality
- The county was awarded a \$750K state grant for EMS services
- The county lost a variance for extra beds for jail. They are working on other diversion programs

**NEW BUSINESS:**

**AMENDMENTS OF TOWN OF ULYSSES ZONING DEVELOPMENT DISTRICTS #8 MOORE'S MARINE AND #9 FLO-TECH**

**RESOLUTION 2018-42: AMENDMENTS OF TOWN OF ULYSSES ZONING DEVELOPMENT DISTRICTS #8 MOORE'S MARINE AND #9 FLO-TECH:**

WHEREAS

1. The Town of Ulysses Zoning Law §212-20 outlines the procedures for creating or revising the zoning or development districts; and
2. The owners of Development District #8 Moore's Outboard Sales and Service wish to revise the development district language; and
3. On June 13, 2017, the Town Board referred the rezoning of Development District #8 Moore's Outboard Sales and Service to the Planning Board; and
4. The Planning Board reviewed the site plan and revised language at meetings held on July 18, 2017, October 17, 2017, December 5, 2017, and December 19, 2017; and
5. On December 19, 2017, the Planning Board passed a resolution recommending Town Board approval of the proposed language changes and made the recommendation by considering the criteria listed in zoning law §212-20 A (b) [1-5]; and
6. The owner of Development District No. 9: Flo-Tech wishes to revise the District area and boundaries with no change in the allowed uses or specifications;

THEREFORE BE IT RESOLVED that a public hearing be held by the Town Board with respect to enactment of the following local law, such public hearing to be held on the 27th day of February, 2018, at 7 p.m., in the Town Hall, Town of Ulysses, New York. The proposed local law to be considered is as follows:

LOCAL LAW NO. \_\_-2018:

A LOCAL LAW TO AMEND ZONING CODE §212-118 H (1-3) AND §212-118 I (2)

Copies of the text of the above-named local law shall be filed in the office of the Town Clerk.

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and §§ 264 and 265 of the Town Law of the State of New York.

December 19, 2017 Planning Board Resolution: Recommendation for Town Board approval of revised language for Development District 8-Boat sales, service and storage located at 3052 Dubois Rd

WHEREAS

1. Development District 8, located at 3052 Dubois Rd, was created July 18, 1991 and has not been revised to meet the needs of the business; and
2. In response to complaints, the Town of Ulysses and property owners have been working together to update the development district language; and
3. Following the procedures in the Zoning Law §212-20, on June 13, 2017, the Town Board referred the rezoning request to the Planning Board; and
4. The Planning Board reviewed the site plan and revised language at meetings held on July 18, 2017, October 17, 2017, December 5, 2017, and December 19, 2017;

THEREFORE BE IT RESOLVED that the Planning Board recommends Town Board approval of the proposed language changes and makes this recommendation by considering the criteria listed in zoning law §212-20 A (b) [1-5] where

1. The need for the use: Moore’s Marine has been in the community at this location for over 25 years and meets the boat servicing and storage needs for our lakeshore community;
2. As an existing use, the location is a convenient storage facility for local boaters;
3. Regarding compatibility with the neighborhood, the owners recognize that this is a residential area and keep boats stored behind the building;
4. The property owners will mitigate possible detrimental effects on the neighborhood by having no mechanical sound from the facility between 8 pm and 8 am, storing the majority of the boats east of the building, and an existing buffer of pines on the northern boundary of the property;
5. To protect the environmental quality of the site, the property owners will use best management practices when working on boats, will maintain existing vegetated buffer along the stream on the southern boundary, and will maintain a vegetated buffer east/downhill of the site.

BE IT ALSO RESOLVED that the Planning Board approves the site plan as shown on 9/6/2017 TG Miller P.C. Survey Map Showing Development District for “Moore’s Marine” Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York as revised to show dimensions of boat storage and servicing areas.

The vote was as follows:

Mr. Blake	AYE
Mr. LeWalter	AYE
Mr. Tyler	AYE
Mr. Wertis	AYE
Ms. Worden	AYE

Result: Resolution approved

The suggested draft to the Moore's Development District, approved by the Board in the above action, is as follows:

A LOCAL LAW TO AMEND ZONING CODE §212-118 H (1-3) AND §212-118 I (2)

§ 212-118 Existing development districts.

H. Development District No. 8: Boat sales, service, and storage (formerly Development District No. 19, created July 18, 1991).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Sales and service of small marine motors, boats, and accessories.

(b) Storage of boats.

(2) District area and boundaries.

BEGINNING at an iron pin set near the easterly road line of Dubois Road 30 feet north of center line of creek culvert which defines the southwest border to Tax Parcel 32-2-8.22 and continuing northerly 184 feet along the center line of Dubois Road to an iron pin along the easterly road line of Dubois Road; then continuing 220 feet easterly and perpendicular to Dubois Road to an iron pin; then continuing 125 feet northerly and parallel to Dubois Road to an iron pin; running thence 380 feet easterly and perpendicular to Dubois Road to an iron pin, then continuing 309 feet southerly and parallel to Dubois Road to an iron pin; and thence returning 600 feet westerly and perpendicular to Dubois Road to the iron pin marking the point and place of beginning; conveying 3.14 acres.

(3) District specifications.

(a) The existing building is to be used for business. Well and septic systems are to be maintained according to Tompkins County Health Department requirements.

(b) No mechanical sound shall emanate from the property before 8 a.m. or after 8 p.m.

(c) Maintain existing parking on front and side of building.

(d) Boats waiting to be picked up and/or serviced will be permitted on the 25 foot by 100 foot lot on the north side of the building, on the 50 foot by 150 foot lot on the south side of the building, on the 25 foot by 50 foot lot on the east side of the building, and on the 150 foot by 175 foot lot located on the lower lot/east side of the building. Outside storage of boats shall be permitted on the 50 foot by 150 foot lot on the south side of the building, and the 150 foot by 175 foot lot located on the lower lot/east side of building (see approved site plan on 9/6/2017 TG Miller P.C. Survey Map Showing Development District for "Moore's Marine" Located at No. 3052 Dubois Road, Town of Ulysses, Tompkins County, New York as revised on DATE NEEDED).

(e) Area around building to be kept clean with no outside storage other than boats with or without motors and trailers.

(f) Signs: One freestanding sign not to exceed 18 square feet. For sign(s) attached to the building, the cumulative square footage shall not to exceed 64 square feet. Signs required by New York State are not included in the area calculation. Sign illumination shall follow sign standards in §212-122.

(g) Exterior building lights, sign and security lights are permitted, subject to the provisions of Article XX, § 212-123.

(h) Used gear lubricants and motor oils shall be stored in a tank or tanks not to exceed 1,000 gallons, which shall be pumped when full by an authorized handler of petroleum waste material. There shall be no liquid or solid waste disposed of on the property other than that authorized by the Tompkins County Health Department.

(i) The construction of any other buildings within the Development District shall be considered an additional and further use for which an application must be made to the Town Board pursuant to Article III, § 212-20.

(j) A vegetated buffer 100 feet wide shall be maintained on the eastern boundary of the Development District.

(k) Engine/boat maintenance and repair involving lubricants, oils, or other hazardous materials shall be performed over a permanent or portable impermeable surface with sufficient capacity to collect the maximum volume of liquids used during the maintenance/repair work. Spills shall be cleaned up according to best management practices.

(l) No edible plants shall be grown for human consumption without first testing the soil for contaminants.

§ 212-118 Existing development districts.

I. Development District No. 9: Flo-Tech (formerly Development District No. 21, created January 26, 2004)

(2) District area and boundaries

BEGINNING at a point in the centerline of Halseyville Road, said point being further located South 60° 31' 24" West a distance of 39.02' from a point marking the present centerline of Halseyville Road and NYS 96;

RUNNING THENCE North 82° 59' 19" West for a distance of 24.75' to a point located on the West right of way of Halseyville Road;

RUNNING THENCE North 19° 01' 41" West along the West line of NYS Route 96 for a distance of 224.04' to an iron pin;

RUNNING THENCE North 19° 01' 41" West along the West line of NYS Route 96 for a distance of 109.68' to a point;

RUNNING THENCE North 82° 44' 09" West for a distance of 306.00' to a point;

RUNNING THENCE South 07° 15' 51" West for a distance of 261.60' to a point;

RUNNING THENCE South 65° 23' 33" East passing through an iron pin at a distance of 169.58', passing through an iron pin at an additional distance of 303.33' and continuing for a distance of 28.98' to a point, said course having a total distance of 501.89';

RUNNING THENCE North 07° 00' 41" East along the present centerline of Halseyville Road for a distance of 112.13' to the point and place of beginning;

Said parcel having an area of 2.95 acres net to the road right of ways.

Moved: Ms. Thomas                      Seconded: Ms. Zahler

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

Vote: 5-0

Date Adopted: 1/23/18

**LETTER OF SUPPORT FOR IO**

**RESOLUTION 2018-43: LETTER OF SUPPORT FOR Cayuga Lake Watershed Intermunicipal Water Organization (CLWIO)**

RESOLVED that the Town Board of the Town of Ulysses supports the Engaged Opportunity Grant application and authorizes the Town Supervisor to sign a letter of support on behalf of the Town Board.

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: 1/23/18

**APPOINTMENT OF SAFETY COMMITTEE MEMBERS**

**RESOLUTION 2018-44: APPOINTMENT OF SAFETY COMMITTEE MEMBERS**

RESOLVED that the Ulysses Town Board appoints the following to the town Safety Committee as required by the Public Employer Risk Management Association (PERMA):

- Highway Superintendent- Dave Reynolds
- Town Councilperson- Mr. Boggs/Ms. Zahler (alternate)
- Union rep- Scott Stewart
- Town Clerk, Safety Coordinator- Carissa Parlato
- Bookkeeper- Nina Thompson

Moved: Ms. Thomas                      Seconded: Ms. Zahler

Ms. Thomas                      aye  
Ms. Zahler                      aye  
Mr. Hertzler                      aye

Mr. Boggs                    aye  
Mr. Goldman                aye

Vote: 5-0  
Date Adopted: 1/23/18

**OLD BUSINESS:**

**CHANGES TO PERSONNEL POLICY**

**RESOLUTION 2018-45: PERSONNEL POLICY CLARIFICATIONS**

RESOLVED that the Ulysses Town board approve the clarifying language added to the Personnel Policy on 1/23 in sections 500 through 704 with the exception of section 603.

Moved: Ms. Thomas                    Seconded: Ms. Zahler

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

Vote: 4-0  
Date Adopted: 1/23/18

**SIDEWALK MAINTENANCE AGREEMENT**

**RESOLUTION 2018-46: SIDEWALK MAINTENANCE AGREEMENT WITH THE VILLAGE**

RESOLVED that the Ulysses Town board approves the sidewalk maintenance agreement with the Village of Trumansburg for the maintenance of the sidewalk owned by the town outside the village.

Moved: Mr. Boggs                    Seconded: Mr. Hertzler

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

Vote: 5-0  
Date Adopted: 1/23/18

**NEW BUSINESS:**

**APPROVAL OF AGREEMENT WITH NYSEG FOR STREETLIGHT CONTRACT**

**RESOLUTION 2018-47: APPROVAL OF AGREEMENT WITH NYSEG FOR STREETLIGHT CONTRACT**

**RESOLVED** that the Ulysses Town Board authorizes the Town Supervisor to sign the Confidentiality and Assurance agreement with New York State Electric and Gas Company regarding the purchase of streetlights within the town.

Moved: Ms. Thomas                      Seconded: Mr. Hertzler

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

Vote: 5-0

Date Adopted: 1/23/18

**APPOINTMENT OF EMC REPRESENTATIVE AND ALTERNATE**

**RESOLUTION 2018-48: APPOINTMENT OF EMC REPRESENTATIVE AND ALTERNATE**

**RESOLVED** that the Ulysses Town Board appoints Cait Darfler as the representative to the Tompkins County Environmental Management Council, and Elizabeth Thomas as alternate for the year 2018.

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: 1/23/18

**GENERAL NEWS:**

Ms. Thomas shared that TCCOG was hosting a speaker regarding the streetlight replacement project.

Mr. Goldman shared that the board needs to fill vacancies on the Planning Board.

Ms. Zahler shared that the joint Fire/EMS meeting is scheduled for March 14.

Ms. Thomas also shared that she has received the Paleontological Research Institute annual report, asked whether the board could move the June 26 meeting to June 25.

**PRIVILEGE OF THE FLOOR:**

*(none)*

**MONTHLY BUSINESS**

**APPROVAL OF MINUTES**

**RESOLUTION 2018-49: APPROVAL OF MINUTES- 1/4/18 STB and 1/9/18**

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 1/4/18 and 1/9/18.

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: 1/23/18

**BUDGET MODIFICATIONS**

**RESOLUTION 2018-50: BUDGET MODIFICATIONS**

**A FUND BUDGET MODIFICATIONS**

A1940.4	Purchase of Land/ROW	INCREASE	\$54,000.00
<i>To cover purchase of Salo Drive property and closing costs</i>			
A917	Unassigned Fund Balance	DECREASE	\$54,000.00
<i>Purchase was budgeted for in 2017 but did not happen and allocation rolled into FB at year end</i>			

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: 1/23/18

**PRIVILEGE OF THE FLOOR**

*(none)*

**EXECUTIVE SESSION:**

Ms. Zahler moved to go into Executive Session at 9:46pm for the purposes of discussing real estate and personnel. This was seconded by Mr. Goldman and passed unanimously.

Mr. Goldman moved to end Executive Session at 10:07pm, seconded by Mr. Boggs and passed unanimously.

**AUTHORIZATION TO CHANGE SALE PRICE ON OLD CHURCH**

**RESOLUTION 2018-51: AUTHORIZATION TO CHANGE SALE PRICE ON OLD CHURCH**

RESOLVED that the Ulysses Town Board authorizes Nancy Zahler to work with the realtor to lower the price on the old church in Jacksonville if no offers are in by 2/13/18.

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: 1/23/18

**ADJOURN:**

Mr. Goldman moved to adjourn the meeting at 10:15pm; seconded by Ms. Zahler.

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*Respectfully submitted by Carissa Parlato on 2/8/18.*