

TOWN BOARD MEETING

Town of Ulysses

October 23, 2018

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

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

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Environmental Planner- John Zepko

OTHERS PRESENT:

Roxanne Marino, Steve Morreale, Rebecca Schneider, Michelle Couwenhoven, Pete Angie

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7:47pm, following the public hearings.

APPROVAL OF MEETING AGENDA

RESOLUTION 2018-184: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for October 23, 2018 with the addition of an executive session and an amendment to delinquent water relevy resolution.

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: 10/23/18

DESIGN CONNECT GRANT PROPOSAL APPLICATION FOR JACKSONVILLE

RESOLUTION 2018-185: APPROVAL OF DESIGN CONNECT GRANT PROPOSAL APPLICATION FOR JACKSONVILLE

WHEREAS, the Town of Ulysses has endorsed community planning efforts in the hamlet of Jacksonville consistent with the Comprehensive Plan and Route 96 Corridor Study; and

WHEREAS, the Jacksonville Community Association (JCA) has prepared a proposal to request planning assistance from Cornell University students to partially fulfill the Vision for Jacksonville outlined in the Rt 96 Corridor Study by

- a) soliciting community input to guide design plans;
- b) developing design recommendations to improve and promote the Jacksonville Community Association's Community Park and to improve the walkability and connectivity between the hamlet center and the park; and
- c) making funding recommendations to implement proposed designs; and

WHEREAS, the Town of Ulysses has a Memorandum of Understanding with the JCA documenting shared interest in the safe operation of the Jacksonville Community Park and the Town and JCA are jointly applying for this grant;

NOW THEREFORE BE IT

RESOLVED, that the Town of Ulysses Town Board approves the submission of the joint JCA and Town grant proposal application to Design Connect for their services and further;

RESOLVED, that if the proposal is selected, that the Town will authorize the payment of \$500 to Design Connect at Cornell University for planning services; and further

RESOLVED, that any completed project be shared with the Ulysses Town Board.

Moved: Ms. Zahler Seconded: Mr. Boggs

DISCUSSION:

Mr. Boggs asked whether this was a change from the previous application idea. Ms. Zahler and Mr. Angie responded in the affirmative. The current application would benefit residents by making the park more accessible and visible. The results of the study would benefit Jacksonville in other ways as well.

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

Vote: 5-0

Date Adopted: 10/23/18

PRIVILEGE OF THE FLOOR:

Ms. Schneider, speaking as a resident of the town (rather than a Planning Board member), gave support to the board for their work on the zoning update. She reminded them that their job is to protect town assets of water and good soils, etc., and that zoning is a tool to do this. They must make decisions for the entire town, not just the outspoken few. The proposed subdivision guidelines would apply to about 30% of town residents. She further shared that about 15 people own 100 or more

acres. She has heard a common agreement that most town residents want to protect open space by preserving and clustering development.

Mr. Morreale offered to share data that he has gathered.

Ms. Marino re-iterated her support for the 80/20 land preservation technique and drew attention to the guiding documents for the proposed zoning updates.

ZONING SUBDIVISION TECHNIQUE FOR AG/RURAL ZONE

Mr. Morreale shared GIS data showing development scenarios based on various subdivision methods.

Ms. Thomas shared her power point depicting scenarios with a 10 acre divisor with 2 minimum and 4 acre maximum lots.

Ms. Marino shared a memo from the Attorney for the Town stating that the 80/20 method was legally viable. She also reiterated that public health and safety is important and is encouraged by keeping some distance between residential development and agriculture to protect against potential conflicts and groundwater contamination from farming and farming equipment, etc.

Ms. Thomas did a straw poll of the board members and put forth the following resolution.

RESOLUTION 2018-186: ZONING SUBDIVISION TECHNIQUE FOR AG/RURAL ZONE

WHEREAS, The Town of Ulysses accepted a grant from NYSERDA with one of its components being to look at innovative zoning approaches for agricultural lands; and

WHEREAS the Town of Ulysses Comprehensive Plan is acknowledged to be one of the main guiding documents, and supports protections of agricultural lands by stating:

Executive Summary (page 2):

“In Ulysses, the Future Land Use Plan **seeks to protect remaining agricultural lands** and protect the rural character of the community, while allowing for sustainable and balanced growth in designated areas.”

Section 2: Introduction:

“**The Town’s character is defined by agricultural lands and open space** interspersed by pockets of residential development, a variety of small-scale commercial uses, and a well-defined village center in Trumansburg. The Town has retained its rural, small-town character even as growth has begun to transform other agricultural communities around the City of Ithaca. **Suburbanization development pressures, occurring elsewhere in the region, have the potential to encroach into the Town, and could impact the rural character and agricultural lands which define the Town today.** The wrong type and scale of future development could lead to the loss of existing agricultural businesses, changes to the character of rural roadways as they see increased traffic, and the loss of open space and scenic views as large parcels get subdivided and sold.”

Excerpt from the Village Comprehensive Plan (page 9):

The desire to protect agricultural lands and offering a variety of residential options are included in the Village's Land Use section and are similar to policies within the Town Plan.

Excerpt from the Tompkins County Comprehensive Plan (page 10):

Specific policies related to the rural economy, which are presented in the County Comprehensive Plan and are of particular importance to the Town of Ulysses, include:

- Enhancing the viability of existing farm operations
- Supporting sustainable economic development initiatives
- Enhancing agricultural activities and working farms
- Encouraging development that is designed to preserve open space and agricultural land

Protecting prime agricultural lands

Objective 1.1a:

Develop and implement an Open Space Plan to identify and protect open space in the Town.

Objective 2.1b:

Update the Town's Zoning Law to ensure consistency with the Future Land Use Plan

Objective 2.6:

Preserve and protect the Town's rural characteristics and agricultural lands.

A. Prepare a Farmland Protection Plan to identify important agricultural lands in the Town.

Develop specific strategies for protecting and maintaining high quality agricultural land for agricultural uses, and for preserving the rural landscape

C. Allow a limited amount of cluster and road-frontage development in the Agricultural Priority Area of the Future Land Use Plan, as appropriate to **conserving valuable farmland for continued agricultural uses while also allowing farmers and landowners to develop smaller lots.**

Objective 3.1d:

Identify key agricultural lands and identify opportunities to ensure future farming of key agricultural lands

Ag Priority Area (page 41):

Within designated Agricultural Priority Area locations, the protection and continuation of agricultural practices is a priority over all other land uses. However, this does not exclude future residential growth from occurring in these areas. **Rather, it seeks to allow residential land use in a manner that is sensitive and considerate of the rural character, natural features, and agricultural lands which currently exist.**

Currently, agricultural areas in the Town are characterized by a mixture of farms and residential development on roadside frontage. The remaining active farms, prime agricultural lands, and open spaces are important features for the Town to preserve. **The Town should adopt land use policies that encourage and protect these areas to remain available for farming and open space conservation, and limit residential and other non-agricultural**

development to a scale that is respectful of the surrounding environment, protect public health and safety, and minimize conflict with agriculture. The Town should discourage over-development of rural road frontages in these areas.

Currently, mechanisms for addressing residential development within agricultural priority areas include Purchase of Development Rights program, large minimum lot size requirements, financial incentive programs, or **creative zoning techniques such as the Area Allocation Method (AAM) (See Appendix 5). These are options that the Town should consider as it begins the process of updating the Zoning Law.**

Survey results (page 74): How important are the following issues when considering the future growth of the Town of Ulysses?

2. Protection of natural areas and open space: Almost ninety percent of respondents (88.7%) saw this issue as being important or very important to the Town of Ulysses. Less than 3% of respondents did not see this issue as having any consideration in relation to the future growth of the Town.

4. Protection of farmland from development: The agricultural character of the Town is obviously important, as reflected in the findings associated with this question. **More than three quarters of respondents (79.2%)** consider this issue as important or very important to the Town. **Only 3.1% of respondents saw this issue as very unimportant when considering the future growth of the Town.**

Appendix 5: Shows an example of Agricultural Land Use Preservation Zoning Technique using an area allocation method.

THEREFORE, BE IT

RESOLVED that the Town Board of Ulysses will include the following method of land preservation,

70/30 – where 30% of a parcel can be developed for residential

FURTHER RESOLVED the Town Board directs the Town Planner to work with the Town’s Consultant, C.J. Randall to integrate language reflecting this decision in the draft zoning local law that will eventually go to public hearing.

Moved: Ms. Thomas Seconded: Mr. Boggs

DISCUSSION:

Ms. Zahler asked whether this makes the decision final. She would like another step to re-inform the public.

Ms. Thomas responded that the board will vote again after before and after a public hearing.

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

Vote: 3-1
Date Adopted: 10/23/18

OLD BUSINESS:

ASSIGNING EQUIVALENT DWELLING UNIT (EDUs)

RESOLUTION 2018-187: WATER DISTRICT 3 – ASSIGNING EQUIVALENT DWELLING UNIT (EDUs)

WHEREAS, The Town of Ulysses Water District 3 Map, Plan and Report from 2001 assigned Equivalent Dwelling Units (EDUs) when the district was being formed in a way that is no longer relevant or is not clear; and

WHEREAS the Water District Clerk needs clarity in process and procedure in order to properly assign EDUs to each property in the district annually during budget season to determine how each parcel in the district should be charged for district debt, operation and maintenance; and

WHEREAS the Attorney for the Town determined the method used to assess EDUs may be changed by resolution of the Town Board based on consultation with the NYS Comptroller’s office, and Town Law section 198(3)(d)m 202-a(5) and 231, and other provisions of Article 12-A of Town Law; and

WHEREAS a Public Hearing was advertised on 10/11/2018 and held on October 23, 2018,

Therefore, be it

RESOLVED that the Ulysses Town Board sets the EDU user fees accordingly:

<i>Type of Water District User</i>	<i>NYS Property Type Class Code</i>	<i>EDU Assessment</i>
Ag-Related water tap	100’s	Minimum of 1 unit, then based on usage as outlined with the guidelines below.
Residential – single family homes	210	1 unit
Residential – 2 dwelling unit	220	2 units (1 for each dwelling)
Residential – 3 dwelling unit	230	3 units (1 for each dwelling)
Other residences	240-280	1 unit/dwelling
Apartments	411	0.8 units/apt
Mobile Home Parks	416	0.8 units/mobile home with a minimum of 4 mobile homes/park

Community Services (includes services such as schools, churches, nursing homes, etc)	600's	Minimum of 1 unit, based on usage as outlined with the guidelines below and capped at 3 units.
Non-residential properties	400-599 (excepting 411&414), 700-1000	Minimum of 1 unit, based on usage as outlined with the guidelines below rounded up to the nearest half unit.
Vacant properties with a tap into the town's water main	300's	0.5 units based on usage as outlined with the guidelines below
Vacant properties without a tap	300's	No charge
Non-vacant, residential & non-residential properties that are tapped but not connected to town water	210-299, 400-1000	1 unit, regardless of property code

And further,

RESOLVED that this change in unit structure will be phased in over 3 years as follows:

2019= 1 unit= 60,000 gal usage/year

2020= 1 unit/50,000 gal usage/year

2021= 1 unit/40,000 gal usage/year

Usage/year = Gallons used in billing cycles November, February, May and August.

RESOLVED that the units will be calculated based on usage in the following manner:

For the 2019 budget year: based on recorded water use from the November 2017 to August 2018 billing cycles.

For the 2020 budget year: based on a 2-year average of recorded water use from the November 2017 to August 2019 billing cycles.

For the 2021 budget year and beyond: based on a 3-year average of the most recent 3 years with the billing cycles being from the November billing through the billing the following August.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler abstain

Mr. Boggs aye

Mr. Goldman aye

Vote: 4-0

Date Adopted: 10/23/18

2019 BUDGET

RESOLUTION 2018-188: 2019 BUDGET

WHEREAS the Town Supervisor presented the 2019 Tentative Budget to the Town Clerk and the Town Board on September 28, 2018, and

WHEREAS the Town Board discussed and considered the 2019 Tentative Budget at meetings on 10/4, 10/5, 10/9, 10/11 and 10/12, and

WHEREAS the Town Board adopted the 2019 Preliminary Budget on October 12, 2018 and set the Public Hearing date for October 23, 2018 at 7:15PM at the Ulysses Town Hall; and

WHEREAS notice of the Public Hearing was in the newspaper on October 16, 2018 and also posted to the town’s email listserv, and website, and

WHEREAS a Public Hearing was held on October 23, 2018 where all members of the public were able to comment on the Preliminary Budget,

NOW THEREFORE BE IT

RESOLVED that the Town Board accepts the 2019 Preliminary Budget (as amended) to become the Final Budget for 2019 for the Town of Ulysses with a resulting 1.91% increase in the tax levy and a 3.91% increase in the final tax rate of \$2.69126/\$1,000 taxable assessed value (TAV) for Ulysses residents living outside the Village of Trumansburg and \$1.209463/\$1,000 TAV for residents of the Village of Trumansburg.

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: 10/23/18

MOTION TO AMEND RESOLUTION 2018-178

Ms. Thomas made a motion to amend Resolution 2018-178, to relevel delinquent water fees for Water District 3, previously adopted on Oct. 9, 2018, to replace the re-levy for delinquent water fees in the amount of \$5384.81 to the correct amount of \$5538.93.

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: 10/23/18

SAFETY VIOLATIONS IN HIGHWAY DEPARTMENT

RESOLUTION 2018-189:

Ms. Zahler moved that the Town Board request a written report from the Highway Superintendent showing how and when each violation was corrected.

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: 10/23/18

APPROVAL OF MINUTES

RESOLUTION 2018-190: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the meetings on 10/4, 10/5, 10/9, 10/11, 10/12

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: 10/23/18

EXECUTIVE SESSION:

Ms. Thomas moved to enter into Executive Session at 9:38pm to discuss a personnel issue regarding a particular person. This was seconded by Ms. Zahler and passed unanimously.

Ms. Thomas moved to end Executive Session at 9:49pm. This was seconded by Mr. Boggs and passed unanimously.

ADJOURN:

Ms. Thomas moved to adjourn the meeting at 9:49pm; seconded by Mr. Goldman.

Respectfully submitted by Carissa Parlato on 11/7/18.