

TOWN BOARD MEETING

Town of Ulysses

June 25, 2019

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- Nancy Zahler, Michael Boggs, Richard Goldman, John Hertzler

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Project Assistant- Michelle Wright

Conservation & Sustainability Advisory Committee chair- Roxanne Marino

OTHERS PRESENT:

Anne Koreman (Tompkins County Legislator), Kaeden Rabenstein-Spiers (Eagle Scout Candidate), Linda Liddle, Bill Wright (Scout leader)

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7pm.

PRESENTATION FROM Mr. Rabenstein-Spiers:

Mr. Rabenstien-Spiers has been restoring headstones at the Quaker cemetery as part of his Eagle Scout project. He gave a project overview and noted that 16 stones were completed, surpassing his goal of 15. He and other volunteers logged a total of about 168 hours on the project. The town will reimburse any expenses.

APPROVAL OF MEETING AGENDA

RESOLUTION 2019-119: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for June 25, 2019 with the additions of discussion of an electric car, a budget modification, and a resolution to recognize the former Highway Superintendent.

Moved: Mr. Boggs Seconded: Ms. Zahler

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler aye

Mr. Boggs aye

Mr. Goldman aye

Vote: 5-0

Date Adopted: 6/25/19

OLD BUSINESS:

CAPTIAL ASSET COMPLIANCE-Progress report

Ms. Thomas introduced the topic and noted that she and the Deputy Town Clerk, Bookkeeper, and Project Assistant have been working together on this.

Ms. Wright shared a powerpoint presentation explaining the project goals, process, potential software and next steps. There are various categories of town assets, including land, buildings, vehicles & equipment, and water and highway infrastructure.

She explained that the driving factor for the project is to get into compliance with GASB 34. This will also be beneficial to the town for annual reporting, insurance, future bonding, and records retention.

GENERAL ANNOUNCEMENTS:

Electric vehicle

Ms. Thomas shared that there is \$2500 in state funding available for an electric vehicle if purchased by July 26. This would eliminate the need for gas in the town vehicle used primarily by the Code & Zoning departments and could be charged at the charging station here at town hall. The estimated the cost to the town is between \$11-15,000 after trade-in of the current vehicle and the rebate.

Board members asked questions regarding the funding, whether there is an option to lease rather than buy, and if it would be better to wait as technology is changing quickly. They discussed whether to move ahead, and decided to allow Ms. Wright to work on this more.

PRIVILEGE OF THE FLOOR:

Ms. Koreman shared information about the upcoming fundraiser for the Jacksonville Community Park bathroom on July 15.

Ms. Marino commended the town for its work on capital assets. She shared her support for electric vehicles, but agreed that technology is changing rapidly.

REPORTS FROM REPRESENTATIVES:

Ms. Koreman shared the following updates from Tompkins County:

- The county is looking into getting an all electric fleet. They have hired a consultant and will share the information with the town.
- The Environmental Management Committee is taking steps to build a new net-zero facility.
- TCAT fares changed so that the fee is no longer more expensive for zone 2.
- The Downtown Facilities Committee is a newly formed committee to monitor the conditions of county properties.
- April sales tax is up 2.6% for the county.
- The county is in talks with the city to discuss co-locating police departments.

OLD BUSINESS (continued):

ZONING

Review of Comments from the Conservation and Sustainability Advisory Committee (CSAC)

Ms. Thomas summarized the CSAC's resolution (*see appendix*), saying that they oppose including a delay in implementation of the proposed 70/30 subdivision regulations in the zoning draft.

Ms. Marino added that the committee strongly feels that delaying is not a good idea and urged the board to find a solution that achieves the goals in the comprehensive plan of preserving open space.

Ms. Thomas took an informal poll of the board on whether they would implement the 70/30 regulation with **no** delay. Results are as follows:

Ms. Thomas-yes

Mr. Boggs- yes

Mr. Hertzler- no

Ms. Zahler stated that she is in agreement with not delaying but is not in agreement with the 70/30. She is in support of the other proposed changes. She suggested that the board continue monitoring development to determine whether there is a need for greater regulations.

Mr. Goldman felt that the Planning Board's recommendation to continue with the current zoning law was significant and agrees with Ms. Zahler that they move forward with everything else and but not with the 70/30.

Ms. Thomas asked whether implementation of 70/30 **with** a delay would change anyone's opinion. Mr. Goldman, Mr. Boggs, and Ms. Zahler said no. Mr. Hertzler shared his written comments and said yes.

Ms. Thomas stated that they will remove the 70/30 regulation from the draft.

Elder housing discussion:

The group discussed the "Elder Cottage" definition. It is in the current law but has been taken out of the draft.

Mr. Zepko expressed concerns about the definition with respect to administration and tracking. He suggested that it be allowed via special permit with an annual evaluation. He further shared information on temporary elder homes such as those available through Ithaca Neighborhood Housing Services.

The board discussed elder housing versus accessory dwelling units and agreed to add "Elder Cottage" back into the draft.

Building size:

Ms. Thomas noted that Mr. Zepko has made the following amendments based on the Planning Board recommendations:

- Determining building height
- Orienting buildings for solar – either panels or passive solar.

Ms. Thomas also noted the following inclusions on the draft:

- Building floor area is 5000 sq. ft. in the Agricultural/Rural zone
- Businesses in Office, Technology & Mixed Use (OTMU) zone is 20,000 sq. ft. floor area
- Residential 5000 sq. ft. floor area
- Non-residential buildings= 5000 sq. ft. floor area

The board agreed to the following:

- Accessory dwelling unit: 1200 sq. ft. floor area
- Lakeshore/conservation zone: all buildings capped at 2000 sq. ft. footprint

Stream setbacks:

The group discussed this section and agreed to the following:

- Wetland setback: 50 ft. unless otherwise noted
- Change Hamlet Center from 100 to 50 ft setback to streams.

Next steps in the process:

Ms. Thomas explained the next steps in adopting the zoning law:

- A clean copy of the draft has to be presented to the board
- SEQR (about a 30 day process) environmental assessment form
 - determine lead agency & notifications & declarations
- Public hearing notice (10 days prior to the hearing)

Mr. Zepko was excused at this time (9:23pm).

GENERAL ANNOUNCEMENTS (continued):

Ms. Thomas shared info on a ditch network survey that may be helpful in prevention of harmful algal blooms (HABs).

Ms. Thomas also shared that MRB will be at the July 9 meeting to explain the Water District 3 grant.

Ms. Zahler shared information the on county health department septic system mapping.

OLD BUSINESS (continued):

BRIDGE NY FUNDING

RESOLUTION 2019-120: APPROVAL OF CAPITAL PROJECT BANK ACCOUNT

WHEREAS the Town of Ulysses will be undertaking a capital project for the replacement of the Cemetery Road Bridge over Trumansburg Creek; and

WHEREAS an engineering firm has been selected and the design phase of the project will begin shortly; and

WHEREAS the New York State Comptroller guidance requires that a separate account is maintained for such a capital project; and

WHEREAS the Town of Ulysses Supervisor and Bookkeeper recommend opening a separate new bank account to keep capital project funds segregated from other Town monies;

THEREFORE, BE IT

RESOLVED that the Town Board approves opening a new bank account with Tompkins Trust Company; and

RESOLVED that the signatories for this account will be the Town Supervisor, Elizabeth Thomas and the Town Clerk, Carissa Parlato; and

RESOLVED that the Town Clerk will provide a certified copy of this resolution to the Bookkeeper to submit with the paperwork needed to open the bank account.

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: 6/25/19

Ms. Thompson shared information from Municipal Solutions on how to fund this project. It was recommended that the town adopt a bond resolution to have in place in case there is a need to bring in some outside funds. If we think a bond will be needed, we can get a BAN (bond anticipation note) which can be paid off sooner and cheaper. SEQR needs to happen in advance of this process.

HIGHWAY EQUIPMENT

RESOLUTION 2019-121: AUTHORIZING USE OF FUNDS FROM THE TOWN OF ULYSSES CAPITAL EQUIPMENT RESERVE FUND DA878 TO PURCHASE HIGHWAY MAINTENANCE AND CONSTRUCTION EQUIPMENT IN 2019

WHEREAS, the Town Board of the Town of Ulysses by resolution adopted on November 7, 1984 established a capital reserve fund for the purpose of funding acquisition and replacement of highway maintenance and construction equipment and snow removal equipment (“the Capital Equipment Reserve Fund”); and

WHEREAS, the Town Board adopted the 2019 budget for the Town on October 23, 2018 and the budget calls for the appropriation of \$188,281.00 from the Capital Equipment Reserve Fund DA878 for the purpose of purchasing highway equipment in 2019; and

WHEREAS, pursuant to General Municipal Law §6-c, an expenditure from the Capital Equipment Reserve Fund requires authorization by the Town Board, and such authorization is subject to a permissive referendum; and

WHEREAS, on 6/11/2019 the Town Board approved the purchase the following additional highway equipment: (1) a John Deere 390 Heavy Duty Mower for \$5,200.00 less \$1,200.00 in

trade in credits and (2) additional plow equipment and accessories for the 2020 Mack Granite 64FR Truck in the amount of \$10,875.90; and

WHEREAS, the purchase of the above-referenced equipment falls within the purposes for which the Capital Equipment Reserve Fund was established;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board authorizes the following expenditures from the Town of Ulysses Capital Equipment Reserve Fund DA878 for the purchase of highway equipment: \$4,000.00 toward a new rear flail mower and \$14,000.00 towards the purchase of additional plow equipment and accessories for the 2020 Mack Granite 64FR Truck that is on order for a total of reserve funds of \$18,000.00; and be it further

RESOLVED that, pursuant to General Municipal Law §6-c, this resolution is subject to a permissive referendum; 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: Ms. Zahler

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

Vote: 5-0

Date Adopted: 6/25/19

BUDGET MODIFICATION

RESOLUTION 2019-122: BUDGET MODIFICATION

RESOLVED that the Ulysses Town Board approves the following budget modification:

DA FUND BUDGET MODIFICATIONS

DA5130.2	Machinery EQ	INCREASE	\$18,000.00
<i>To increase line to cover additional highway equipment purchases – new rear flail mower and additional plow parts for 2020 Mack Granite 64FR Truck</i>			

DA511 (DA878/DA233)	DA Appropriated Reserves - Capital Equipment Reserve	INCREASE	\$18,000.00
<i>To appropriated additional reserve funds for the purchase of additional equipment</i>			

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: 6/25/19

NEW BUSINESS:

**RESOLUTION 2019-123: DESIGNATING A LIAISON TO THE TOMPKINS COUNTY
TRANSPORTATION COUNCIL**

RESOLVED, that the Ulysses Town Board designates Michelle Wright as the liaison to the Tompkins County Transportation Council from the Town of Ulysses for the year 2019.

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: 6/25/19

RECOGNITION of DAVE REYNOLD’S SERVICE to the TOWN OF ULYSSES

**RESOLUTION 2019-124: RECOGNITION of DAVE REYNOLD’S SERVICE to the TOWN OF
ULYSSES**

WHEREAS, Since 1988, David (Dave) Reynolds has served the residents of the Town of Ulysses by faithfully keeping our roads clear of snow and in good repair and by maintaining roadsides, ditches and culverts and

WHEREAS, from January 2016 through his retirement on May 7, 2019 Dave served as Highway Superintendent, and

WHEREAS, during his thirty-one years with the Highway Department, he was on call day and night to respond to snow storms, floods, and other highway emergencies with his colleagues to assure that the rest of us in the Town could safely travel our local roads, now therefore be it

RESOLVED, that on behalf of the residents of the Town of Ulysses, the Ulysses Town Board recognizes and thanks Dave Reynolds for his thirty-one years of dedicated service and wishes him all the best during his retirement.

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: 6/25/19

PRIVILEGE OF THE FLOOR:

Ms. Marino expressed disappointment with the zoning draft. She does not feel that the proposed law addresses the issues of preserving farmland and open space as noted in the Comprehensive Plan and Agriculture and Farmland Protection Plan, nor does it meet the goals of the grant that the town received to update the law. She feels that waiting until there is development pressure to change the law will be too late to protect the land.

Ms. Liddle inquired as to Ms. Zahler's reference to Phase 2 earlier in the meeting. She added that it might be useful to capture the current energy on the project to get people involved.

ADMINISTRATIVE:

APPROVAL OF MINUTES

RESOLUTION 2019-125: APPROVAL OF MINUTES from 6/11

RESOLVED that the Ulysses Town Board approves the minutes from the Town Board meeting on 6/11/19.

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: 6/25/19

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 10pm, seconded by Ms. Zahler and passed unanimously.

Respectfully submitted by Carissa Parlato on 6/29/19.

APPENDIX:

Resolution to the Ulysses Town Board

June 11, 2019

From the Town of Ulysses Conservation and Sustainability Advisory Committee

Regarding the Possibility of delaying the effective date of section 212-29.1 of the DRAFT proposed zoning law revisions for the Town of Ulysses, Limitations on Subdivision of parent tracts

Whereas the Ulysses Town Board DRAFT zoning law section 212-29.1 “Limitations on the subdivisions of parent tracts” in the Agricultural / Rural zone seeks as its stated purpose “to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space of the Town” by limiting creation of non-agricultural lots via subdivision, And

Whereas many municipalities establish moratoria to limit undesirable anticipatory actions during intervals when a zoning revision is being moved toward adoption, the Ulysses Town Board seems to be on the verge of inventing the counter-moratorium, inviting landowners to do for one year exactly the exact opposite of the recommendations stemming from three years of broad deliberation by the Zoning Update Steering Committee, stakeholder advisory and standing Boards, and the Town Board. And,

Whereas hasty, unplanned division of large parcels into smaller residential building lots that can result from such a delay will make it more difficult to achieve the stated land use planning goals the zoning revision is based on, for a variety of reasons documented in previous comments by the CSAC and others. And,

Whereas there are several questions regarding consequences from such actions that should be strongly considered and investigated, including: 1) for smaller residential building lots, will the tax burden on the property owner be increased, as the highest and best use then becomes residential? 2) related, will land values in the rest of the A/R zone and possibly the entire Town be pushed up, working strongly against the stated intention of keeping land affordable for remaining in agriculture into the future? 3) does issuing a delay to allow circumvention of a future regulation set a bad precedent for any future regulatory actions taken by the Town? 4) will a delay in implementation of a subdivision provision in one zone create an unequal treatment of property owners as prohibited per NYS zoning law, and as such allow for a legal challenge? 5) if there is a rush of requests to subdivide in the delay period that cannot be processed by the Planning Board within that time frame, what happens to unresolved subdivision applications? And,

Whereas the CSAC continues to advocate strongly for adherence to the guiding documents the community has endorsed and this zoning law revision seeks to advance, for the protection of the environment and conservation of irreplaceable natural resources we are fortunate to have such an abundance of in Ulysses, and for finding compromise and unity of purpose in this zoning law update.

Now, therefore be it resolved that

The CSAC opposes any delay in implementation of section 212-29.1 of the Draft Zoning Law Revision for the Town of Ulysses and urges the Town Board to work toward consensus within itself, to find agreement on goals and a path to unanimous support for a zoning revision that does the right things for the long-term protection of the Town’s environmental resources and the health and safety of its residents, and to act clearly and simply to resolve a matter as divisive as this one as fairly as possible, for all residents of Ulysses.