

TOWN BOARD MEETING

Town of Ulysses

October 22, 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, Richard Goldman, John Hertzler, Michael Boggs

Town Clerk- Carissa Parlato

OTHERS PRESENT:

Linda Liddle, Dan Schappi

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7pm and moved into a Public Hearing on the 2020 Budget. *(See separate minutes)*

The regular meeting resumed at 7:12pm.

APPROVAL OF MEETING AGENDA

RESOLUTION 2019-179: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for October 22, 2019.

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: 10/22/19

PRIVILEGE OF THE FLOOR:

(none)

REPORTS FROM REPRESENTATIVES:

(none)

GENERAL TOWN REPORTS:

Mr. Boggs shared that the final drawings for the town hall heat pump project have been completed.

Ms. Zahler let the board know that she will send an update on the Jacksonville gas station.

Ms. Thomas shared the following:

- Registration materials for the Association of Towns annual meeting and training in February are available.
- The official map for the town has been completed.

Mr. Boggs further shared that he attended a week-long water training and has been in contact with Bolton Point regarding the shutdown of Ithaca’s aerator and Ulysses subsequent high TTHM readings earlier this year.

OLD BUSINESS:

2020 PRELIMINARY BUDGET

RESOLUTION 2019-180: APPROVAL OF THE 2020 BUDGET FOR THE TOWN OF ULYSSES

WHEREAS the Town Supervisor presented the 2020 Tentative Budget to the Town Clerk and the Town Board on September 24, 2019, and

WHEREAS the Town Board discussed and considered the 2020 Tentative Budget at meetings on 9/24/19, 9/25/2019, and 9/26/2019, and

WHEREAS the Town Board adopted the 2020 Preliminary Budget on October 8, 2019 and set the Public Hearing date for October 22, 2019 at 7:00 P.M. at the Ulysses Town Hall; and

WHEREAS notice of the Public Hearing was in the newspaper on October 11, 2019 and also posted to the town’s email listserv, and website, and

WHEREAS a Public Hearing was held on October 22, 2019 where all members of the public were able to comment on the Preliminary Budget, and

WHEREAS the tax levy limit set by the New York State Office of the State Comptroller for the Town of Ulysses for the year 2020 is 4%,

NOW THEREFORE BE IT

RESOLVED that the Town Board accepts the 2020 Preliminary Budget to become the Final Budget for 2020 for the Town of Ulysses with a resulting 3.69% increase in the overall tax levy which is within the tax levy cap of 4% resulting in a

1.90% decrease in the final tax rate of \$2.640090/\$1,000 taxable assessed value (TAV) for Ulysses residents living outside the Village of Trumansburg and

1.32% increase in the final tax rate of \$1.225487/\$1,000 TAV for residents living inside the Village of Trumansburg.

Moved: Mr. Goldman Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 10/22/19

STATE ENVIRONMENTAL QUALITY REVIEW ACT: RE-DECLARATION OF LEAD AGENCY FOR A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 212 OF THE TOWN OF ULYSSES CODE (ZONING LAW)

RESOLUTION 2019-181: STATE ENVIRONMENTAL QUALITY REVIEW ACT: RE-DECLARATION OF LEAD AGENCY FOR A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 212 OF THE TOWN OF ULYSSES CODE (ZONING LAW)

WHEREAS, the Town Board of the Town of Ulysses (hereafter “Town Board”) adopted a resolution number 174 of 2019 on October 8, 2019 titled “STATE ENVIRONMENTAL QUALITY REVIEW ACT DECLARATION OF LEAD AGENCY FOR A LOCAL LAW TO AMEND THE TOWN OF ULYSSES ZONING LAW”, and

WHEREAS, since then there have been some changed circumstances including the discovery of the omission of some provisions in the draft law that was presented on October 8, 2019, and a decision to repeal and enact a new zoning law (as opposed to merely amending the existing zoning law), and

WHEREAS, in light of these developments the Town Board wishes to rescind its Resolution Number 174 of 2019 adopted at the October 8, 2019 Town Board meeting and in its stead adopt this new resolution, and

WHEREAS, the Town Board of Ulysses finds it necessary to repeal in its entirety the Town of Ulysses Zoning Local Law as codified in Chapter 212 of the Codified Laws of the Town, and

WHEREAS, the Town Board seeks to ensure maximum consistency with the adopted 2009 Ulysses Comprehensive Plan and related Future Land Use Plan and the adopted 2013 Ulysses Agriculture and Farmland Protection Plan; and

WHEREAS, the Town Board directed that a draft local law, entitled “A LOCAL LAW REPEALING IN ITS ENTIRETY THE TOWN OF ULYSSES ZONING LAW AS ADOPTED BY LOCAL LAW NUMBER 3 OF 2013, AMENDED FROM TIME TO TIME, AND CODIFIED AS CHAPTER 212 OF THE LAWS OF THE TOWN OF ULYSSES, AND IN ITS PLACE ADOPTING A NEW ZONING LAW,” be prepared for the Town Board's consideration; and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) requires that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

WHEREAS, the Town Board is the local agency with primary responsibility for approving the action; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7;

Now, Therefore, be it

RESOLVED, by the Town Board as follows:

1. The Town Board rescinds its Resolution Number 174 of 2019 adopted at the October 8, 2019 Town Board meeting and its stead adopt this new resolution, and
2. The Town Board of the Town Ulysses hereby determines that the action is subject to SEQRA.
3. The Town Board hereby determines that the action does not involve a Federal agency, and does not involve other agencies, except that the Town Board has sought the advisory input of the Planning Board and the Zoning Update Steering Committee, which had representation from the Planning Board, the Board of Zoning Appeals, the Conservation and Sustainability Advisory Committee and the Agricultural Committee as well as the Jacksonville Community Association.
4. The Town Board hereby makes a preliminary determination that the proposed zoning changes are a Type I Action under State Environmental Quality Review Act Section 617.4, and the Town Board hereby establishes itself as Lead Agency for purposes of SEQRA for this Action.
5. A copy of the proposed Zoning Law and a copy of this Resolution shall be sent by the Town Clerk of the Town of Ulysses to all persons entitled to notice pursuant to NY Town Law §264 and NY General Municipal Law §239-m including, to wit,
 - a. The Ulysses Planning Board,
 - b. The Ulysses Zoning Board of Appeals,
 - c. Building and Code Inspector of the Town of Ulysses,
 - d. Tompkins County Department of Planning,
 - e. Clerk of the Tompkins County Legislature,
 - f. Seneca County
 - g. Schuyler County
 - h. Town of Covert
 - i. Town of Hector
 - j. Town of Enfield
 - k. Town of Lansing
 - l. Town of Ithaca
 - m. N.Y. State Commissioner of Agriculture and Markets,

- n. N.Y. State Commissioner of Environmental Conservation, and
- o. N.Y. State Office of Parks, Recreation and Historic Preservation.

Moved: Mr. Hertzler Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 10/22/19

INTRODUCING AND SETTING A PUBLIC HEARING ON A LOCAL LAW REPEALING IN ITS ENTIRETY THE TOWN OF ULYSSES ZONING LAW AS ADOPTED BY LOCAL LAW NUMBER 3 OF 2013 AMENDED FROM TIME TO TIME, AND CODIFIED AS CHAPTER 212 OF THE LAWS OF THE TOWN OF ULYSSES, AND IN ITS PLACE ADOPTING A NEW ZONING LAW

RESOLUTION 2019-182: INTRODUCING AND SETTING A PUBLIC HEARING ON A LOCAL LAW REPEALING IN ITS ENTIRETY THE TOWN OF ULYSSES ZONING LAW AS ADOPTED BY LOCAL LAW NUMBER 3 OF 2013 AMENDED FROM TIME TO TIME, AND CODIFIED AS CHAPTER 212 OF THE LAWS OF THE TOWN OF ULYSSES, AND IN ITS PLACE ADOPTING A NEW ZONING LAW

WHEREAS, the Town Board received a draft of the proposed local law to amend the Town’s zoning laws and at a duly convened meeting of the Town Board on October 8, 2019, set a public hearing to be held on November 18, 2019, and

WHEREAS, some changes have since been made to the draft local law as well as a decision to repeal and replace rather than amend the existing zoning law, and

WHEREAS, an updated proposed Local Law titled: A LOCAL LAW REPEALING IN ITS ENTIRETY THE TOWN OF ULYSSES ZONING LAW AS ADOPTED BY LOCAL LAW NUMBER 3 OF 2013, AMENDED FROM TIME TO TIME, AND CODIFIED AS CHAPTER 212 OF THE LAWS OF THE TOWN OF ULYSSES, AND IN ITS PLACE ADOPTING A NEW ZONING LAW was introduced at a Town Board meeting on Oct. 22, 2019, and

WHEREAS, Municipal Home Rule Law §20(5) requires that a public hearing before a local law is adopted by the Town Board, which public hearing must be held upon at least ten days’ notice; and

WHEREAS, Town Law §264(4) also requires that a public hearing be held prior to adopting (or amending) zoning regulations,

NOW THEREFORE, BE IT

RESOLVED, that the Town Board shall hold a public hearing on November 18, 2019 at 7:00pm at the Trumansburg Fire Hall, 74 W. Main Street, Trumansburg, NY 14886 on the proposed

Local Law Repealing in Its Entirety the Town of Ulysses Zoning Law as Adopted by Local Law Number 3 of 2013, Amended From Time to Time, and Codified As Chapter 212 Of The Laws Of The Town Of Ulysses, And In Its Place Adopting A New Zoning Law; and

BE IT FURTHER

RESOLVED, that the Town Clerk shall cause notice of such public hearing to be published and posted as required by law, at least ten days before the date thereof.

Moved: Ms. Zahler Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 10/22/19

NEW BUSINESS:

WAIVING MARRIAGE LICENSE FEES FOR ACTIVE DUTY MILITARY

RESOLUTION 2019- 183: WAIVING MARRIAGE LICENSE FEES FOR ACTIVE DUTY MILITARY

WHEREAS, on Aug. 18, 2019, Governor Cuomo signed a bill waiving New York State's portion of the marriage license fee (currently \$22.50) for active duty military personnel, and

WHEREAS, the bill also provides for towns and cities to elect to waive their portion of the fee (currently \$17.50) for a marriage license and certificate,

NOW, THEREFORE,

BE IT RESOLVED that to support those serving our country, the Town Board of the Town of Ulysses hereby waives the Town's portion of the marriage license and certificate fee for active duty military personnel, subject to proof of military identification and duty status to the Town Clerk.

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: 10/22/19

FIRE PROTECTION DISTRICT- SETTING JOINT PUBLIC HEARING

RESOLUTION 2019-184: SETTING A JOINT PUBLIC HEARING FOR THE FIRE PROTECTION DISTRICT OF THE TOWNS OF ULYSSES, HECTOR AND COVERT

RESOLVED that the Ulysses Town Board will hold a joint Public Hearing on the 2020 Fire Contract to provide fire protection for the Fire Protection District of the Towns of Ulysses, Hector, and Covert at the Ulysses Town Hall on November 12, 2019 at 7:00pm.

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: 10/22/19

MAILBOX REPLACEMENT POLICY FOR SNOW PLOW DAMAGE

RESOLUTION 2019-185: ADOPTING A POLICY FOR MAILBOX REPLACEMENT FOR THE HIGHWAY DEPARTMENT

WHEREAS the Highway Department is responsible for taking reasonable steps to keep Town and County roads clear of ice and snow during the winter months and the rights-of-ways free of tall vegetation during the rest of the year, and

WHEREAS the NYS Attorney General has ruled that mailboxes installed in a public right-of-way are not subject to repair by the municipality in which they reside, and

WHEREAS many Town residents have installed their mailboxes within the road right-of-way, and

WHEREAS while Highway Department Personnel make every attempt to avoid damage to mailboxes that are placed in a road right-of-way, sometimes damage to these mailboxes that are too near the road does occur, and

WHEREAS, the Town of Ulysses Highway Superintendent and Town Board want to have a clear policy on repair or replacement of mailboxes that are in a Town or County road right-of-way,

THEREFORE, BE IT

RESOLVED that the following is the Town of Ulysses policy for mailbox replacement:

Mailboxes should be installed outside of the road right-of-way, but may be installed in the road right-of-way as long as the post is no closer than 3 feet from the edge of the pavement.

If an installed mailbox, or its post, in the right-of-way is damaged by the Town of Ulysses during regular maintenance of the roads, the Town of Ulysses Highway Department will make repairs as follows:

- The Town will replace the mailbox and/or post if, after inspection by the highway department, the damage was determined to be caused by the Town of Ulysses, not by other causes such as rotted wood or rusted metal or another preexisting defect.
- If damaged, the post will be replaced with a 4” pressure treated post.
- If damaged, the mailbox will be replaced with a standard metal mailbox.
- The mailbox and post replacement will be completed as soon as possible, but in no case longer than within 6 months of the damage.
- A temporary box and post may be necessary if the ground is frozen or for other reasons.
- Specialty mailboxes or posts will be replaced according to the specifications above. The replacement will not replicate specialty posts or boxes.
- The Town will consider the mailbox or post as “damaged” if the post and/or mailbox is no longer usable.

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: 10/22/19

AUTHORIZING REVIEW OF THE MUNICIPAL COOPERATIVE AGREEMENT GOVERNING THE TOWN’S PARTICIPATION IN THE HEALTH CARE CONSORTIUM

RESOLUTION 2019-186: AUTHORIZING REVIEW OF THE MUNICIPAL COOPERATIVE AGREEMENT (MCA) GOVERNING THE TOWN’S PARTICIPATION IN THE HEALTH CARE CONSORTIUM

WHEREAS, the Town of Ulysses is a founding member of the Greater Tompkins County Municipal Health Insurance Consortium (Consortium), and

WHEREAS, the Municipal Cooperative Agreement requires all partners to review and provide amendment language, if any, regarding the MCA by March 1st of the anniversary of the fifth year, which is March 1, 2020 and

WHEREAS, the Consortium's Board of Directors needs to review, discuss and make decisions on any proposed changes to the Municipal Cooperative Agreement prior to March 2020,

NOW THEREFORE BE IT

RESOLVED, that the Ulysses Town Board charges the Health Consortium representatives Rich Goldman, Nancy Zahler and Carissa Parlato with reviewing the MCA and bringing any

proposed changes or comments to the Town Board by December 10, 2019 for discussion to comply with the Consortium's requested January 1, 2020 deadline for written comments.

Moved: Mr. Goldman Seconded: Mr. Boggs

Discussion- need to look at retiree policy, two person policy, costs

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

Vote: 5-0

Date Adopted: 10/22/19

MONTHLY BUSINESS:

APPROVAL OF MINUTES

RESOLUTION 2019-187 : APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes of the regular Town Board meeting on 10/8/19.

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: 10/22/19

PRIVILEGE OF THE FLOOR:

(none)

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 8:19 pm. This was seconded by Mr. Hertzler and passed unanimously.

*Respectfully submitted,
Carissa Parlato, Town Clerk
10/29/19*