

TOWN BOARD MEETING

Town of Ulysses

June 23, 2020

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held via videoconference on the Zoom platform.

Notice of Town Board meetings are posted on the Town's website and Clerk's board.

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Richard Goldman, Michael Boggs, Katelin Olson, Marc Devokaitis

Town Clerk- Carissa Parlato

Second Deputy Supervisor- Michelle Wright

Attorney for the Town- Khandikile Mvunga Sokoni (arrived 7:16pm)

Environmental Planner- John Zepko

OTHERS PRESENT:

Matt McKenna (Engineer, MRB Group), Diane Hillmann, Roxanne Marino, Peter Houghton, L Matson, Tim Cardina, Anne Koreman, Karen Meador

APPROVAL OF MEETING AGENDA

RESOLUTION 2020-134: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for June 23, 2020 with the removal of the resolution for an out of district user for Water District 3, moving up action on the aerator bid, and adding a ~~resolution~~ a related resolution.

Moved: Ms. Zahler

Seconded: Ms. Olson

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 6/23/2020

The board moved into the Public Information meeting for an out-of-district user for Water District 3 at this time. (See separate minutes).

PRIVILEGE OF THE FLOOR:

Karen Meador spoke on the letter regarding the zoning amendment that was received by the board from 7 people. She wondered whether the 7 people were residents of the town and if that is relevant.

OLD BUSINESS:

TAKING ACTION ON OUT OF DISTRICT USER REQUEST FOR WATER DISTRICT 3

The user request was rescinded so no action was taken on this topic.

NEW BUSINESS:

REVIEW FINANCING PLAN FOR AERATOR

Ms. Wright presented her plan to the board.

AWARD BIDS FOR AERATOR PROJECT

Mr. McKenna gave overview of the bid process & results. The bid opening was held at 10:30am on Friday, 6/19 at 10:30am at the Town Hall. Ms. Wright, Mr. McKenna, and Ms. Parlato were in attendance. Charlie Gage from Statewide Aquastore; Scott Jeworski from Myriad; Mike Gerwitz; Barry Gage; and Wilma Skinner attended via Zoom video conference.

3 bids were received:

- Gerwitz & McNeil Electric- \$177,583
- Ixom- \$200,544
- Myriad- \$223,000

Mr. McKenna answered clarifying questions from the board.

**RESOLUTION 2020-135: AUTHORIZING THE BID AWARD FOR WATER DISTRICT 3 TTHM
REMEDATION AERATOR PROJECT**

WHEREAS, the Town of Ulysses has been notified by the Tompkins County Health Department that the water system, in Water District #3, has elevated TTHM's which need to be reduced; and

WHEREAS, the Town of Ulysses has approval from the Tompkins County Health Department to install a TTHM removal system in the water tank for Water District #3 as an acceptable mitigation measure; and

WHEREAS, the Town of Ulysses has been notified of the receipt of a grant up to the amount of \$188,880.00 for the construction of the TTHM removal project and the Town has entered into a grant agreement with the New York State Environmental Facilities Corporation, project number 18217, for the above noted grant; and

WHEREAS, The Town of Ulysses received publicly advertised bids for the above noted project on June 19, 2020; followed thereafter with a Bid Summary letter from the Engineer, MRB Group, identifying the lowest qualified bidders with complete bid submissions, and

WHEREAS, The Town has reviewed the bids and the bids were within the authorized project budget amounts and that the Town has an interest in awarding the contracts to continue to complete construction of the TTHM Removal Project;

NOW, THEREFORE BE IT

RESOLVED that the Town Board of Ulysses acting on behalf of the Water District #3 hereby approves and authorizes the award of contracts for the project as follows:

Contract #1 – General to Gerwitz & MacNeil Electric in the amount of \$192,583.00 and be it

FURTHER RESOLVED, that the Town board approves the authorization of the Alternate Bid #1 for \$11,790.00 for a Chlorine Analyzer #1 in Ulysses Water Storage Tank and Alternate Bid #2 for \$9,836.00 for a Chlorine Analyzer at the Woolf Lane Booster Pump Station the costs for which are not included in the awarded contract noted above; and therefore,

FURTHER Resolved, that the Town Board authorizes the award of contracts for the project to include the Base Bid plus both alternatives, as follows:

Contract #1 – General to Gerwitz & MacNeil for a total of \$214,209.00; and be it

FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the contracts hereby approved and to take such steps and to execute such further documents as may be necessary, desirable, and/or appropriate to effectuate the purpose and intent of the foregoing resolutions.

Moved: Ms. Zahler Seconded: Mr. Boggs

DISCUSSION-

The board discussed bid amounts, maintenance, and warranties.

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 6/23/2020

AUTHORIZING THE INCLUSION OF THE AQUALOGICS UPGRADE INTO THE WATER DISTRICT 3 TTHM REMEDIATION AERATOR PROJECT

RESOLUTION 2020-136 : AUTHORIZING THE INCLUSION OF THE AQUALOGICS UPGRADE INTO THE WATER DISTRICT 3 TTHM REMEDIATION AERATOR PROJECT

WHEREAS, the Town of Ulysses has been notified by the Tompkins County Health Department that the water system, in Water District #3, has elevated TTHM’s which need to be reduced; and

WHEREAS, the Town of Ulysses has approval from the Tompkins County Health Department to install a TTHM removal system in the water tank for Water District #3 as an acceptable mitigation measure; and

WHEREAS, the Town of Ulysses has been notified of the receipt of a Grant up to the amount of \$188,880.00 for the construction of the TTHM removal project and the Town has entered into a Grant Agreement with the New York State Environmental Facilities Corporation (EFC), project number 18217, for the above noted grant; and

WHEREAS, The Town of Ulysses received a quote from Aqualogics, the manufacturer of the aerator system, dated May 13, 2020 to program the new TTHM system equipment to not only monitor equipment in our tank and the Wolf Lane Pump Station in the Town of Ithaca, but also to send alarm notices directly to the Town of Ulysses when the system is not functioning properly to dramatically improve the functioning of the system and to assure water quality in Water District #3,

NOW, THEREFORE BE IT

RESOLVED that the Town Board of Ulysses acting on behalf of the Water District #3 hereby approves and authorizes the inclusion of the Aqualogics upgrade into the Water District 3 TTHM Remediation Aerator Project, and be it

FURTHER RESOLVED, that the Town board approves the award of the May 13, 2020 Aqualogics quote not to exceed \$13,865.00 to be paid by Water District #3, in addition to the bid total approved in Resolution #135 and which may be eligible for 60% grant funding, subject to approval of EFC as the funder and be it

FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the contracts hereby approved and to take such steps and to execute such further documents as may be necessary, desirable, and/or appropriate to effectuate the purpose and intent of the foregoing resolutions

Moved: Mr. Devokaitis

Seconded: Mr. Boggs

DISCUSSION:

The group discussed the addition of SCADA (supervisory control & data acquisition).

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 6/23/2020

Mr. McKenna was excused at this time (8:01pm).

At this time, the board took about a 5 minute break.

DISCUSS FEEDBACK FROM PUBLIC INFORMATION MEETING ON ZONING AMENDMENT

Ms. Zahler gave a brief review of the amendment and shared some feedback from the recent public hearing regarding environmental protections, enforcement, 5% lot coverage limit, and building footprint limit.

DECLARATION OF THE TOWN BOARD OF THE TOWN OF ULYSSES AS LEAD AGENCY IN CONNECTION WITH PROPOSED ZONING AMENDMENTS REGARDING THE LAKESHORE AND CONSERVATION ZONES

RESOLUTION 2020-137: DECLARATION OF THE TOWN BOARD OF THE TOWN OF ULYSSES AS LEAD AGENCY IN CONNECTION WITH PROPOSED ZONING AMENDMENTS REGARDING THE LAKESHORE AND CONSERVATION ZONES

WHEREAS, the Town Board of the Town of Ulysses ("Town Board") is in the process of reviewing zoning amendments regarding the Lakeshore and Conservation Zones, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQRA") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), all discretionary actions by the Town are subject to environmental review in accordance with SEQRA, and

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

WHEREAS, the Town Board wishes to comply with the SEQR Act and its Regulations with respect to the proposed zoning amendments, and

WHEREAS, SEQRA and its accompanying regulations 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 adoption of these zoning amendments is legislative action,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULYSSES, NEW YORK that as the local agency with primary responsibility for approving the legislative action, it hereby declares itself Lead Agency for purposes of conducting the environmental review required by SEQRA and its accompanying regulations in 6 NYCRR Part 617, as amended (the "Regulations").

Moved: Ms. Zahler Seconded: Ms. Olson

Ms. Zahler aye

Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 6/23/2020

APPROVAL OF LANGUAGE FOR DRAFT LOCAL AMENDING ULYSSES ZONING LAW REGARDING LAKESHORE AND CONSERVATION ZONES AND SCHEDULING OF PUBLIC HEARING

RESOLUTION 2020-138: APPROVAL OF LANGUAGE FOR DRAFT LOCAL LAW AMENDING ULYSSES ZONING LAW REGARDING LAKESHORE AND CONSERVATION ZONES AND SCHEDULING OF PUBLIC HEARING

WHEREAS, the Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019, which law was filed with the New York State Secretary of State on December 16, 2019, which local law repealed in its entirety the Town of Ulysses Zoning Law adopted by Local Law No. 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 adopted a new zoning law, and

WHEREAS, when adopting the Zoning Law on December 10, 2019 by Resolution 2019-211 several members of the Town Board wanted to re-visit the law in 2020 based on feedback from the Public Hearing held November 18, 2019 and

WHEREAS, the Town Board wished to consider alternative strategies that balance our environmental stewardship responsibilities with the property rights of landowners when protecting steep slopes and Unique Natural Areas in the Lakeshore and Conservation zone rather than a zone-wide limit of 2000sq ft footprint and

WHEREAS, the Ulysses Town Planning Board reconsidered relevant sections of the law related to the lot limits and site plan review requirements of the Lakeshore and Conservation Zones and transmitted their recommendations including proposed changes to the current zoning along with their rationale to the Town Board on April 28, 2020 through Planning Board Resolution Numbers 1 of 2020 and 2 of 2020, and

WHEREAS, the Ulysses Town Board accepted the Planning Board recommendations and held a Public Information Session for all interested residents on Tuesday, June 16, 2020 to explain the proposal and invite questions and comments and received written and verbal comments before and after the session and,

WHEREAS, the Ulysses Town Board has discussed the comments received from residents in support of and opposed to the proposed Local Law #1 of 2020 AMENDING TOWN OF ULYSSES ZONING LAW REGARDING LAKESHORE AND CONSERVATION ZONES introduced on May 26, 2020, and

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

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

WHEREAS, Town Law §265(2) requires that amendments made to any zoning law (excluding any map incorporated therein) shall be entered in the minutes of the town board; such minutes shall describe and refer to any map adopted in connection with such change, amendment or supplement and a copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, as the town board may designate, and affidavits of the publication thereof shall be filed with the town clerk, and

WHEREAS, due to the Corona Virus/COVID-19 pandemic, the Governor of the State of New York has authorized municipalities to conduct certain public hearings and meetings by virtual means in order to ensure the public health and safety,

NOW THEREFORE, BE IT RESOLVED, that the attached draft local law, the full text of which the Town Clerk is hereby directed to reproduce in the minutes hereof, is adopted as the draft upon which a public hearing shall be held to consider whether or not to adopt the proposed amendments, and be it further

RESOLVED, that the Town Board hereby schedules a public hearing for July 28th at 6:30pm via Zoom. Access details for the Zoom meeting shall be posted on the Town of Ulysses website at www.ulysses.ny.us 24 hours prior to the date of the hearing. The purpose of the public hearing is for all persons wishing to comment in favor or against the proposed zoning amendments to have an opportunity to provide their comments thereon, and be it further

RESOLVED, that in addition to participation in the public hearing via Zoom, all members of the public wishing to submit written comments on the proposed local law may do so in writing addressed to the Town Clerk at 10 Elm Street, Trumansburg, NY 14886 or by email to clerk@ulysses.ny.us, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of said hearing in the Ithaca Journal as required by law, to mail notices to all persons and agencies entitled to notice, to file in the office of the Town Clerk affidavits of publication, and the Town Board authorizes payment of expenses associated with said publications and mailings, and be it further

RESOLVED, that 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. Village of Trumansburg
- n. New York State Office of Parks, Recreation and Historic Preservation
- o. New York State Commissioner of Environmental Conservation

Moved: Ms. Zahler

Seconded: Ms. Olson

DISCUSSION:

The board discussed several issues, including:

- Maximum bldg. footprint
- Enforcement
- Environmental concerns
- Lack of definition of “footprint” in the zoning law, and how it differs from “floor area”
- Making sure the zoning guidelines are consistent throughout sections
- Clarifying whether garage is included in the footprint
-

Mr. Goldman made a motion to table the resolution. This was seconded by Ms. Olson and passed unanimously.

Mr. Zepko and Ms. Sokoni were excused at this time (9pm).

OPERATION OF 2020 SUMMER PROGRAMS FOR YOUTH

Mr. Glennon reported that his survey resulted in responses saying that people most likely would not enroll their kids in the summer recreation program that had so many limitations due to COVID-19 guidelines. He is considering planning smaller activities where it would be easier to adhere to safety guidelines.

RESOLUTION 2020-139: OPERATION OF 2020 SUMMER PROGRAMS FOR YOUTH

WHEREAS, The Town of Ulysses and Village of Trumansburg agreed to offer a summer day camp and sports camp as part of a joint recreation program in 2020 and

WHEREAS, the Coronavirus pandemic and construction have made it impossible to use school facilities as in the past, and the health and safety guidance from the Centers for Disease

Control and New York State Department of Health prohibit the use of school buses to transport campers to Taughannock Park for swimming, and have made the design and operation of a full-day, safe and fun camp that meets the before and after camp supervision needs of working parents extremely difficult to implement, and

WHEREAS, nearly all other public and private daycamps have already cancelled programming and parents have expressed serious concerns about having their children participate in a program that could expose them to possible COVID-19 infection,

NOW THEREFORE BE IT

RESOLVED, that the Ulysses Town Board, with great regret, cancels the 2020 summer day camp program and

FURTHER RESOLVED, that the Recreation Department will offer a variety of safe and fun short-term activities for children, youth, families and community members for the summer of 2020 and

FURTHER RESOLVED, that the Town-sponsored Youth Development program operated by Cornell Cooperative Extension of Tompkins County for middle schoolers in the Trumansburg School District, will offer small group, part-day, in-person programming for interested middle schoolers adhering to NYS Health Guidance under the current contract and

FURTHER RESOLVED, that the Youth Employment Program will operate as planned with funding approved for 2020 while assuring that employers and young people are fully informed of and committed to adhering to required safety precautions.

Moved: Ms. Zahler Seconded: Mr. Boggs

DISCUSSION:

Ms. Zahler & Ms. Olson noted that Mr. Glennon did a great job of planning, which can be used for next summer.

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 6/23/2020

Mr. Glennon was excused at this time (9:11pm).

APPROVAL OF WORK PLAN for CONSERVATION and SUSTAINABILITY ADVISORY COMMITTEE

Since the board had just received information on this topic, they declined to take action and agreed to discuss the proposed work plan on July 14, 2020.

AUTHORIZATION TO ENGAGE INSERO and COMPANY TO CONDUCT AUDIT OF 2019 FINANCIALS

RESOLUTION 2020-140: AUTHORIZATION TO ENGAGE INSERO and COMPANY TO CONDUCT AUDIT OF 2019 FINANCIALS

BE IT RESOLVED that the Town Board of Ulysses will contract with Insero and Company to perform an audit of the 2019 financials per the letter of engagement dated 4/28/2020 at a cost not to exceed \$10,500.

Moved: Ms. Zahler Seconded: Mr. Boggs

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 6/23/2020

DISCUSSION OF NEXT STEPS TO IMPLEMENT ANTI-RACISM COMMITMENTS

The group agreed to discuss further at the next meeting.

TOWN REPORTS & BRIEF ANNOUNCEMENTS

BUDGET UPDATE: MAY SALES REPORT

Ms. Wright stated that the report has not been received yet.

UPDATES ON TOWN RESPONSE TO CORONAVIRUS

Ms. Wright noted that herself and Ms. Parlato will meet tomorrow to discuss further.

Ms. Zahler noted that the library has requested to use the Salo Habitat Preserve for a children’s activity related to a story. The Habitat Preserve Advisory Group will review the request on 6/30/20.

PRIVILEGE OF THE FLOOR:

(None)

APPROVAL OF MINUTES:

RESOLUTION 2020-141: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the Regular Town Board meeting on 6/9/20; the Special Town Board meeting on 6/16/20 for Summer Camp; and the Public Information Session on Proposed Zoning Amendment held on 6/16/20.

Moved: Ms. Boggs Seconded: Mr. Devokaitis

Ms. Zahler aye

Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 6/23/2020

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 9:40pm. This was seconded by Mr. Devokaitis and passed unanimously.

*Respectfully Submitted by Carissa Parlato,
7/13/2020*