

TOWN BOARD MEETING

Town of Ulysses

July 28, 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.

ROLL CALL:

The Town clerk called the roll:

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

OTHERS PRESENT:

Roxanne Marino, Mary Bouchard

APPROVAL OF MEETING AGENDA

RESOLUTION 2020-149: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for July 28, 2020 with the addition of scheduling new meetings (6d.); the deletion of the executive session.

Moved: Mr. Boggs

Seconded: Ms. Olson

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 7/28/2020

PRIVILEGE OF THE FLOOR:

Ms. Marino requested that the board move up the HVAC update so that she can report on it before leaving.

BRIEF REPORTS & CORRESPONDENCE:

Mr. Boggs shared that he has assisted Ms. Olson with fire district cost discussion; been a part of the new water district aerator project, and worked on updating the lighting in town hall.

Ms. Olson has been spending time on fire district research. She will give report later in meeting.

Mr. Devokaitis attended a webinar on enacting water policies, and researched wind ordinances and tree policies.

Mr. Goldman attended the Planning Board meeting last week.

Ms. Wright noted that today the construction contract was signed for Water District 3's aerator. This means that the clock starts ticking for project completion.

Ms. Zahler sent a report and highlighted plans for a Tennis Clinic organized by Rec. Dir. Will Glennon and reported that Code Enforcement Officer Mark Washburn has completed 2 of the courses required for certification.

OLD BUSINESS:

HVAC PROJECT UPDATE & LED LIGHTING

Ms. Marino shared that the LED lighting upgrade was a sustainability benchmark that needed to be met for the NYSERDA grant. Mr. Boggs has found a way to do the update that is much cheaper than what had been quoted.

BUDGET UPDATES

Review sales tax updates

Ms. Wright noted that sales tax has been coming in about 30% under budget. She has made projections for the rest of the year based on this. She shared her spreadsheet of projections and the group discussed.

Next steps in budget planning 2020 & 2021

Discussion of projections of various revenues and new budget planning tactics was had.

REPORT ON PROPOSED COST-SHARING FOR FIRE PROTECTION

Ms. Olson noted that village officials have been working on new models for cost sharing using varying levels of fixed costs/call volume/assessment and factoring agricultural exemptions.

Mr. Devokaitis was excused at 8:27pm.

COVID-19 TOWN HALL RE-OPENING PLAN

RESOLUTION 2020-150: ESTABLISHING TEMPORARY TOWN HALL HOURS OF OPERATION

WHEREAS the COVID-19 pandemic emergency has created a situation in which the Town offices have had changing hours of operations and have not been open to the public since the beginning of the state-wide quarantine in March of this year, and

WHEREAS residents are encouraged to directly contact the office from which they are seeking services and Town staff have been accommodating specific scheduling needs and

WHEREAS, the Ulysses Town Board wants to be as accessible as possible to the public while protecting the safety of our employees and residents seeking service, and

WHEREAS, the construction project that has been underway since May 2020 is about to conclude,

NOW THEREFORE BE IT

RESOLVED that the Town Hall shall be open to the public for Town-related business and services starting Monday, August 3rd, 2020 from 10am - 2pm Monday through Friday. Appointments are strongly encouraged. Specific departments will be open as follows:

- The Town Clerk and Town Court will be available Monday through Friday
- The part-time Building Inspector/Code Enforcement Officer will be available Monday, Wednesday and Friday
- The Planning/Zoning Office will be available Tuesday and Thursday and be it further

RESOLVED, that the current health protocols designed to protect employees and Town Hall visitors will be continued:

- health screening questions for employees and visitors,
- required use of facial coverings for employees and visitors,
- plexiglass screens at service windows,
- use of hand sanitizer and disinfection of frequently used surfaces and
- required use of contact tracing sign in log at both entrances and further

RESOLVED, that the Town Clerk will post these hours and protocols on the website, Town Hall entrances, and the e-newsletter the hours of operation including specific offices.

Moved: Ms. Zahler Seconded: Mr. Boggs

DISCUSSION:

The board discussed whether employees should be tested regularly. The Town Board will not require it; however, employees who wish to do so and have insurance to cover are encouraged to consider regular testing.

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

Vote: 4-0

Date Adopted: 7/28/2020

ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE

The board discussed the draft letter to law enforcement and shared their opinions and feelings on the topic.

Ms. Zahler moved to take this resolution off the table (tabled 7/14/20). This was seconded by Ms. Olson. (But not voted on at this time to enable Mr Devokaitis to participate).

RESOLUTION 2020-145: ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE

WHEREAS, the Town Board adopted a Statement on Racial Justice, Violence and the Role of Local Government on June 9, 2020 to respond to the injustices highlighted by the death of George Floyd and

WHEREAS, the June 9th statement included several commitments to take action in support of racial justice,

Now Therefore Be It

RESOLVED, that the Ulysses Town Board begins to honor its commitment to action by taking the proposed next steps:

The Supervisor will send the June 9, 2020 Statement with a letter on behalf of the Town Board to each of the local law enforcement agencies responsible for serving and protecting the residents of the Town of Ulysses appreciating their efforts and urging them to enact and practice key policing reforms to be more just and equitable. Copies will also be sent to those responsible for funding and oversight of the Village, County and State law enforcement agencies.

Town staff and Board, with help from the local community and County, will identify and provide educational resources to enable our staff and Town Board members to learn more about our own unconscious biases and institutional racism. The training will provide a more critical lens through which to view our policies, practices and behaviors to assure that the Town of Ulysses is acting in anti-racist and inclusive ways that promote justice and equity.

Engage Board, staff, and community members in a systematic review of Town policies and practices to identify any racist or exclusionary policies and/or practices and to seek recommendations for ways the Town can become more just, equitable, and inclusive.

NEW BUSINESS:

Mr. Devokaitis returned at this time (9:07pm).

ADOPTION OF TOWN OF ULYSSES POLICY ON FUND BALANCE & RESERVE FUNDS

The board discussed why this needs to be done. Upon advice of the Comptroller's office and the Town Attorney, having a policy on establishing reserve funds is step one in creating and updating policies to conform with current accounting standards and requirements. Attorney Sokoni had provided board members with a background memo on this topic.

RESOLUTION 2020-151: ADOPTION OF TOWN OF ULYSSES POLICY ON FUND BALANCE AND RESERVE FUNDS

WHEREAS, the State of New York and the Governmental Accounting Standards Board has established by Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions for fund balance reporting; and

WHEREAS, reserve funds, essentially a legally authorized savings account for particular specific purposes, are an important component in the Towns financial planning for specific expenses, future projects, acquisitions and other lawful purposes, and

WHEREAS, the Town may establish and maintain fund balances in accordance with New York State laws, and the Town will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law; and

WHEREAS, the Town Supervisor and Budget Officer have the authority to reclassify the existing Fund Balance Reserve accounts and establish new financial account numbers to conform with the new Town Reserve Fund Policy; and

WHEREAS, the Town Reserve Fund Policy shall read as follows:

In accordance with GASB Statement No. 54 the Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Town Board may require.

Government Fund Type Assignment (GASB-54)

The Town shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Types Definitions. The Board authorizes the Town Supervisor to complete the following actions as necessary to comply with the requirements of GASB Statement No. 54:

A. Restricted Fund Balances- Restricted fund balances consist of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors or laws and regulations of other governments; or through constitutional provisions or enabling legislation. This category of fund balance refers to all reserves in the any fund.

B. Committed Fund Balances-Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Town Board. This category refers to informal reserves in the A fund.

C. Assigned Fund Balances-Assigned fund balances consist of amounts that are subject to a purpose constraint that represent an intended use established by the Town Board

or Town Supervisor. The Town Board authorizes the Town Supervisor to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. Assigned fund balances require same level of authority to remove the constraint. This category includes what is called “appropriated fund balance” in the A fund in the budget document, “appropriated fund balance”. Outside of the A Fund (i.e. B, DA, DB, and the Water District Funds, the category ‘Assigned Fund Balance’ refers to unappropriated fund balance within the fund, aka “Assigned Unappropriated Fund Balance.” “Assigned Appropriated Fund Balance” is appropriated fund balance in any fund outside of the A Fund.

D. Unassigned Fund Balances – Any amounts that are available for any purpose. This category refers to unappropriated fund balance in the A Fund.

Funding Policy for Restricted or Committed and Assigned Fund Balances

The formal actions and amounts deemed necessary by the Town Board that restrict, commit or assign fund balances to a specific purpose may occur prior to the end of the reporting period, however, may be determined in the subsequent period.

Spending Policy for Fund Balances

The Town Board and Budget Officer will assess the current financial condition of the Town and then determine the order of application of expenditures to which fund balance classification will be charged.

Periodic Review and Annual Report

The Town Board and management will periodically review all restricted, committed and assigned fund balances. The Board shall utilize the information to discuss reserve fund balances and to adequately maintain necessary funds for the Towns long-term financial planning. The Board will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ulysses, Tompkins County, New York, That the Town Board of the Town Ulysses adopts the Fund Balance and Reserve Fund Policy, and be it

FURTHER RESOLVED, that, by the adoption of this resolution, the Town Board of the Town of Ulysses does adopt the Town of Ulysses Reserve Fund Policy in accordance with GASB-54 and that such reserve fund policy shall remain in full force and effect and shall be followed with respect to all reserve funds maintained by the Town of Ulysses.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Mr. Devokaitis abstain

Vote: 3-1

Date Adopted: 7/28/2020

RE-ESTABLISHMENT OF DA233/DA878 HIGHWAY EQUIPMENT RESERVE FUND

RESOLUTION 2020-152: RE-ESTABLISHING THE “DA233/DA878 HIGHWAY EQUIPMENT RESERVE FUND” OF THE TOWN OF ULYSSES AS A TYPE CAPITAL RESERVE FUND FOR HIGHWAY EQUIPMENT UNDER SECTION 6-c OF THE GENERAL MUNICIPAL LAW

WHEREAS, the Town of Ulysses (“Town”) has various “reserve funds” for which it has not been able to locate resolutions establishing those reserve funds, and

WHEREAS, out of an abundance of caution, the Town Board deems it prudent to re-establish any such reserve funds that may have previously been established to ensure clarity including clearly identifying the (1) category of reserve fund (i.e. whether it is a “type reserve fund” or “specific reserve fund”) and (2) purpose for which money may be expended from such reserve fund, and

WHEREAS, the historic intent and purpose of these reserve funds is understood and will be preserved during the re-establishment process, and

WHEREAS, there is no requirement to state an estimated maximum cost of the equipment or improvement in the resolution establishing a Type Capital Reserve Fund, and

WHEREAS, the Town has funds in the sum of \$204,452 already set aside for equipment for the Highway Department, which funds are denoted as “DA233/DA878 Equipment Reserve”, now therefore be it

RESOLVED by the Town Board of the Town of Ulysses, duly convened in regular session as follows:

1. That there be and hereby is re-established a capital reserve fund in the amount of \$204,452 to cover the cost of future highway equipment.
2. Such capital reserve fund is to be known as the “DA233/DA878 Highway Equipment Reserve Fund.”
3. That out of the surplus moneys of the Town now on hand for the year 2020 and not otherwise appropriated, the sum of \$204,452, be and the same hereby is appropriated for the “DA233/DA878 Highway Equipment Reserve Fund” and the Town Supervisor of the Town of Ulysses is hereby authorized, empowered and directed to transfer from surplus funds of the Town the sum of \$204,452 to the DA233/DA878 Highway Equipment Reserve Fund.
4. Such additional sums as may hereafter be appropriated shall become part of the DA233/DA878 Highway Equipment Reserve Fund.

5. The Town Supervisor, in her/his discretion, may invest the moneys in the fund in the manner provided in section 6-f of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the reserve fund.

6. No expenditure shall be made from the reserve fund except by authorization of the Town Board of the Town of Ulysses pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York.

7. By this Resolution the Town Board specifically supersedes any previous Resolution that established a Highway Equipment Reserve Fund in the DA Fund.

8. This resolution shall take effect immediately.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0

Date Adopted: 7/28/2020

AUTHORIZING USE OF FUNDS FROM DA233/DA878 HIGHWAY EQUIPMENT RESERVE FUND SUBJECT TO PERMISSIVE REFERENDUM

RESOLUTION 2020-153: AUTHORIZING USE OF FUNDS FROM THE TOWN OF ULYSSES DA233/DA878 HIGHWAY EQUIPMENT RESERVE FUND TO PURCHASE HIGHWAY MAINTENANCE AND CONSTRUCTION EQUIPMENT IN 2020

WHEREAS, the Town Board of the Town of Ulysses by resolution adopted on August 11, 2020 a resolution re-establishing the type capital reserve fund to cover the cost of future highway equipment (“DA233/DA878 Highway Equipment Reserve Fund”); and

WHEREAS, the Town Board adopted the 2020 budget for the Town on October 8, 2019 which includes the appropriation of \$86,491 from the Capital Equipment Reserve Fund DA878 for the purpose of purchasing highway equipment in 2020; and

WHEREAS, due to the COVID-19 pandemic emergency, the Town Board and Highway Superintendent decided to purchase less equipment in the 2020 year and have determined that \$15,000 appropriated from the DA233/DA878 Highway Equipment Reserve Fund will help to balance the budget during these unprecedented times; and

WHEREAS, the current balance of the DA233/DA878 Highway Equipment Reserve Fund is \$204,452; and

WHEREAS, pursuant to General Municipal Law §6-c, an expenditure from a capital equipment reserve fund requires authorization by the Town Board, and such authorization is subject to a permissive referendum; and

WHEREAS, the Town needs to purchase the following highway equipment:

2020 Ford F-350 XL Crew Cab in the amount of \$40,943.80;

WHEREAS, the purchase of the above-referenced equipment falls within the purposes for which the DA233/DA878 Highway Equipment Reserve Fund was established;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board authorizes the following expenditures from the Town of Ulysses DA233/DA878 Highway Equipment Reserve Fund for the purchase of highway equipment: \$15,000 for the 2020 Ford F-350 XL Crew Cab; 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 the following notice of the permissive referendum in accordance to law and provide a copy of such notice to the Town Supervisor:

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 11th day of August, 2020, the Town Board of the Town of Ulysses, New York duly adopted Resolution #153 of 2020, an abstract of which follows below, which is subject to a permissive referendum pursuant to General Municipal Law section 6-c.

The resolution authorizes the Town of Ulysses (“the Town”) to use up to \$15,000 from the Town of Ulysses DA233/DA878 Highway Equipment Reserve Fund.

The resolution shall take effect 30 days after adoption, i.e., on September 11, 2020, unless by such date there is filed in the office of the town clerk a petition, signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percent of the total vote cast for governor in the Town at the last general election held for the election of state officers, but not be less than 100 in a town of the first class, protesting against the resolution and requesting that it be submitted to the qualified electors of the town, for their approval or disapproval.

Moved: Ms. Zahler

Seconded: Mr. Goldman

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 7/28/2020

DISCUSSION OF ADDITIONAL MEETINGS:

The board agreed to hold a special meeting on Aug. 13 at 8am to discuss the budget.

The board further discussed the Aug. 11 public hearing location with regards to COVID-19 guidelines. The Public Hearing notice directs members of the public to the website since the Executive Order requiring remote meetings is about to expire and it is uncertain whether it will be renewed.

ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE-CONTINUED

The board discussed the draft letter to law enforcement and shared their opinions and feelings on the topic.

Ms. Zahler moved to take this resolution off the table from 7/14/20. This was seconded by Ms. Olson.

Vote:

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

Vote: 4-0

RESOLUTION 2020-145: ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE

WHEREAS, the Town Board adopted a Statement on Racial Justice, Violence and the Role of Local Government on June 9, 2020 to respond to the injustices highlighted by the death of George Floyd and

WHEREAS, the June 9th statement included several commitments to take action in support of racial justice,

Now Therefore Be It

RESOLVED, that the Ulysses Town Board begins to honor its commitment to action by taking the proposed next steps:

The Supervisor will send the June 9, 2020 Statement with a letter on behalf of the Town Board to each of the local law enforcement agencies responsible for serving and protecting the residents of the Town of Ulysses appreciating their efforts and urging them to enact and practice key policing reforms to be more just and equitable. Copies will also be sent to those responsible for funding and oversight of the Village, County and State law enforcement agencies.

Town staff and Board, with help from the local community and County, will identify and provide educational resources to enable our staff and Town Board members to learn more about our own unconscious biases and institutional racism. The training will provide a more critical lens through which to view our policies, practices and behaviors to assure that the Town of Ulysses is acting in anti-racist and inclusive ways that promote justice and equity.

Engage Board, staff, and community members in a systematic review of Town policies and practices to identify any racist or exclusionary policies and/or practices and to seek recommendations for ways the Town can become more just, equitable, and inclusive.

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: 7/28/2020

PRIVILEGE OF THE FLOOR:

Ms. Marino commented on the fire cost-sharing models. She noted that in the Ag and Farmland Protection Plan, exemptions from sharing costs for fire were encouraged as it is primarily vacant land. She would like a clear explanation of the current models. Ms. Olson will seek more clarification about how exempt properties were determined.

APPROVAL OF MINUTES:

RESOLUTION 2020-155: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the Regular Town Board meeting on 7/14/20 as amended.

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: 7/28/20

RESOLUTION 2020-156: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the Special Town Board meeting on 7/21/20.

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: 7/28/20

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 10:12pm. This was seconded by Mr. Devokaitis and passed unanimously.

*Respectfully Submitted by Carissa Parlato,
8/4/2020*