

TOWN BOARD MEETING

Town of Ulysses

January 26, 2021

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.

CALL TO ORDER:

Ms. Zahler called the meeting to order at 7:03pm.

ATTENDANCE:

The Town Clerk called the roll:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Michael Boggs, Katelin Olson, Mary Bouchard, Rich Goldman

Town Clerk- Carissa Parlato

Conservation & Sustainability Committee (CSAC) Chair- Roxanne Marino

Planning Board Chair- Linda Liddle

Board of Zoning Appeals member- Andy Hillmann

Attorney for the Town- Peter Walsh (on stand-by)

OTHERS PRESENT:

(none)

APPROVAL OF AGENDA:

RESOLUTION #46 of 2021: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for January 26, 2021 with the addition of a resolution for authorization to contract for planning services.

Moved: Ms. Zahler

Seconded: Mr. Goldman

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Ms. Bouchard aye

Vote: 5-0

Date Adopted: 1/26/21

AMENDMENT:

BE IT RESOLVED that the Ulysses Town Board approve the agenda for January 26, 2021 with the addition of a discussion of time cards for elected officials.

Moved: Mr. Boggs

Seconded: Ms. Bouchard

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

Vote: 5-0

Date Adopted: 1/26/21

PRIVILEGE OF THE FLOOR:

Ms. Marino requested public access to last minute agenda items. The added resolution was shared electronically with the public during discussion.

BRIEF ANNOUNCEMENTS:

UPDATES ON CAPITAL PROJECTS

Ms. Wright reported on the following capital projects:

- HVAC (Heating, ventilation and cooling)- working with contractor and installer to get the project done
- WIIA- (aerator installation for Water District 3) needs a few items to finish up, including guard rail on top of tank
- Cemetery bridge- design costs came in at \$76,000 over the original budget
- BridgeNY funding is available. The county offered to help apply for this for the Curry Road bridge

Ms. Zahler:

- Mr. Zepko recouped our reimbursement for the NYSERDA Zoning grant
- CSAC has agreed to review new Clean Energy Community Grants with M. Bouchard and N. Zahler
- Community Choice Aggregation options being discussed at TC Council of Governments. A presentation is available from Cooperative Extension
- The Village of Trumansburg has completed a draft of their comprehensive plan update

OLD BUSINESS:

LOCAL LAW #1 OF 2021- ADOPTION OF DRAFT TREE LAW CREATING A TREE ADVISORY COMMITTEE AND SCHEDULING OF A PUBLIC HEARING

Ms. Zahler, Mr. Hillmann and Ms. Marino shared information on this topic.

RESOLUTION #47 OF 2021: LOCAL LAW #1 OF 2021- ADOPTION OF DRAFT TREE LAW CREATING A TREE ADVISORY COMMITTEE AND SCHEDULING OF A PUBLIC HEARING

WHEREAS, on January 12, 2021 the Town Board of the Town of Ulysses, upon recommendation of the Conservation and Sustainability Advisory Committee (CSAC), considered the adoption of a local law to create a Town Tree Advisory Council and provide for its duties and procedures; and

WHEREAS, the Town Board expressed support for the concept and referred the draft back to the Conservation and Sustainability Advisory Committee (CSAC) representatives that proposed the original draft, the Town Attorney and the Town Supervisor for further review and revisions and

WHEREAS, Local Law #1 of 2021 Providing for the Creation and Functioning of a Tree Advisory Committee presented herein is proposed as the modified draft acceptable to the CSAC, the Town Attorney and Town Supervisor; and

WHEREAS, the Town Board of the Town of Ulysses has reviewed and discussed the proposed draft of Local Law #1; 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, 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 full in the minutes hereof,(see Appendix) is adopted as the draft upon which a public hearing shall be held to consider whether or not to adopt the proposed local law; and be it further

RESOLVED, that the Town Board hereby schedules a public hearing on said draft local law for Feb. 9, 2021 at 7pm. Access details for the public hearing shall be posted on the Town of Ulysses website at www.ulysses.ny.us at least twenty-four (24) hours prior to the date of the hearing. The purpose of the public hearing is for all persons wishing to comment in favor of or against the proposed local law 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 or whatever means the Town deems necessary, 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 and to advertise the public hearing on the Town's bulletin board and website and 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.

Moved: Ms. Zahler

Seconded: Ms. Olson

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

Vote: 5-0

Date Adopted: 1/26/21

Mr. Hillmann was excused at this time (7:45pm).

NEW BUSINESS:

AUTHORIZATION TO CONTRACT FOR PREPARATION OF 2020 ANNUAL UPDATE DOCUMENT (AUD)

RESOLUTION # 48 OF 2021: AUTHORIZING CONTRACT FOR ACCOUNTING SERVICES TO PREPARE THE 2020 ANNUAL UPDATE DOCUMENT (AUD) TO THE NEW YORK STATE OFFICE OF THE STATE COMPTROLLER

WHEREAS, a total of \$6,200 was budgeted into the appropriation line A1320.4 Auditor CE in the 2021 budget for a review of the 2020 financial records, and

WHEREAS, this will be the first financial year where the Town submits the AUD in compliance with GASB Statement No. 84, Fiduciary Activities, and GASB Statement No. 42, Accounting and Financial Reporting for Impairment of Capital Assets and for Insurance Recoveries, and

WHEREAS, the Cemetery Bridge Replacement Project (PIN 375659 / BIN 3210360) is set to exceed the federal grant funding threshold of \$750,000 within a financial year, therefore requiring a single federal audit in 2022, and

WHEREAS, in preparation for a single federal audit, submission of the AUD will replace a previously estimated cost of \$6,200 for a review of the 2020 financial records, and

WHEREAS, the Town Supervisor has responsibility for preparing the AUD and authority to contract for services under \$4,000 after soliciting quotes for the proposed services in accordance with the Town’s Procurement Policy and

WHEREAS, the Town has solicited quotes for services to submit the 2020 AUD in adherence to the Town’s Procurement Policy; and

WHEREAS, the Town Board acknowledges the departure from past practice, but recognizes the various levels of complication in reporting in the 2020 year due to compliance with GASB 84 and 42; as well as the aforementioned cost saving method;

NOW, THEREFORE BE IT

RESOLVED, that the Ulysses Town Board acknowledges the Supervisor’s intention to contract for the preparation of the 2020 AUD in conformance with the Town's Procurement Policy at an amount not to exceed \$4,000 from 2021 funds available in the Auditor line A1320.4.

Moved: Ms. Zahler

Seconded: Mr. Boggs

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Ms. Bouchard aye

Vote: 5-0

Date Adopted: 1/26/21

CERTIFICATION OF TOWN BOARD AUDIT OF JUSTICE COURTS

RESOLUTION #49 OF 2021: ACKNOWLEDGEMENT OF TOWN BOARD AUDIT OF JUSTICE COURTS

WHEREAS, NYS requires an annual audit of the finances of the Ulysses Town Justice Courts, either as an internal audit by Town Board members or by an auditing firm,

NOW THEREFORE, BE IT

RESOLVED that the Town of Ulysses Board acknowledges an internal audit of the Ulysses Justice Courts was completed by Town Board members Richard Goldman and Mary Bouchard, on behalf of the Town Board on January 13, 2021, and further

RESOLVED that the Town Clerk shall submit a certified copy of this resolution along with the results of the audit to the NYS Office of Court Administration.

CERTIFICATION OF TOWN BOARD AUDIT OF CLERK, TAX COLLECTOR AND SUPERVISOR’S OFFICE

RESOLUTION # 50 OF 20210: ACKNOWLEDGEMENT OF TOWN BOARD AUDITS OF TOWN CLERK, TAX COLLECTOR AND SUPERVISOR’S OFFICE

WHEREAS, NYS requires an annual audit of the Clerk and Tax Collector as well as an annual audit of the Supervisor’s office, either as an internal audit by Town Board members or by an auditing firm, now THEREFORE, BE IT

RESOLVED that the Town of Ulysses Board acknowledges that internal audits of the Ulysses Clerk, Tax Collector and Supervisor’s office were completed by Town Board members Richard Goldman and Mary Bouchard on January 13, 2021.

RESOLUTIONS 49 & 50 Moved: Ms. Zahler Seconded: Ms. Bouchard

Ms. Olson asked Mr. Goldman & Ms. Bouchard to update the board on the audit process. They replied that things looked good and was straightforward. More discussion ensued about the need for Town staff to direct those wishing to pay in cash to the Clerk’s office rather than accepting cash in the field.

- Ms. Zahler aye
- Ms. Olson aye
- Mr. Boggs aye
- Mr. Goldman aye
- Ms. Bouchard aye

Vote: 5-0

Date Adopted: 1/26/21

AUTHORIZATION OF PAID LEAVE FOR ELIGIBLE EMPLOYEES TO GET CORONAVIRUS VACCINATIONS

RESOLUTION # 51 OF 2021: AUTHORIZATION OF PAID LEAVE FOR EMPLOYEES TO RECEIVE CORONAVIRUS VACCINES

WHEREAS, the Town Board encourages eligible employees wishing to be vaccinated for the coronavirus to attend a vaccination clinic to protect themselves and the members of the public they serve and

WHEREAS, the New York State Governor’s 2022 State Budget includes a proposed mandate for employers to provide paid time off for vaccinations,

NOW THEREFORE BE IT

RESOLVED, that the Ulysses Town Board authorizes any eligible employee wishing to be vaccinated to claim paid time for travel to and from approved vaccination sites for up to a maximum of up to 3 hours, with scheduling permission.

Moved: Ms. Zahler Seconded: Ms. Olson

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

Vote: 4-1

Date Adopted: 1/26/21

DISCUSSION: ELECTRIC VEHICLE CHARGING POLICY- BACKGROUND

Ms. Zahler discussed some options for charging users and added that the CSAC is willing to work on this further. Board members and Ms. Marino shared their thoughts and discussed town costs. The background information was referred to the CSAC committee for further review and recommendations with the guidance that the Town...

- Wishes to have users absorb as much of the costs associated with the charging stations as possible
- Requests that CSAC explore more about whether the stations can be active and accept payments without the annual subscription
- Requests that CSAC explore whether there are other vendors that may charge less for data tracking and payment services

AUTHORIZATION TO CONTRACT WITH TOMPKINS COUNTY PLANNING FOR UPDATE OF 2009 COMPREHENSIVE PLAN DATA

RESOLUTION #52 OF 2021: AUTHORIZATION TO CONTRACT WITH TOMPKINS COUNTY PLANNING FOR UPDATE OF 2009 COMPREHENSIVE PLAN DATA

WHEREAS, the Town of Ulysses budgeted up to \$6,000 to begin an update of some sections of the 2009 Comprehensive Plan; and

WHEREAS, the Tompkins County Department of Planning and Sustainability offered municipalities an opportunity to purchase planning services at a reduced rate to assist with local projects; and

WHEREAS, the Tompkins County Department of Planning and Sustainability has notified the Town of Ulysses that we are eligible to receive planning services for 2021 to help with updating data from the 2009 Comprehensive Plan at a cost not to exceed \$1,100; now therefore, be it

RESOLVED, that the Ulysses Town Board authorize the Supervisor to enter into a contract with Tompkins County for planning services during 2021 for up to \$1,100 using funds from Account B1440.4 Consulting Services.

Moved: Ms. Zahler Seconded: Mr. Boggs

Discussion- the board discussed defining the county's scope of work for this potential project, and whether to wait on taking action until it is discussed further. Ms. Marino and Ms. Liddle added their comments.

MOTION TABLED.

DISCUSSION OF TOWN OF ULYSSES ANNUAL REPORT

Ms. Zahler shared her document on suggestions for creating an annual town report and a town board work plan. The Board supported the idea of a Supervisor report using readily available data from staff and that discussion of challenges and goals be done in conversations between board members and staff.

DISCUSSION OF ELECTED OFFICIAL TIME CARDS

Ms. Zahler noted that the town's current Personnel Policy makes elected officials complete time cards to be eligible for health insurance and that full-time elected officials are treated like full-time employees regarding benefits, with no provision for pay outs of any accumulated time upon leaving elected office.

The board discussed concerns about whether paid time off should be tracked on full-time elected officials' time cards. This is an item to re-visit during a full review of the Town's Personnel Policy.

PRIVILEGE OF THE FLOOR (3 min limit per person):

none

APPROVAL OF MINUTES:

RESOLUTION # 53 OF 2021: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from Town Board meetings held January 6, 2021 and January 12, 2021.

Moved: Ms. Zahler Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 1/26/21

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 9:49pm. This was seconded by Ms. Bouchard and passed unanimously.

APPENDIX:

TOWN OF ULYSSES, NEW YORK, LOCAL LAW No. __ of 2021

A Local Law Providing for a Tree Advisory Council

BE IT NOW ENACTED by the Town Board of the Town of Ulysses, in the County of Tompkins and State of New York, as follows:

Section 1. Legislative Intent

The Town Board recognizes the role that trees play in the town ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes, and conserve energy. The Town Board further recognizes the role trees play in enhancing property values and the general quality of life in the Town. In order to foster responsible planting, maintenance, or removal of trees or shrubs in the Town of Ulysses so as to promote and protect the welfare of citizens of the Town, the Town Board finds it useful and appropriate to establish a Tree Advisory Council to assist and advise the Town Board, the Superintendent of Highways, and other agencies of the Town government.

Section 2. Creation and Establishment

1. There is hereby created and established a Town of Ulysses Tree Advisory Council.
2. The Advisory Council shall consist of not fewer than five nor more than seven members, a majority of whom are citizens and residents of the Town of Ulysses, to be appointed by the Town Board.
3. Members of the Advisory Council shall serve terms of three years, except that the terms of the initial members of the Advisory Council shall be for one, two, or three years so as to stagger the periods of their service.
4. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Town Board for the unexpired portion of the term.
5. Members of the Advisory Council shall serve without compensation.
6. Members of the Advisory Council may be removed by majority vote of the Town Board for cause, including failure to attend to the affairs of the Council.
7. The Town Board shall appoint the chair of the Advisory Council.

Section 3. Rules and Procedures

1. The Council shall meet not less than twice in a calendar year, upon call of the chair.
2. Three members of a five person council or five members of a seven person Council shall constitute a quorum.
3. The Council shall keep a journal of its proceedings, which journal shall be filed with the Town Clerk among the official records of the Town.
4. Meetings of the Council shall be open to the public, and shall be conducted in person except to the extent permitted by state law by reason of a declared emergency. The Council may provide for the attendance and participation of members of the public by any appropriate means including electronic.

Section 4. Duties

1. The Advisory Council may, within the limits of resources that may be made available to it, conduct an inventory of trees located upon any lands owned or controlled by the Town ("Public Trees"), including but not limited to those located upon or within the limits of the public right-of-way of Town highways.
2. The Advisory Council may study the condition of Public Trees and formulate recommendations for the improvement of the stock of Public Trees, including good arboricultural practices, and the establishment of appropriate diversity in species and age classes in order to provide a stable and sustainable community forest.
3. The Advisory Council may, upon its own motion, from time-to-time prepare and furnish to the Town Board a report of its observations of the state of Public Trees.
4. The Advisory Council, upon request of the Town Board or Highway Superintendent, report, advise and recommend as to Public Trees in any particular location, or generally.
5. The Advisory Council shall upon request of the Town Board coordinate an annual Arbor Day observance, the Town having declared the last Friday in April as Arbor Day, and shall support and assist the Town Board in the application for and obtaining of any grants or other resources that may be available to the Town from public or private funds to further the Town's interest in promoting the community forest.
6. The Advisory Council shall not do or undertake any act in derogation of the responsibilities of the Highway Superintendent pursuant to Highway Law Section 153 or other general state law.

Section 5. Definitions

1. Public Trees – Any trees, shrubs, bushes, and all woody vegetation on land lying within a public road, Town property, or right-of-way within the Town. Public Trees include all park trees, all road trees, and all other trees owned by the Town, located upon Town-owned property, or within the public trust of the Town.

Section 6. Interpretation. This local law, and no clause hereof, creates any theory or claim of liability where none exists at law or in equity, and nothing herein alters any notices of claims as may be required by law.

Section 7. Severability. Should any section or provisions of this local law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this local law as a whole, or any part thereof, other than the part so-declared to be unconstitutional or invalid.

Section 8. Effective Date. This local law shall take effect immediately upon its filing with the Secretary of State.

*Respectfully submitted by Carissa Parlato, Town Clerk
1/--/2021*