

TOWN BOARD MEETING

Town of Ulysses

August 24, 2021

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

The meeting was held at the Town Hall at 10 Elm St., Trumansburg. Members of the public joined in person and 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 7pm.

ATTENDANCE:

The Town Clerk called the roll:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Michael Boggs, Katelin Olson (via Zoom at 7:30pm-not eligible for voting), Rich Goldman, Mary Bouchard

Budget Officer- Michelle E. Wright

Town Clerk- Carissa Parlato

Planning Board Chair- Linda Liddle

Bookkeeper- Blix Taetzsch

OTHERS PRESENT in person and via Zoom:

PJK, Russ Friedell on behalf of Grassroots, Joann Kingsley, George Myers, Sanchez, Eric and Courtney Whelpley

APPROVAL OF AGENDA:

RESOLUTION #154 of 2021: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Aug. 24 2021, with the removal of both the financing highway equipment discussion and executive session; and the addition of scheduling a public hearing and other annexation items.

Moved: Zahler Seconded: Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 8/24/21

PRIVILEGE OF THE FLOOR:

Eric Whelpley questioned how long camping can continue for Grassroots, whether a traffic study will be done, and asked for clarification on the term “territory” in the annexation public hearing resolution.

Ms. Zahler responded that she will let Mr. Washburn know about the camping as it should be over. She further responded that the town has requested a traffic study of Falls Rd to NYS and this typically takes 6-8 months. It is possible that the town could commission a private study as part of the annexation research.

Ms. Marino commented on the water study resolution on tonight’s agenda. She has information that she will share and thinks it is a good idea to do this but is concerned about the 2nd resolved bullet that refers to a water line to connect Water District #3 from its terminus on Cold Springs Road and the Village of Trumansburg’s water line serving Town residents and Cayuga Addiction Recovery Services as that is extensive and expensive and too preliminary to include.

PRESENTATION: TRUMANSBURG FARMERS MARKET- NEW COMMUNITY GROUP SEEKING TOWN FUNDING

Ms. Zahler noted that the town has funded community groups in the past but this year made an effort to spread the word so that more community groups could apply.

Debbie Biltonen gave some personal background and introduced herself as the Farmer’s Market president and added the following:

- A market manager was hired this year at an increased rate
- The \$3000 request to the town represents 14.5% of their total budget (\$20,636)

Board members asked questions.

Ms. Bouchard inquired as to how much the village contribution would be. Ms. Biltonen said \$500.

Mr. Goldman asked for more information on the budget. Ms. Biltonen shared that the market has a board and that costs for the market has increased while support from the village has decreased. Ms. Biltonen has solicited other businesses for support.

Mr. Goldman asked how much money comes from vendor fees. Ms. Biltonen responded by saying about \$4000. The board has increased vendor fees.

Ms. Olson asked what percentage of vendors are from Ulysses. Ms. Biltonen guesses about 15%. She added that Farmer’s Market rules require that vendors must live within 35 miles of the market.

Ms. Zahler noted that the funding process is new this year. The town is still learning about the requests submitted and then will rate them. She gave a brief description of the budget process and added that those who submitted requests will be notified.

NEW BUSINESS:

PETITION RECEIVED TO ANNEX GRASSROOTS AND SMITH WOODS INTO VILLAGE

Ms. Zahler noted that the town received a formal petition from Grassroots to be annexed into the Village of Trumansburg from the town. A legal timeline requires a public hearing.

She responded to Mr. Whelpley's earlier question on who will be notified about the petition by saying that the town will notify neighbors, fire, EMS, school, and others but legally only those who reside in the territory to be annexed need to be notified.

She further noted that PRI (owner of Smith Woods) is part of the petition as there needs to be one parcel that borders the other municipality. Since Grassroots holds the most acreage, they can apply on behalf of PRI.

Since the two properties add up to over 100 acres, an environmental assessment is necessary. That was not submitted with the petition but will be worked on. The Town Board will need to do its own environmental study based on the extensive plans that Grassroots shared a few years back that included a hotel, camping, etc.

The town will then write up its findings and make a determination, as will the village. If the two are not in agreement, they could agree to disagree or the party in favor of the annexation can appeal to the NYS appellate court who will then make the decision on its own. This process can be expensive for both parties.

Ms. Zahler noted that the town is committed to studying the issue and making a determination. She added that whatever municipality the property ends up in will decide what the permitted/allowable uses are. The parcel is currently bordered by town property on 3 sides.

RESOLUTION 2021-155: AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING CONCERNING A PETITION FOR ANNEXATION FILED BY FINGER LAKES GRASSROOTS FESTIVAL ORGANIZATION, INC.

WHEREAS, on August 12, 2021, the Town of Ulysses ("Town") received a Petition for annexation of certain territory ("Territory") from the Town to the Village of Trumansburg ("Village") (the "Petition"); and

WHEREAS, the Territory proposed to be annexed into the Village is identified as Tax Map Parcel Nos. 13.-4-2.2 and 13.-3-1, located in the Town and County of Tompkins; and

WHEREAS, pursuant to Article 17 of the General Municipal Law a joint public hearing shall be held to determine if the proposed annexation is in the overall public interest; and

WHEREAS, § 704 of the New York General Municipal Law permits the Town and Village to jointly publish a notice for said public hearing; and

WHEREAS, the Town now seeks authorization to cause a Notice of Public Hearing to be published in the Ithaca Journal and Trumansburg Free Press and to be mailed to property owners within the proposed territory and to school authorities and local fire districts in compliance with the provisions of General Municipal Law § 704(1) and (2);

NOW, THEREFORE, IT IS HEREBY

RESOLVED, the Town Clerk is hereby authorized to cause to be published a Notice of a Hearing, and provide notification to all required parties pursuant to applicable law.

RESOLVED, the Town Supervisor is authorized to take any and all actions as required under Article 17 of the General Municipal Law pertaining to Petition, in consultation with Special Counsel.

Moved: Goldman Seconded: Boggs

Zahler aye
Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 5-0

Date Adopted: 8/24/21

ENGAGING HARRIS BEACH ATTORNEYS AT LAW FOR LEGAL SERVICES RELATED TO A PETITION FOR ANNEXATION

RESOLUTION 2021-156: ENGAGING HARRIS BEACH ATTORNEYS AT LAW FOR LEGAL SERVICES RELATED TO A PETITION FOR ANNEXATION

WHEREAS, the Town of Ulysses had been notified in February 2021 that a petition to annex land in Ulysses currently owned by Finger Lakes GrassRoots Festival of Music and Art, Inc into the Village of Trumansburg was imminent, and

WHEREAS, annexation proceedings require specialized legal services, and

WHEREAS, the Town signed an engagement letter on February 24th for advice of counsel, and

WHEREAS, the Town of Ulysses received the annexation petition on August 12, 2021, now therefore be it

RESOLVED, that the Town of Ulysses engage the firm of Harris Beach Attorneys at Law for additional legal matters specific to the petition including the preparation for and appearance at a public hearing, post hearing submission and findings, litigation (if applicable) and SEQRA related matters and further

RESOLVED, that the Town Supervisor is authorized to confirm with Harris Beach the engagement for these additional legal matters.

Moved: Zahler Seconded: Goldman

Zahler aye
Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 5-0

Date Adopted: 8/24/21

AUTHORIZATION TO IDENTIFY ENVIRONMENTAL CONSULTANTS TO IMPLEMENT THE ACTIVITIES REQUIRED OF A LEAD AGENCY FOR A TYPE I SEQRA ENVIRONMENTAL REVIEW

RESOLUTION 2021-157: AUTHORIZATION TO IDENTIFY ENVIRONMENTAL CONSULTANTS TO IMPLEMENT THE ACTIVITIES REQUIRED OF A LEAD AGENCY FOR A TYPE I SEQRA ENVIRONMENTAL REVIEW

WHEREAS, when the petitioner presents the required Environmental Assessment Form (EAF) to the Town and Village of Trumansburg, the Town of Ulysses intends to declare itself lead agency for the coordinated SEQRA review and

WHEREAS, depending on receipt and review of the EAF, the Town may require specialized assistance to fulfill the required steps in the review process, including possible studies involved in an Environmental Impact Study, if needed, and

WHEREAS, SEQRA regulations specifically authorize a lead agency to recoup fees and costs associated with preparing an Environmental Impact Statement (EIS)

NOW THEREFORE BE IT

RESOLVED, that the Ulysses Town Board authorizes the Town Supervisor to identify and interview, along with another Town Board member, consultants capable of completing the required SEQRQ review and/or specialized studies for an Environmental Impact Statement to recommend to the Ulysses Town Board and further

RESOLVED, that if and when the Town incurs expenses associated with preparing an Environmental Impact Study (EIS), that the Town, with agreement of the Village, will seek to recover from the applicant/ petitioner funds to offset the costs related to the EIS.

Moved: Olson Seconded: Boggs

Zahler aye
Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 5-0

Date Adopted: 8/24/21

AUTHORIZATION TO PURSUE WATER STUDIES WITH AMERICAN RESCUE PLAN FUNDING

RESOLUTION 2021-158: AUTHORIZATION TO PURSUE WATER STUDIES FOR TOWN RESIDENTS

WHEREAS, residents of the Town of Ulysses have requested public water to address poor water quality and/or insufficient supplies of potable water, and

WHEREAS, the 2019 Zoning Update has targeted some communities of the Town for denser development and

WHEREAS, the American Rescue Plan adopted by Congress in 2021 has provided federal funding to mitigate the effects of COVID-19 and to support local infrastructure projects related to water, sewer, and broadband and

WHEREAS, the Town acknowledges the need to preserve and protect farm lands in the Town, now therefore be it

RESOLVED, that the Town of Ulysses explore the feasibility of conducting a town-wide water study to identify properties with insufficient or low quality water supply, to determine where there is potential interest in developing water districts that do not adversely affect active

farmlands or identify other possible mitigation measures for areas unsuitable for water districts, and further

RESOLVED, that the Town of Ulysses determine the cost and engineers to conduct water studies to explore previously identified areas for water quality improvement, including:

- Updating of the Map, Plan and Report developed in 2018 for Falls Road property owners
- A water line to connect Water District #3 from its terminus on Cold Springs Road and the Village of Trumansburg's water line serving Town residents and Cayuga Addiction Recovery Services and
- A potential expansion of Water District #3 to prepare for anticipated growth in Jacksonville targeted for development in the 2009 comp plan.

AND FURTHER RESOLVED that the scope of the RFP shall be reviewed by the board.

Moved: Zahler Seconded: Boggs

DISCUSSION- the board discussed whether costs could be repaid by the future Falls Road water district (if it gets created) when grant funds are used to set it up.

Mr. Boggs had concerns about the 3rd bullet point and making sure that the contractor has a limited scope.

Ms. Zahler made a friendly amendment to add "AND FURTHER RESOLVED that the scope of the RFP shall be reviewed by the board".

Zahler	aye
Olson	aye
Boggs	aye
Goldman	aye
Bouchard	aye

Vote: 5-0

Date Adopted: 8/24/21

BRIEF REPORTS & ANNOUNCEMENTS

UPDATE ON COVID MEETING PROTOCOLS FOR PUBLIC MEETINGS OF THE TOWN BOARD AND COMMITTEES

Ms. Zahler noted that committees and boards have questions and concerns on current protocols.

UPDATE ON NUISANCE ORDINANCE

Ms. Zahler noted that Mr. Walsh would like to know what nuisances the board would like to regulate before moving forward.

UPDATE ON EXOTIC ANIMAL ORDINANCE

Mr. Goldman met with the others interested in this topic to share potential ordinance information with someone who works with the humane society.

Mr. Boggs talked to the fair board. They offered to give free admission to the board to come watch the exotic animal show to learn more about the education and conservation. He encouraged doing research and not just listening to opinions from the fringe.

Other board members agreed that the board needs to do more research.

OTHER UPDATES:

Ms. Olson signed up for an intermediate excel refresher.

Ms. Zahler shared the following:

- Received official correspondence that the Jacksonville gas station be under new ownership on Sept. 13
- Work is being done on the out of district water request process
- A spreadsheet has been shared in preparation for the fire/ems budget meeting on Monday.

CONSENT AGENDA

The following resolutions will be passed with one vote:

WHEREAS, the Ulysses Town Board has reviewed the following resolutions A-E thoroughly and is satisfied that the resolutions are sufficiently clear and do not require further explanation or discussion, now therefore be it

RESOLVED that the following resolutions are hereby approved as printed.

RESOLUTION 2021-159: TOWN BOARD AUTHORIZATION FOR ONLINE BANK TRANSFERS BETWEEN TOWN ACCOUNTS

WHEREAS, bank transfers between Town bank accounts for routine Town operations, including payroll and vendor payments are currently prepared manually and physically brought to the bank for processing; and

WHEREAS, online banking allows for immediate electronic transfers between the Town's operational bank accounts; and

WHEREAS, the Comptroller's publication – Cash Management Technology notes: "the benefits of online banking include the ability to review account balances and check clearing activity, make transfers between bank accounts, reconcile accounts frequently, and closely monitor cash balances for more effective investing"; and

WHEREAS, the Town Bookkeeper would be able to more efficiently manage operational cash flow for payroll and accounts payable with the ability to make online transfers between Town operational bank accounts; and

WHEREAS, the online transaction authority for the Bookkeeper would be limited to transferring funds between Town bank accounts, and would not allow for other transactions; now therefore be it

RESOLVED that the Ulysses Town Board authorizes online digital banking access for the Town Bookkeeper and Budget Officer to make transfers between Town bank accounts and be it further

RESOLVED, that the Bookkeeper shall notify the Budget Officer and the Supervisor of any online transfers.

**RESOLUTION 2021-160: TOWN BOARD PROCUREMENT NOTIFICATION
ACKNOWLEDGEMENT OF CHLORINE PUMP INCLUDED IN WATER DISTRICT 3 TTHM
REMEDICATION AERATOR PROJECT**

WHEREAS, the Water District 3 TTHM Remediation Aerator Project partially funded by the New York State Environmental Facilities Corporation (EFC) Grant through the Water Infrastructure Improvement Act (WIIA) Grant Program, EFC project number 18217 has progressed through installation of equipment and testing, and,

WHEREAS, the Town has been notified by project engineers that the chlorine pump has been included in eligible costs for the project, and

WHEREAS, per the Town's procurement policy, two quotes have been obtained and confirmed still valid, and the Water District Operator recommends the purchase to provide backup for this critical component of the water system and intends to purchase from the low bidder; now therefore be it

RESOLVED, that the Ulysses Town Board acknowledges receipt of this notice of procurement for the chlorine pump.

RESOLUTION 2021-161: URGING LIMITED SUSPENSION BY EXECUTIVE ORDER OF THE NEW YORK OPEN MEETINGS LAW

WHEREAS on March 12, 2020, in an effort to contain the spread of the novel coronavirus, otherwise known as COVID-19, New York Governor Andrew M. Cuomo issued Executive Order 202.1 which, in part, suspended portions of Article 7 of the New York Public Officers Law and did so "to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed;" Governor Cuomo successively extending such suspension by Executive Orders on a monthly basis through June 25, 2021; and

WHEREAS, on June 24th, 2021, by Executive Order 210, Governor Cuomo rescinded Executive Orders 202 through 202.111, including Executive Order 202.1, effective June 25, 2021, the Governor concluding at that time that "the State of New York [has] successfully flattened the curve of COVID-19 cases in New York," and that, therefore, the Executive Orders were "no longer necessary;" and

WHEREAS, since the issuance of Executive Order 210, the increased prevalence of the Delta Variant of COVID-19 has caused a resurgence of coronavirus cases throughout the United States, New York State and Tompkins County, said resurgence prompting local governments to reinstate public health advisories that call for the indoor masking of individuals, whether vaccinated or not, and recommend limitations on the size of indoor gatherings, including municipal meetings; and

WHEREAS, the Governor's rescission of Executive Order 202.1 now requires that the Ulysses Town Board, as well as all municipal governing boards throughout New York State, convene

in-person meetings at a central location and allow full public attendance and participation therein; and

WHEREAS, the Town of Ulysses, like many municipalities throughout New York State, finds itself with limited meeting facilities that may not provide adequate social distancing for either Board members or meeting attendees, and further, that the Ulysses Town Board senses among both its own members and the Town's other residents a serious and growing concern regarding the public's health and safety amid the coronavirus' resurgence; and

WHEREAS, no legislative remedy to this problem through amendment of Article 7 of the New York Public Officers Law is likely to occur before January 2022; therefore be it

RESOLVED, that the Ulysses Town Board respectfully requests that the Governor of the State of New York immediately re-impose through Executive Order those portions of previous Executive Order 202.1 that suspended portions of Article 7 of the New York Public Officers Law—commonly referred to as the “Open Meetings Law”—so as to permit municipal governing boards and other, similar municipal bodies to conduct public meetings remotely in a manner similar to, and with like restrictions, as Executive Order 202.1 permitted, and that such suspension continue until such time as the Delta Variant and any similarly-lethal variants of COVID-19 have successfully been controlled; and be it further

RESOLVED, that a copy of this Resolution shall be transmitted to The Hon. Kathy C. Hochul, Lieutenant Governor and New York Governor-Designate; the Hon. Thomas F. O'Mara, New York State Senator; Dr. Anna R. Kelles, New York State Assemblymember; the Hon. Leslyn McBean-Clairborne, Chair, Tompkins County Legislature; and the Secretary of the Tompkins County Council of Governments.

RESOLUTION 2021-162: APPROVAL OF AUGUST 10, 2021 MINUTES

RESOLVED, that the Ulysses Town Board has reviewed and hereby approves the minutes of the August 10, 2021 meeting as presented/amended.

Moved: Bouchard Seconded: Olson

Zahler	aye
Olson	aye
Boggs	aye
Goldman	aye
Bouchard	aye

Vote: 5-0

Date Adopted: 8/24/21

OLD BUSINESS

BUDGET PLANNING FOR 2022

Review budget milestones and schedule additional meetings to review 2022 budget

The board agreed on budget meeting dates and topics to cover.

ELECTRIC VEHICLE (EV) CHARGING STATION – RESULTS OF FEE-CHARGING PILOT

Ms. Zahler noted that use seemed to drop considerably once we started charging based on data from May through July. \$96 in fees were made.

She added that the town has the following costs associated with the service: a subscription to Chargepoint, insurance for repairs to unit, and electricity.

She suggested advertising with local businesses and other outreach.

The board discussed whether there is a cheaper way to offer EV charging and whether they could get rid of the subscription.

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

Mr. Myers expressed concern about his issues being considered (as a town resident) if Grassroots is annexed by the village.

Mr. Whelpley asked for an update on changes to the special permit. Ms. Zahler said that she has asked the attorney to start working on this along with nuisance law.

Ms. Whelpley added that Grassroots has made a big impact on their lives.

Mr. Whelpley said that this is 2nd time that the town is acting on something for Grassroots before the paperwork is in (special permit and annexation).

Ms. Zahler noted that she inquired about whether the town had to move ahead on the petition guideline without the environmental piece and the answer is yes. The legal timeline starts when petition was received.

Ms. Olson added that the annexation law is decades old and SEQR is a newer addition but the petition law has not been updated to reflect SEQR.

Mr. Goldman asked what would happen if Grassroots doesn't do the SEQR.

Mr. Whelpley asked who will pay for SEQR. Ms. Zahler responded that the plan is to recoup costs from the applicant.

The board discussed costs. Mr. Walsh noted that expenses related to the petition should be paid out of the A fund (all-town fund). If the parties don't agree and the case is appealed to the appellate court, legal fees will be expensive.

Ms. Zahler said that having informal conversations may help keep it out of court.

Ms. Sanchez said that she feels like the petition should not be accepted if incomplete. She is not sure why residents of the town would have no say in Grassroots activities if they get annexed by the village because the village is part of the town. She also noted that Smith woods hasn't weighed in and wondered what will happen if they oppose the annexation.

Ms. Zahler said that the village has own governing structure but townspeople could speak at village meeting.

Ms. Sanchez shared additional concern about the neighboring cemetery and its potential access to the Black Diamond Trail. She suggests outreach to cemetery association to get their input on annexation.

Ms. Marino commented on the water resolution and encouraged the board to update the comprehensive plan first. She said there is a lot of concern and history with water districts and NYS Ag and Markets.

ADJOURN

Mr. Goldman made a move to adjourn at 9:39pm. This was seconded by Ms. Bouchard and passed unanimously.

Respectfully submitted by Carissa Parlato, Town Clerk
9/13/2021