

TOWN BOARD MEETING

Town of Ulysses

September 28, 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 7:08pm.

ATTENDANCE:

The Town Clerk called the roll:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

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

Budget Officer- Michelle E. Wright

Town Clerk- Carissa Parlato

Planning Board Chair- Linda Liddle

Conservation & Sustainability Advisory Committee Chair- Roxanne Marino

OTHERS PRESENT:

PJK, Erick Whelpley

APPROVAL OF AGENDA:

RESOLUTION #172 of 2021: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Sept. 28, 2021, with the addition of a resolution to authorize a clerk's software purchase.

Moved: Ms. Zahler

Seconded: Mr. Boggs

Zahler aye

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 5-0

Date Adopted: 9/28/21

PRIVILEGE OF THE FLOOR:

Mr. Whelpley inquired about camping regulations in the town. Ms. Zahler stated that selling campsites is regulated but private properties can invite people to camp on their property as long as it doesn't exceed 4 campsites and they do not charge a fee.

Mr. Whelpley asked about the rules for campers (RVs) on a property. Ms. Zahler responded that the zoning prohibits using a camper as a primary residence but are otherwise allowed.

REPORTS & ANNOUNCEMENTS:

2022 Budget Updates *(moved to New Business)*

Request to Join Water District #3

Ms. Zahler shared that public water has been requested by 5 properties including SmartStart daycare on Trumansburg Road/Route 96. She spoke with the town attorney and engineers and it was determined that a water district extension rather than forming a separate district is preferred. Next steps include asking other property owners in the area if they would like to join, and asking the engineers to create a Map, Plan and Report.

She further added that the health department has submitted a letter in support of SmartStart’s request due to their poor water quality.

The board then discussed allocation of old and new district costs.

Updates on Noise and Animal Treatment Policies

Ms. Zahler reported that a meeting has been scheduled for Oct. 20 and Mr. Walsh can provide more examples of ordinances.

Jacksonville Gas Station

The station has been purchased by Mirabito.

Camp Barton

The board that oversees Camp Barton Boy Scout camp must decide whether to sell the property to help support legal fees. Ms. Zahler has been in communication with those who are involved in the decision making.

Environmental Management Committee

Cait Darfler and Marc Devokaitis would like to switch their representation on the EMC, with Ms Darfler to become the Village rep and Mr. Devokatis to become the Town rep.

RESOLUTION # 173-2021:

Ms. Zahler moved to designate Marc Devokaitis as the town representative on the EMC to replace Cait Darfler.

Moved: Ms. Zahler

Seconded: Mr. Boggs

- Zahler aye
- Olson aye
- Boggs aye
- Goldman aye
- Bouchard aye

Vote: 5-0

Date Adopted: 9/28/21

NEW BUSINESS:

LOCAL LAW # 2 TO OVERRIDE THE NYS TAXY LEVY CAP FOR 2022

RESOLUTION #174 of 2020: ADOPTION OF LOCAL LAW # 2 OF 2021 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

WHEREAS, municipalities of the State of New York are limited in the amount of real property taxes that may be levied each year under the tax levy limit established in General Municipal Law §3-c, and

WHEREAS, subdivision 5 of General Municipal Law §3-c expressly authorizes a municipality to override the tax levy limit if the town government decides to adopt a budget with a property tax levy that exceeds the level set by the State, by the adoption of a local law approved by vote of at least sixty percent (60%) of the governing body, and

WHEREAS, the Town Board of the Town of Ulysses reviewed and discussed a proposed local law to override the tax levy limit and adopted a resolution on September 14, 2021 for a public hearing to be held by said Town on September 28, 2021 at 7:00 p.m. to hear all interested parties on the proposed local law entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C"; and

WHEREAS, in the event the Town of Ulysses annual tax levy exceeds the allowable tax levy limit due to their own decisions or cost increases outside their control, New York State has the authority to penalize the Town unless the Town has formally given itself permission to exceed the tax cap, and

WHEREAS, adopting this local law is not predictive of the final tax levy but will provide the Town of Ulysses Town Board the flexibility to exceed the Property Tax Cap if it is deemed necessary, and

WHEREAS the Public Hearing on September 28, 2021 was noticed at the Town Hall at 10 Elm Street, Trumansburg, NY and was publicized in the Ithaca Journal on Tuesday, September 21, 2021, and advertised on the Town's website, and

WHEREAS, all interested parties wishing to be heard at the Public Hearing were heard, and

WHEREAS, adoption of this law is a SEQRA Type II action exempt from any further environmental review and

Now Therefore be it

RESOLVED that the Town of Ulysses Town Board enacts a local law to override the tax levy limit for the fiscal year 2022, as follows:

LOCAL LAW #2 OF 2021: TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Town Board of the Town of Ulysses as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ulysses, County of Tompkins pursuant to General Municipal Law §3-c, and to allow the Town of Ulysses, County of Tompkins to adopt a town budget for (a) town purposes, (b) fire protection districts, and (c) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2022 and ending December 31, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax

levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Ulysses, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

Moved: Ms. Zahler

Seconded: Mr. Boggs

DISCUSSION:

Ms. Wright shared that since the town has not gone above the tax cap in prior years, it has gained credits of about 4% or \$69,000 of budgeting leeway in addition to the current limit set by NYS.

Mr. Goldman is unsure why we would pass this when we have so much leeway. Ms. Bouchard feels that this looks bad for the town. Mr. Boggs agrees. Ms. Olson feels that this a financially prudent action for the town.

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

TABLED.

FIRE/EMS FEASIBILITY STUDY

Mr. Boggs gave some background on a quote to study our Fire/EMS model.

Ms. Bouchard suggested reaching out to other munis who have set up their own Fire/EMS departments for advice.

Ms. Olson is most interested in EMS and making sure that town resources are used in the best way. A majority of the board agreed that they were not prepared to put this expense into the 2022 budget.

RESOLUTION # _____ of 2021: INCLUDE COMPREHENSIVE ANALYSIS OF FIRE & EMS SERVICES IN THE 2022 TENTATIVE BUDGET

WHEREAS, the Ulysses Town Board is charged with safeguarding the health and welfare of its residents and with being prudent fiscal stewards of the taxes raised from town property owners,

WHEREAS, the Town has fulfilled its public safety obligations by contracting for both Fire and Emergency Medical Services (EMS) from the Village of Trumansburg, and

WHEREAS, the combined cost of the annual services for 2021 is \$ 565,899 and represents 38% of all town taxes levied from those residing outside the Village of Trumansburg, and

WHEREAS, the costs of providing contracted services continues to increase, the Town Board sought and received a proposal to conduct an external comprehensive analysis of the FIRE and EMS services, now therefore be it

RESOLVED, that the Ulysses Town Board directs the Supervisor to include the cost of \$43,835 for the proposed FIRE & EMS study in the 2022 Tentative Budget with the understanding that it will be reviewed again by the Town Board during its detailed review of the 2022 Tentative Budget.

(No action taken).

AUTHORIZE 3 YEAR AGREEMENT WITH SPCA FOR DOG CONTROL 2022-2024

RESOLUTION # 175 OF 2021: AUTHORIZATION TO EXECUTE 2022-2024 ANIMAL CONTROL AGREEMENT WITH THE SPCA OF TOMPKINS COUNTY

WHEREAS, the Town of Ulysses is responsible for the health and safety of its residents and for providing dog control services pursuant to Article VII of the Agriculture and Markets Law of the State of New York, and

WHEREAS, the Town of Ulysses has chosen to fulfill its dog control responsibilities by participating in the Tompkins County Animal Control consortium which provides dog control services to towns through the SPCA of Tomkins County, and

WHEREAS, the Tompkins County Animal Control Agreement starting January 1, 2022 through December 31, 2024 continues to provide the same services, and the annual charge for dog control service for 2022 will be \$ 18,134.00, which has been the same cost since 2019, now therefore be it

RESOLVED, that the Ulysses Town Board authorizes the Supervisor to execute the 2022-2024 Tompkins County Animal Control Agreement on behalf of the Town.

Moved: Ms. Zahler Seconded: Mr. Goldman

DISCUSSION:

Ms. Zahler suggests that SPCA reports received by the clerk's office are shared with the board. The board discussed costs.

Zahler	aye
Olson	aye
Boggs	aye
Goldman	aye
Bouchard	aye

Vote: 5-0

Date Adopted: 9/28/21

TOWN BOARD POLICY ON EMPLOYEE VACCINATIONS & TESTING- INTRODUCE & DISCUSS

Ms. Zahler noted that this policy is geared to employees who are unvaccinated and could be a condition of employment. The policy does not include enforcement.

Draft resolution for discussion:

WHEREAS, the Ulysses Town Board is committed to assuring the safety of its employees and the residents seeking services from the Town and

WHEREAS, the COVID-19 pandemic continues and as of September 2021, Tompkins County has been designated a high transmission community due to the increased spread of the Delta variant, and

WHEREAS, Tompkins County has adopted a safety policy that the Town of Ulysses wishes to follow, now therefore be it

RESOLVED, that the Ulysses Town Board adopts the following policy effective November 1, 2021:

- 1) All Town of Ulysses employees shall be asked to complete and return to _____ a Self-Attestation form to indicate whether they have been vaccinated.
- 2) Those who do not return the Attestation form and those who indicate that they are or will not be vaccinated by October 31, 2021 will be expected to participate in twice weekly saliva surveillance testing at their worksite as a condition of employment, using paid time to gather samples.
- 3) Employees who are vaccinated and wish to participate in surveillance testing shall contact _____ to be included in the testing program.
- 4) The Supervisor shall, in consultation with Department heads, designate a staff courier to pick up testing kits and drop off samples in accordance with Tompkins County protocols, using paid work time.
- 5) Vaccinated employees may also seek free periodic testing at the County's testing site on their own time while the service continues to be offered through the Cayuga Health System and Tompkins County Department.
- 6) All staff shall continue to follow CDC and Department of Health COVID-19 safety measures by masking inside and when a safe distance cannot be maintained outside when interacting with others, along with proper hand hygiene, and by calling in and staying home when feeling symptomatic.
- 7) Employees in the testing program shall receive detailed instructions on how to participate.
- 8) Any employee testing positive for the coronavirus must notify his/her supervisor upon learning their status and follow public health guidance on isolating as needed, since contact tracing conducted by the Health Department may not include employer notifications.
- 9) The cost of testing shall be paid for by Tompkins County throughout the period of the national Emergency Declaration, currently extended through December 2021.
- 10) This policy shall be reviewed in December 2021 and periodically during 2022.

REVIEW OF COMMUNITY SERVICE REQUESTS FOR 2022

The board reviewed requests and made suggestions for allocations in the 2022 Tentative Budget.

APPROVAL OF MINUTES FROM 9/14/21 AND SPECIAL TOWN BOARD MEETINGS HELD ON 9/21/21 FOR COLLECTIVE BARGAINING AND 9/22/21 FOR 2022 BUDGET WORKSHOP

RESOLUTION # 176 OF 2021: APPROVAL OF MINUTES

RESOLVED, that the Ulysses Town Board approve the meeting minutes from 9/14/21 and Special Town Board meetings held on 9/21/21 for collective bargaining and 9/22/21 for 2022 Budget Workshop as presented/amended.

Moved: Ms. Bouchard Seconded: Ms. Olson

Zahler aye
Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 5-0

Date Adopted: 9/28/21

APPROVAL AND NOTIFICATION OF CLERK'S OFFICE SOFTWARE PURCHASE

RESOLUTION 177-2021: APPROVAL AND NOTIFICATION OF CLERK'S OFFICE SOFTWARE PURCHASE

Whereas the Town's Procurement Policy requires that purchases between \$1001 and \$4000 require Supervisor approval and notification to the town board, and

Whereas the Clerk's office seeks to purchase a dog-module software component allowing residents greater access and additional payment options as well as automated uploading into the clerk's software, and

Whereas the cost to set up is \$1475 with an annual support fee of \$375 each year after, and

Whereas these costs have been included in the 2021 year-end and 2022 budgets, and

Whereas there is a sole-source provider for this software module,

Now therefore be it resolved that the Supervisor authorizes the clerk to purchase said software and further resolved that this serves as notice to the town board.

Moved: Ms. Bouchard Seconded: Mr. Goldman

Zahler aye
Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 5-0

Date Adopted: 9/28/21

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

Ms. Marino shared information on the town's past experiences with dog control before it contracted with the SPCA.

EXECUTIVE SESSION:

Ms. Bouchard moved to go into Executive Session at 9:21pm for the purpose of collective bargaining. This was seconded by Mr. Boggs and passed unanimously.

Ms. Bouchard moved to end Executive Session at 10:04pm. This was seconded by Ms. Olson and passed unanimously.

ADJOURN

Mr. Goldman made a move to adjourn at 10:05pm. This was seconded by Ms. Bouchard and passed unanimously.

Respectfully submitted by Carissa Parlato, Town Clerk

10/8/2021

00:21:20 Katelin Olson: <https://ecode360.com/35598547?highlight=trailers&searchId=6085452098352113#35598547>
00:43:02 Roxanne Marino: See Q2 in this document from the OSC regarding Town Law 202 on provisions for charging expenses for a district or extension (particularly paragraph 3) <https://www.osc.state.ny.us/files/local-government/required-reporting/pdf/Appendix-B-Special-District-FAQ.pdf>
02:28:41 Katelin Olson: Thanks, Roxanne!