

TOWN BOARD MEETING

Town of Ulysses

May 22, 2018

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

The meeting was held at the Ulysses Town Hall at 10 Elm Street, Trumansburg.

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

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Liz Thomas

Board members- Michael Boggs, John Hertzler, Nancy Zahler

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

ABSENT:

Rich Goldman

OTHERS PRESENT:

Don Smith, Dave Kerness, Kim & Bryon Moore, CJ Randall (arrived at 7:45pm)

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7 p.m.

APPROVAL OF MEETING AGENDA

RESOLUTION 2018-108: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for May 22, 2018.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0

Date Adopted: 5/22/18

PRIVILEGE OF THE FLOOR:

(none)

OLD BUSINESS:

MAKING A SEQR DETERMINATION FOR PROPOSED LOCAL LAW TO AMEND TOWN OF ULYSSES ZONING CODE §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8

RESOLUTION 2018-109: MAKING A SEQR DETERMINATION FOR PROPOSED LOCAL LAW TO AMEND TOWN OF ULYSSES ZONING CODE §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8

WHEREAS, this action is the adoption of a Local Law to amend the Town of Ulysses Zoning Law §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8; and

WHEREAS, this as an Unlisted action for which the Town of Ulysses Town Board is acting in an uncoordinated environmental review with respect to the enactment of the proposed local law; and

WHEREAS, the Town Board, at a public meeting held on May 22, 2018 has reviewed and accepted as adequate the Short Environmental Assessment Form (SEAF), Parts 1, 2 and 3 for this action;

NOW, THEREFORE, IT IS HEREBY

RESOLVED that the Town of Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with New York State Environmental Quality Review Act for the above referenced action as proposed, based on the information in the SEAF Part 1 and for the reasons set forth in the SEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0

Date Adopted: 5/22/18

APPROVING LOCAL LAW TO AMEND ZONING CODE §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8

RESOLUTION 2018-110: APPROVING LOCAL LAW TO AMEND ZONING CODE §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8

WHEREAS Following the procedures in the Zoning Law §212-20, on June 13, 2017, the Town Board referred the rezoning request §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8 to the Planning Board; and

WHEREAS The Planning Board reviewed the site plan and revised language at meetings held on July 18, 2017, October 17, 2017, December 5, 2017, and December 19, 2017 and provided recommended language to the Town Board; and

WHEREAS The Town Board held a public hearing on February 27, 2018 and based on public comment, referred the matter back to the Planning Board; and

WHEREAS The Planning Board continued review of the site plan and revised language at meetings held on March 20, 2018, April 3, 2018, April 17, 2018, and May 1, 2018; and

WHEREAS There is a need for the proposed use: Moore's Marine has been in the community at this location for over 25 years and meets the boat servicing and storage needs for our lakeshore community; and

WHEREAS As an existing use, the location is a convenient storage facility for local boaters; and

WHEREAS the development district is compatible with the neighborhood because the owners recognize that this is a residential area, will keep boats stored behind the building, and will address impacts with a vegetated buffer; and adheres to the comprehensive plan which promotes outdoor recreation and tourism as goals;

WHEREAS The property owners will mitigate possible detrimental effects on the neighborhood by having no mechanical sound from the facility between 8 pm and 8 am, storing the majority of the boats east of the building, and planting a vegetated buffer; and

WHEREAS To protect the environmental quality of the site, the property owners will use best management practices when working on boats, will maintain the existing vegetated buffer along the stream on the southern boundary, and will maintain a vegetated buffer east/downhill of the site; and

WHEREAS, on May 8, 2018 the Town Board accepted the Local Law language and set the public hearing date of May 22, 2018; and

WHEREAS, a public hearing on the proposed local law amending the Zoning Law was held on May 22, 2018, notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation on May 11, 2018 more than 10 days before the public hearing, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, pursuant to General Municipal Law §239(l) and (m), on February 8, 2018, the Town submitted to the Tompkins County Planning Department a full statement of the proposed amendments to the Town Zoning Law; the Tompkins County Planning Department sent a response on February 15, 2018, updated after May 8, 2018, determined that the proposal does not have any negative inter-community or county-wide impacts; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617, adoption of said local law is an Unlisted Action for which the Town Board of the Town of Ulysses, acting in an uncoordinated environmental review with respect to adoption of this local law, has, on May 22, 2018, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2 and 3 prepared by Town Staff;

NOW, THEREFORE, IT IS HEREBY

RESOLVED that the Town Board of the Town of Ulysses hereby adopts Local Law No. 3 of 2018, to amend the Ulysses Zoning Code §212-118 H (1-3) RE: DEVELOPMENT DISTRICT 8 and authorizes and directs the Town Clerk to file said local law with the New York State Secretary of State as required by law , and further

RESOLVED that the Town Clerk will notify the Town Board and Zoning Officer when the Local Law is acknowledged by the Secretary of State.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0

Date Adopted: 5/22/18

GENERAL ANNOUNCEMENTS:

Ms. Thomas shared:

- Information about the award received for the board’s work on the Jacksonville church
- That 3 planners have been interviewed to fill the vacant position

OLD BUSINESS (cont’d):

APPROVING SALE OF REAL PROPERTY LOCATED IN THE TOWN OF ULYSSES AT 5020 JACKSONVILLE ROAD, DESIGNATED AS TAX PARCEL NUMBER 25.-4-26 AND 5036 JACKSONVILLE ROAD, DESIGNATED AS TAX PARCEL NUMBER 25.-4-27

RESOLUTION 2018-111: APPROVING SALE OF REAL PROPERTY LOCATED IN THE TOWN OF ULYSSES AT 5020 JACKSONVILLE ROAD, DESIGNATED AS TAX PARCEL NUMBER 25.-4-26 AND 5036 JACKSONVILLE ROAD, DESIGNATED AS TAX PARCEL NUMBER 25.-4-27

WHEREAS, the Town Board of the Town of Ulysses adopted Resolution # 2018-79 on March 13, 2018, whereby it authorized the Town Supervisor, Elizabeth Thomas, to execute the Contract for Sale and Purchase of Real Property to sell Town of Ulysses tax parcel number 25.-4-26 (5020 Jacksonville Road) and Town of Ulysses tax parcel number 25.-4-27 (5036 Jacksonville Road), collectively referred to as “the Premises” to Cameron Neuhoff (“the Buyer”) for the sum of \$49,500, subject to the Other Terms set forth in paragraph 6 of the Contract, and the additional conditions, restrictions and contingencies referred to in the Resolution; and

WHEREAS, the Town and the Buyer entered into the Contract; and

WHEREAS, the deed and related documents need to be signed on behalf of the Town to convey the Premises to the Buyer;

NOW THEREFORE, BE IT

RESOLVED that the Town Board authorizes the Town Supervisor, Elizabeth Thomas, to execute the deed, transfer gains affidavit, equalization and assessment form and all other necessary documents to convey Town of Ulysses tax parcel number 25.-4-26 (5020 Jacksonville Road) and Town of Ulysses tax parcel number 25.-4-27 (5036 Jacksonville Road) to Cameron Neuhoff, and

FURTHER RESOLVED that the Town Clerk will send a certified resolution to the Town Supervisor and Town Attorney.

Moved: Ms. Zahler Seconded: Ms. Thomas

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0
Date Adopted: 5/22/18

NEW BUSINESS:

APPOINTING AN ALTERNATE FOR THE PLANNING BOARD

RESOLUTION 2018-112: APPOINTING AN ALTERNATE FOR THE PLANNING BOARD

RESOLVED that the Town Board of Ulysses, upon recommendation of the interview committee, appoints Steven Manley to the position of Planning Board Alternate for the remainder of the annual term ending 12/31/2018.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0
Date Adopted: 5/22/18

AUTHORIZING THE TOWN SUPERVISOR TO SIGN A CONTRACT FOR LEGAL REVIEW OF UNION CONTRACT

RESOLUTION 2018-113: AUTHORIZING THE TOWN SUPERVISOR TO SIGN A CONTRACT FOR LEGAL REVIEW OF UNION CONTRACT

RESOLVED that the Town Board of Ulysses authorizes the Town Supervisor to sign a contract with Guy Krogh to perform a legal review of the proposed union contract,

And further resolved that the Town Clerk will send a certified resolution to Guy Krogh.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye

Mr. Goldman absent

Vote: 4-0

Date Adopted: 5/22/18

APPROVAL OF POSTAGE METER CONTRACT

RESOLUTION 2018-114: APPROVAL OF POSTAGE METER CONTRACT

WHEREAS the town has relatively high mailing needs and has had a postage meter contract with Pitney Bowes for several years, and

WHEREAS that contract has expired and the clerk’s office has researched new contract options and determined which would be the best fit for the town,

Now therefore be it

RESOLVED that the Town Supervisor is authorized to sign a new 5-year contract with Pitney Bowes at a quarterly rate of \$493.26.

Moved: Ms. Thomas Seconded: Mr. Boggs

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	absent

Vote: 4-0

Date Adopted: 5/22/18

INTRODUCING ZONING DRAFTS TO THE TOWN BOARD FOR OTMU

CJ Randall presented the Design Standards draft to the town board. The board asked questions/discussed.

Map, Design Standards and OTMU are now in Town Board purview. They began an initial review of Draft Design Standards dated May 18, 2018 and the Draft OTMU dated May 14, 2018 and the zoning map dated April 24, 2018.

Ms. Randall was excused at this time (9:05pm).

ROMULUS INCINERATOR

RESOLUTION 2018-115: OPPOSITION TO PROPOSED ROMULUS INCINERATOR

WHEREAS, Circular enerG, LLC, a Rochester, NY based startup, has proposed building the largest garbage incinerator in New York State in the Town of Romulus, at a site less than 20 miles northwest of the Town of Ulysses; and

WHEREAS, the waste incinerator project is proposing to bring up to 238 trucks into the region per day, six days a week, which equates to 148,512 additional trucks per year, and it is likely that some, if not many, of these trucks will be routed through the Town of Ulysses and Village of Trumansburg on NY State Route 96; and

WHEREAS, the proposed incinerator will include a 260-foot smoke stack which will emit toxins and carcinogens into the region; and

WHEREAS, the New York State Department of Environmental Conservation has found that garbage incinerators “produce more emissions than coal facilities” and “produce up to 14 times more mercury than coal plants...” and

WHEREAS, the Town of Ulysses, is downwind of the proposed Circular enerG waste incinerator Project and winds could disperse the emissions from the incinerator across many municipal boundaries; and

WHEREAS, these negative environmental impacts from the proposed Project could have negative economic impacts on the wine, craft beverage, agriculture, and agri-tourism industry that generates \$2.9 billion in economic activity and supports 60,000 jobs in the Finger Lakes, including in the Town of Ulysses; and,

WHEREAS, the Town of Ulysses has consistently supported the right to Municipal Home Rule as evidenced by its organization of Amicus Curiae in the case of Norse Energy Corp. USA v Town of Dryden (964 N.Y.S.2d 714); and

WHEREAS, Circular enerG is seeking to circumvent the Home Rule process by filing a draft Public Involvement Program (PIP) directly with NY State.

Now therefore be it

RESOLVED, that the Town of Ulysses opposes the waste incinerator project proposed to be constructed in the Finger Lakes in the Town of Romulus, Seneca County, as submitted by Circular enerG; and

BE IT FURTHER RESOLVED, that the Town of Ulysses urges the Town of Romulus to stand in opposition to the proposal by Circular enerG; and

BE IT FURTHER RESOLVED, that the Town of Ulysses calls on Governor Andrew Cuomo and his administration to reject the Circular enerG Waste Incinerator proposal; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, New York State Assembly Speaker Carl Heastie, New York State Assembly Minority Leader Brian Kolb, New York State Senate Majority Leader John Flanagan, New York State Senate Democratic Conference Leader Andrea Stewart-Cousins, New York State Senate Independent Democratic Conference Leader Jeffrey Klein, State Senators Pam Helming, Tom O’Mara, and James Seward, Assembly members Phil Palmesano and Barbara Lifton, Senators Charles Schumer and Kirsten Gillibrand, Congressman Tom Reed, New York State Department of Environmental Conservation Commissioner Basil Seggos, New York State Public Service Commissioner Chair John Rhodes, New York State Department of Agriculture and Markets Commissioner Richard Ball, New York State Energy Research and Development Authority Chair Richard L. Kaufman, New York State Empire State Development Commissioner Howard Zemsky, New York State Department of Health Commissioner Howard Zucker, Romulus Town Supervisor David Kaiser, Romulus Planning Board Chair Tom Bouchard, and Seneca County Board of Supervisors Chair Robert Shipley, County Legislative chair and County Health dept.

Moved: Mr. Hertzler

Seconded: Ms. Thomas

Ms. Thomas aye
 Ms. Zahler aye
 Mr. Hertzler aye
 Mr. Boggs nay
 Mr. Goldman absent

Vote: 3-1

Date Adopted: 5/22/18

RETIREMENT SYSTEM STANDARD WORK DAY

RESOLUTION 2018-116: RETIREMENT SYSTEM STANDARD WORK DAY

WHEREAS, The New York State and Local Employees’ Retirement System (NYSLRS) requires local municipalities to establish, by resolution, a standard work day for each position; and

WHEREAS, the NYSLRS Standard Work Day represents what would be full time for each position;

NOW, THEREFORE,

BE IT RESOLVED that the Town of Ulysses, Location code 30607, hereby establishes the following standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Tompkins County Job Title	Town of Ulysses Job Title	Standard Work Day (Hrs/Day)
Motor Equipment Operator	Highway Staff	8
MEO/Water/Sewer Maintenance Worker	Highway Staff/ Water District Operator	8
Deputy Town Highway Superintendent	Deputy Highway Superintendent	8
Deputy Town Supervisor	Deputy Town Supervisor	6
Bookkeeper to the Supervisor	Bookkeeper	8
Deputy Town Clerk	Deputy Town Clerk	6
Court Clerk	Court Clerk	8
Distribution Operator Assistant	Water District Laborer	6
Typist - PT	Planning Board Clerk	6
Typist - PT	BZA Clerk	6
Typist - PT	Second Deputy Town Clerk	6
Code/Fire Enforcement Officer - PT	Code/Fire Enforcement Officer	6
Code/Fire Enforcement Officer - PT	Fire Enforcement Officer	6
Environmental Planner	Environmental Planner/ Zoning Officer	8
Project Assistant	Summer Youth Employee - Seasonal/Temporary	6

Laborer	Seasonal Highway Laborer - Temporary	8
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Moved: Ms. Thomas Seconded: Mr. Boggs

Ms. Thomas aye
 Ms. Zahler aye
 Mr. Hertzler aye
 Mr. Boggs aye
 Mr. Goldman absent

Vote: 4-0
 Date Adopted: 5/22/18

PRIVILEGE OF THE FLOOR:

(none)

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2018-117: APPROVAL OF MINUTES- 5/8

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 5/8.

Moved: Ms. Thomas Seconded: Mr. Boggs

Ms. Thomas aye
 Ms. Zahler aye
 Mr. Hertzler aye
 Mr. Boggs aye
 Mr. Goldman absent

Vote: 4-0
 Date Adopted: 5/22/18

ADJOURN:

Ms. Thomas moved to adjourn the meeting at 9:25pm; seconded by Ms. Zahler.

Respectfully submitted by Carissa Parlato on 6/1/18.