

TOWN BOARD MEETING

Town of Ulysses

January 22, 2019

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- Nancy Zahler, Michael Boggs, Richard Goldman, John Hertzler

Deputy Town Clerk- Sarah Koski

Bookkeeper- Nina Thompson

Environmental Planner- John Zepko

Consultant - C.J. Randall

OTHERS PRESENT:

Ezra Delaney

George Cook

Mark Costa

Don Ellis

Anne Koreman, Tompkins County Legislator

Linda Liddle

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7pm.

George Cook, Ezra Delaney and Mark Costa, representatives from the Conservatory of Fine Arts in Trumansburg, presented to the Board. Attendance at Conservatory events has grown 20% from 2017 to 2018. Upcoming performances include Gimme Shelter, a film which will be screened this coming weekend, and Frank Vignolia, a jazz trio. Katherine Drake from Ithaca College will be joining the Conservatory as a violin instructor. The Conservatory has been operating in the black, which is a turnaround from past years. Cayuga Arts Collective, comprised of 70 artists in the community, utilizes the lower level of the building as a studio and teaching space. The collective also operates the art shows at the Conservatory. Art class offerings for children and adults have tripled over the past year. Building plans – several grants have allowed some upgrades such as new seating, new walls for the art gallery, new track lighting, foundation work, new boilers, repairs to roof trusses and a new electrical system. Next up is exterior renovation and to install a handicap accessible bathroom. Without a handicap accessible bathroom the conservatory is limited in grant opportunities. To attract money from larger renovation/rehabilitation grants, the conservatory needs to come up with full-blown construction plans. Recently the Conservatory obtained a \$24,000 grant from the upstate revitalization grants to hire a full time director. This is a gateway to receive more funds to sustain a

full time director position. Mr. Boggs asked who would be providing the architecture plans. Mr. Delaney replied that there are several under consideration at this time. Ms. Thomas stated that if some grants need to be submitted by a municipality, that the Town Board would be glad to help. Also, since the Conservatory is a town affiliate, the clerks can send out notices of events on the Town email newsletter. Ms. Zahler thanked the Conservatory for showing films, as the community is lacking a movie theater. Ms. Zahler asked about children’s drama options. Mr. Cook replied that there is an upcoming winter arts program for children as well as a summer program, both which incorporate dance and drama.

APPROVAL OF MEETING AGENDA

RESOLUTION 2019-40: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for January 22, 2019 with the addition of an Aid and Incentives for Municipalities (AIM) funding resolution, a one-time payment under the collective bargaining agreement, budget modifications, as well as an executive session to deal with matters of employment.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 1/22/19

REPORTS FROM REPRESENTATIVES:

Anne Koreman, Tompkins County Legislature:

DOT moving near airport – progressing well. Some opposition from a few Town of Lansing residents who live next to the area. The residents were able to purchase a 15 acre buffer.

Recycling – hopefully some plastics that are not currently accepted will be accepted as soon as markets are found.

The State gave Tompkins County about 500 acres of forest land in Newfield. The County is looking at sustainably harvesting some pine trees that were planted in the 1930’s which were not appropriately planted. Originally the land was acquired during the great depression when the government purchased the land, which was then clear-cut and re-planted with mostly pines. The County is planning on selectively cutting about 130 acres. Mr. Hertzler asked why the County wants to log the area. Ms. Koreman responded that the County wants to eliminate possible safety hazard as pines have been falling over. In addition, the County wants to increase diversity with native trees as opposed to a monoculture of pines. Ms. Thomas asked if there are trails on the property. Ms. Koreman said there are not currently trails on the property but the legislature will be looking at that possibility.

Sales tax has been increasing month over month.

Federal government shutdown – the County estimates that there are about 300 people who live within the County who are not getting paid as a result of the partial government shutdown. The Lansing food pantry has coordinated special food distribution to these workers. If the shutdown goes on much longer, there will be impacts on WIC and SNAP (food assistance programs).

Leadership of the County legislature – Chair is again Martha Robertson, Vice Chair is Shawna Black.

PRIVILEGE OF THE FLOOR:

Don Ellis recently noticed a manure truck spreading manure on Buck Hill Road which got him thinking about the current zoning draft in relation to agricultural operations. He would suggest a larger setback from manure storage sites than the 130 feet being proposed. Mr. Ellis suggested the board request copies of required testing by Confined Animal Feeding Operations (CAFO's). Mr. Ellis is on the Town's Sustainability and Conservation Advisory Council, which will submit comments and feedback on the proposed draft zoning in the upcoming public comment period.

Mr. Goldman asked who determined the proposal of the 130 foot setback. Ms. Randall worked with Matt Brower from Ag and Markets and the Town of Catherine as they were updating their zoning. Ag and Markets felt that the minimum setback should be 130 feet, which is tied to well head or ground water protection. Mr. Ellis, in a review of other zoning regulations, found some setbacks as high as 1000 or 2000 feet. Ms. Randall reminded the board that CAFO's are regulated by Ag and Markets under a SPDES permit – this is a state agency which has preemption over town zoning. Ms. Randall suggested a groundwater overlay district to make sure there are adequate protections in place for drinking water sources. Ms. Thomas had recently spoken to a CAFO owner who feels that our proposed CAFO setbacks were too small; that he suggested at least 300 feet. The Sustainability and Conservation Advisory Council is working on devising some justification for a larger setback. The setback number must be tied to public health and safety to override state regulations. NY Rural Water Association can help with source water protection plans. Ms. Randall said there is currently a lawsuit against DEC's SPDES process, questioning if the DEC is adequately protecting drinking water. Mr. Ellis is also concerned about the potential economic and health impacts of contaminated wells in relation to CAFO's.

OLD BUSINESS:

Zoning Update:

Ms. Thomas suggested adding overnight campgrounds to residential areas. This affects the new Grassroots camping area near Smith Woods. Ms. Randall found that overnight camping in residential areas is allowed in our current zoning, so this does not need to be added.

Ms. Thomas distributed an illustration of subdivision using the 70/30 rule on various parcel sizes, using different configurations. Ms. Zahler asked about shared driveways or private roads on subdivisions that include flag lots. Ms. Randall replied there are already many specs and regulations in our current zoning regarding roads for major subdivisions. Ms. Zahler's concern is that historically, the development in the area has been land owners selling off lots here and there, and not developing many lots all at once. Ms. Thomas replied that selling off one lot at a time will still be allowed; the

new zoning is clear on that. Mr. Zepko stated that the new zoning regulations are created for the orderly development of the town, which takes into consideration the health and safety of residents.

Ms. Zahler had a question regarding limitations to subdivision of parent tracks. From the draft zoning document: *“Newly created parcels that are not allocated residential lot development rights at the time of subdivision are not eligible for building permits for residential buildings.”* Mr. Zepko replied that this stipulation will protect the 70% of agriculture land that is preserved during a major subdivision; that it cannot be used for residential buildings. Ms. Zahler suggested clarifying this language as to allowed uses on the preserved 70% of a parcel, as well as the 30% of residential development. Ms. Randall will come up with some language to address this issue.

Mr. Boggs had a question about section 212-29, which deals with two principal buildings on one lot – when did this change? Ms. Thomas explained the Zoning Update Steering Committee (ZUSC) suggested allowing one principal building and one accessory building on each lot. The Ag Committee wanted to keep two principal buildings each with an accessory building (as in the current zoning). The current draft is a compromise which allows two principal buildings but each needs to be on their own two-acre parcel. Mr. Boggs is concerned that in theory, this could allow two duplexes and two accessory buildings – essentially mini apartment complexes. Mr. Boggs would prefer to go back to the ZUSC recommendations. Ms. Randall reminded the board of the ZUSC recommendation – the accessory dwelling was intended to be a stand-alone building of a modest size (80% of the square feet of the principal building or 1000 square feet, whichever is less. The board agreed to allow accessory dwellings with a maximum floor space of 1500 square feet. Setbacks in the ag/rural zone – keep rear setbacks at 75 feet, 50 foot side yard setbacks. Mr. Zepko suggested different setbacks for accessory building under a certain size, perhaps 144 square feet, such as small shed –that they be allowed closer to the property line, such as 20 feet.

Ms. Randall introduced a list of density bonuses which would allow additional lots for cluster subdivisions advancing specific policy goals. These include public access to protected open space, including affordable housing in the subdivision, and using green building principles. Each density bonus would result in a 10% density bonus. Ms. Zahler asked if an applicant could combine bonuses. Ms. Randall replied that yes, an applicant could get up to a 30% density bonus if they adhered to all three principles. Ms. Randall reminded the board that these density bonuses are not as impactful with the 70/30 method of subdivision. The board discussed increasing the percentages of the density bonuses to make them more attractive. Ms. Zahler suggested the zoning could use density bonuses instead of the 70/30 rule of subdivision – which Mr. Zepko said was possible but very different from what the board has been considering. Mr. Zepko feels that these density bonuses are not practical as they are written, even if the intention is good. If a builder goes through the time and expense of adhering to the principles, they will not gain enough additional lots to make it worth their while. Mr. Goldman suggested dropping the density bonus but decreasing the minimum lot size from 2 acres to 1.5 acres. The board agreed on this compromise.

Ms. Thomas went over the timeline for adoption of the zoning update. She proposed releasing a re-worked draft as soon as possible, which would commence a comment period ending February 18th. The Town Board would host open houses at Town Hall during the week of February 11th. Ms. Thomas

mentioned that sending the draft to Ag and Markets for comments needs to be added to the timeline. Mr. Zepko suggested sending a draft along with the SEQR to all interested agencies. Mr. Zepko also would not recommend closing out SEQR until the Town Board holds a public hearing. Mr. Zepko will re-work the timeline to make sure all SEQR steps are followed within the given timeline. Ms. Zahler pointed out that the board may have to hold special meetings after the comment period closes to review comments and make updates to the draft. The town board set Zoning Update open houses for Friday, February 8th from 12-2pm and Wednesday, February 13th from 7-9pm.

NEW BUSINESS:

COLLECTIVE BARGAINING AGREEMENT ONE-TIME PAYMENTS

RESOLUTION 2019-41: Collective Bargaining Agreement One-Time Payments

WHEREAS, the 2018-2020 Labor Agreement between the Town of Ulysses and the Teamsters Local Union 317 governs the pay rates for the Highway Department employees, and

WHEREAS, that document calls for One Time Equity payments of \$870.00 to employee Steven Manciocchi and \$890.00 to employee Chris Stevenson in fiscal year 2019,

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board directs the Town Bookkeeper to process these two one-time payments on the payroll dated January 29, 2019.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 1/22/19

BUDGET MODIFICATIONS

RESOLUTION 2019-42: APPROVAL OF BUDGET MODIFICATIONS

RESOLVED that the Ulysses Town Board approve the following budget modifications:

2018 A FUND BUDGET MODIFICATIONS

A1110.12	Justice Clerk PS	INCREASE	\$44.00
<i>To cover year end payroll accrual</i>			
A1320.4	Auditor CE	DECREASE	\$44.00
<i>Budget available</i>			

A1220.11	Bookkeeper PS	INCREASE	\$23.00
<i>To cover year end payroll accrual</i>			

A1320.4	Auditor CE	DECREASE	\$23.00
<i>Budget available</i>			

A1220.12	Deputy Supervisor PS	INCREASE	\$1.00
<i>To cover year end payroll accrual</i>			

A1320.4	Auditor CE	DECREASE	\$1.00
<i>Budget available</i>			

2018 B FUND BUDGET MODIFICATIONS

B3620.1	Enforcement Officer PS	INCREASE	\$21.00
<i>To cover year end payroll accrual</i>			

B1990.4	Contingency	DECREASE	\$21.00
<i>Budget available</i>			

2019 A FUND BUDGET MODIFICATIONS

A1110.121	Justice Clerk Special Projects	INCREASE	\$426.00
<i>To fund Justice Clerk Special Projects line for 2019 PR #2</i>			

A1110.122	Deputy Justice Clerk PS	DECREASE	\$426.00
<i>To move budget to Special Projects line</i>			

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0

Date Adopted: 1/22/19

OLD BUSINESS (Continued):

ACCEPTANCE OF A GRANT TO REPAIR THE CEMETERY ROAD BRIDGE RESOLUTION

RESOLUTION 2019-43: ACCEPTANCE OF A GRANT TO REPAIR THE CEMETERY ROAD BRIDGE

WHEREAS, the bridge on Cemetery Road has been determined by the New York State Department of Transportation to be in need of immediate repair; and

WHEREAS the Town of Ulysses has been granted funding from NYS DOT to repair the bridge.

Therefore, be it

RESOLVED that the Town Board of the Town of Ulysses authorizes the Town Supervisor to enter into a contract with the New York State Department of Transportation for grant funding of \$932,758 to repair the bridge on Cemetery Road.

Moved: Mr. Boggs Seconded: Mr. Goldman

Discussion: Ms. Zahler asked what our local share of the bridge repair would be. Mr. Boggs replied that it would be under \$50,000, which we have in a bridge reserve fund. Ms. Thomas and Ms. Thompson will work with the Comptroller’s office to work out a schedule of expenditures and reimbursements from the state.

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

Vote: 5-0

Date Adopted: 1/22/19

ACCEPTING THE DRAFT ZONING FOR THE PUBLIC TO REVIEW

RESOLUTION 2019-44: ACCEPTING THE DRAFT ZONING FOR THE PUBLIC TO REVIEW

WHEREAS the Town of Ulysses Town Board is interested in gathering public input prior to drafting the final version of the zoning update that will go to public hearing.

Therefore, be it

RESOLVED that the Town of Ulysses Town Board accepts the draft zoning as discussed and edited at the Town Board meeting on January 22, 2019 as the document to be presented to the public for review, and

RESOLVED that the Planning Consultant, the Town Planner and the Town Board will coordinate efforts to answer questions and gather comments from the public prior to creating the final draft that will go to public hearing.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-1
Date Adopted: 1/22/19

NEW BUSINESS (Continued):

AUTHORIZING SPENDING OF HIGHWAY FUNDS

RESOLUTION 2019-45: AUTHORIZING SPENDING OF HIGHWAY FUNDS

WHEREAS, the Town Board annually must approve expenditures for the maintenance of the roads, and

WHEREAS by law, the Town Board must approve these expenditures for highway maintenance.

Therefore, be it

RESOLVED that the Ulysses Town Board approves the Agreement for the Expenditure of Highway Moneys as presented by the Ulysses Highway Superintendent at the January 22, 2019 Town Board meeting

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 5-0
Date Adopted: 1/22/19

DISCUSSION OF A DEPARTMENT OF PUBLIC WORKS

This topic was on the agenda but was not discussed at the meeting.

ADJUSTMENT OF WATER UNITS BASED ON ASSESSMENT CODE

RESOLUTION 2019-46: ADJUSTMENT OF WATER UNITS BASED ON ASSESSMENT CODE

WHEREAS, in October 2018, the Town of Ulysses updated the way equivalent dwelling units (EDU) for water districts 3 and 4 are assigned to properties, to be based on their Tompkins County Assessment property codes, and

WHEREAS the update changed the number of EDUs assigned to some properties based on assessment codes, and

WHEREAS the update did not include a policy for when the EDUs would be annually assigned,
Now therefore, be it

RESOLVED, that the Ulysses Town Board will assign EDUs based on the Tompkins County assessment property code as of September 15 of each year. And further

RESOLVED, that the property at 4030 Jacksonville Road (parcel number 26.-3-9.2) was incorrectly coded as a 2 dwelling unit for 2019, but is actually a single dwelling unit and thus is charged 1 EDU for 2019.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 1/22/19

URGING RESTORATION OF AID TO MUNICIPALITIES FROM NEW YORK STATE

This topic was on the agenda but was not discussed at the meeting.

MONTHLY BUSINESS:

APPROVAL OF MINUTES

RESOLUTION 2019-47: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from the regular meeting on 1/8/2019 and the Organizational Meeting on 1/10/2019

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0

Date Adopted: 1/22/19

General Announcement:

Ms. Thomas and Ms. Zahler met today with the Village regarding the youth commission. The idea is to move to a part-time, year round youth recreation director. Ms. Zahler will continue to update the Town Board at this moves forward.

Mr. Goldman moved to go into executive session at 10:10pm, Seconded by Ms. Thomas and passed unanimously.

ADJOURN:

Rich Goldman moved and John Hertzler seconded a motion to adjourn the meeting at 10:22

Respectfully submitted by Sarah Koski on 1/28/19.