

TOWN BOARD MEETING

Town of Ulysses

April 23, 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

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Environmental Planner- John Zepko

Deputy Highway Superintendent- Scott Stewart

ABSENT:

Board member- John Hertzler

OTHERS PRESENT:

Linda Liddle, Jean Houghton, Roxanne Marino (chair, Conservation and Sustainability Advisory Committee (CSAC)), Chaw Chang, Michelle Wright

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7:04pm and announced that the board had just held an executive session for matters concerning the medical, financial, credit or employment history of a particular person or corporation; or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

APPROVAL OF MEETING AGENDA

RESOLUTION 2019-82: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for April 23, 2019.

Moved: Mr. Boggs

Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 4/23/19

PRIVILEGE OF THE FLOOR:

Mr. Chang asked the board to consider the 70/30 subdivision restrictions, as he is concerned about the potential erosion of land value even if people don't subdivide. He is also concerned with the permanence of the restriction and suggested a time limit for the subdivision restrictions. He feels that the law will negatively impact small-scale farms, more so than larger farms. Further, he believes that the sign standards are too restrictive and distributed photos to the board to illustrate whether they detract from rural character. He also believes that the potential laws would discourage Amish development in the town.

Ms. Marino responded that zoning is not permanent but rather is a living document that changes with the comprehensive plan.

REPORTS FROM REPRESENTATIVES:

HIGHWAY:

Mr. Stewart noted that Mr. Reynolds (Highway Superintendent) has submitted his resignation for retirement. Mr. Stewart added that he is fully committed to taking over the position if the board appoints him. He has been in charge over the last 2 weeks as Mr. Reynolds has been on vacation and the crew has washed salt from trucks and done ditch work. He's also been getting quotes for paving and researching a more environmentally-friendly road de-icer that sticks to roads better and less is used. He has also been converting financial information into the Quickbooks and will be attending ditching training and highway school.

Mr. Goldman asked Mr. Stewart if anything can be done about the condition of Waterburg Road, which is a Tompkins County road. Ms. Thomas gave additional input. The board agreed to submit a resolution to Tompkins County.

Mr. Stewart was excused at this time. (7:18pm)

Ms. Marino reported that the CSAC just met with the exception of member Brice Smith. She announced that they support the environmental bill of rights resolution that the board is considering this evening, and suggested that they add a statement to the resolution to reflect this.

GENERAL ANNOUNCEMENTS:

Ms. Thomas shared that she is still working on getting the \$57,000 payment for the grant awarded by NYS for the Salo Drive property. She also shared that there is no progress on the bridge grant as she is waiting on the MOU (memorandum of understanding) from the county.

Ms. Zahler shared that the Salo Habitat Committee has been working on signage and will share a draft with the board soon. Jacksonville is planning a fundraising event for their restroom project and on May 4, Cornell's Design Connect group will present their final design for the park.

OLD BUSINESS:

DISCUSSION OF ZONING AND CONSIDERATION OF DRAFT TO SEND TO THE PLANNING BOARD FOR REVIEW

Ms. Thomas began by reminding the board that zoning decisions should not be based on personal interests. She went on to highlight some of the changes to the draft, including that the design standards are now less strict, based on conversations with Mr. Chang.

Mr. Boggs added that the BZA has had issues with the current sign regulations updates were needed.

Ms. Thomas shared further changes to the draft, addressing footprint sizes and ag-related commerce. She also shared that even though it is not required, Ms. Sokoni recommends that the board send their draft to Planning Board for review.

She stated that the board needed to make a decision on the subdivision rules by either removing that section, implementing it with a one-year delay, or implementing it with no delay.

Ms. Zahler suggested that the board remove the subdivision rules from the draft and vote on the other areas while they spend more time developing that section.

Ms. Thomas took an informal poll to ask other board members their opinions. Mr. Goldman, Mr. Boggs, and Ms. Thomas were not in favor of a delay.

Ms. Zahler further suggested getting input from Planning Board on the subdivision section and re-visit the topic in a more collaborative way.

Ms. Thomas felt that 4 years of discussion and 36 people reviewing it seems collaborative.

Ms. Zahler stated that she would specifically like the Planning Board to weigh in on whether the current subdivision rules (70/30) would result in a loss of land value.

Ms. Zahler brought up the following additional items for discussion:

- Clarifying the number of buildings allowed on a parcel in different zones
- Businesses in the Hamlet Neighborhood Zone
- The definition of Campground, Overnight, and the type of vehicles that are allowed

The board discussed.

Mr. Boggs read a resolution submitted by the BZA to the Town Board stating their view on the subdivision policy.

The board agreed that the subdivision policy of the draft will include immediate implementation.

At this time, Ms. Thomas reviewed the steps to adopting a zoning law.

RESOLUTION 2019-83: REQUESTING REVIEW OF THE DRAFT ZONING BY THE PLANNING BOARD

WHEREAS, as part of the process for adopting a zoning amendment, a recommended procedure is to have the final draft reviewed by the town’s Planning Board; and

WHEREAS after the Planning Board review, the Town Board may make changes to the final draft before sending to the County for 239 review and setting the Public Hearing,

Therefore, be it

RESOLVED that the Town Board of the Town of Ulysses requests that the Planning Board review the Draft Town of Ulysses Zoning Law dated April 24, 2019; and further

RESOLVED that the Town Board requests that the Planning Board review the following 2 questions in addition to the entire draft: whether delayed implementation of Section 212-29.1, Subdivisions of Parent Tracts, will result in a detrimental effect; and whether Section 212-29.1, Subdivisions of Parent Tracts, is an appropriate land preservation technique; and further

RESOLVED that the Town Board requests the Planning Board determine if the draft Zoning Law is in keeping with the guiding documents, primarily the Ulysses Comprehensive Plan, the Ulysses Agriculture and Farmland Protection Plan, and also the parallel plans from Tompkins County as well as other relevant plans; and further

RESOLVED that the Town Board requests the Planning Boards comments on the draft Zoning Law be submitted to the Town Clerk for distribution to the Town Board no later than June 5, 2019; and further

RESOLVED that the Town Clerk’s Office provide the Planning Board with copies of the zoning to review along with links to the Ulysses Comprehensive Plan, the Ulysses Agriculture and Farmland Protection Plan, the draft Investigation document, the Tompkins County Farmland Protection Plan and the County Comprehensive Plan and any other plans requested by the Planning Board or its Chair or the Ulysses Planner.

Moved: Ms. Thomas Seconded: Mr. Boggs

Ms. Zahler distributed her list of questions and the board agreed to include the list with the draft document.

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

Vote: 4-0

Date Adopted: 4/23/19

RESOLUTION 2019-84: FORWARDING MS. ZAHLER'S 4/23/19 ZONING DRAFT ISSUES ON TO THE PLANNING BOARD

RESOLVED that Ms. Zahler's list of zoning draft issues dated 4/23/19 be forwarded to the Planning Board along with the current zoning draft noting these are concerns from Ms Zahler, not the entire Town Board.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-0

Date Adopted: 4/23/19

ZONING AMENDMENTS TO LOCAL LAW #3 OF 2015 GOVERNING SOLAR ENERGY SYSTEMS- addressing glare

Ms. Thomas referred the board to CSAC's draft document that was sent in advance of the meeting. The board discussed the draft with Ms. Marino. Ms. Marino noted that the document was reviewed by the Planning Board, then the Ag Committee and then by CSAC.

The board discussed the document, focusing on the height of solar collection systems, differentiation of systems on or off of farms, and major and minor systems. They agreed to change the maximum height to 20 ft.

RESOLUTION 2019-85: ADDING THE SOLAR GLARE DRAFT TO THE PLANNING BOARD'S ZONING DRAFT REVIEW

RESOLVED that the Town Board add the draft language presented at the 4/23/19 meeting on Section 212-139.1, Standards for Minor Solar Collection Systems, and Section 212-139.2, Standards for Major Solar Collection Systems, including their definitions, be added to zoning draft as amended.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 4/23/19

NEW BUSINESS:

OFFICIAL MAP OF ULYSSES

As the map received from T.G. Miller had errors, the board did not take action on this.

APPOINTMENT OF A PROJECT ASSISTANT

RESOLUTION 2019-86: APPOINTMENT OF A PROJECT ASSISTANT

WHEREAS the Town of Ulysses has numerous on-going grants that are complicated and time consuming to manage; and

WHEREAS a Project Assistant can assist in managing these grants,

Be it therefore

RESOLVED that the Town Board of Ulysses appoints Michelle Wright at the rate of \$25/hour for up to an average of 20 hours/week to be a Project Assistant for the Town of Ulysses as a temporary position through the end of 2019.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 4/23/19

Ms. Zahler stated that the Town Supervisor is working far more than is sustainable and needs support.

SUPPORTING CONSTITUTIONAL AMENDMENT FOR A RIGHT TO CLEAN WATER AND AIR

RESOLUTION 2019-87: IN SUPPORT OF THE NEW YORK STATE ASSEMBLY AND SENATE BILLS TO ESTABLISH A PROCESS FOR THE ADOPTION OF AN ENVIRONMENTAL BILL OF RIGHTS

WHEREAS the Town Board of the Town of Ulysses supports the right of each resident to clean air and water; and

WHEREAS, in the United States there are many states/commonwealths with Constitutions that contain some form of “environmental rights” or expression of environmental values; and

WHEREAS, it is the constitutional duty of all levels of government within New York State to protect the health, safety and welfare of their residents giving residents a right to live and work in a clean environment; and

WHEREAS communities in NYS like Hoosick Falls, Long Island and Newburgh, along with many other communities throughout the United States like Flint, Michigan and Toledo, Ohio have

suffered contaminated water systems caused by lack of intervention and/or protection by either government and/or private interests; and

WHEREAS, in watersheds throughout the Finger Lakes, municipalities and individuals draw drinking water that has in recent years been affected by Harmful Algal Blooms making treatment more expensive for municipal water supplies, and sometimes impossible for individual households that draw water directly from the lake; and

WHEREAS, there is at present a uniform bill before both the New York State Assembly (A. 2064 [Englebright, Gottfried, et al.]) and the New York State Senate (S. 2072 [Carlucci et al.]) to add the following language to the New York State Constitution that will formally establish in the New York State Constitution a right to clean water, clean air, and a healthful environment:

Resolved, that article 1 of the constitution be amended by adding a new section 19 to read as follows: “§ 19. Environmental rights. Each person shall have a right to clean air and water, and a healthful environment”;

WHEREAS, formally establishing such a civil environmental right will help drive better government decision-making at all levels, helping prevent conditions in which land, water and air become contaminated; and

WHEREAS establishing such a right will also affect individuals and private enterprise and promote better decision-making based on the New York Constitution’s acknowledgement that all residents have environmental rights; and

WHEREAS, passing these bills will address a gap in the state’s legal foundations and provide an expression of values that other states have already seen fit to establish,

WHEREAS, the Conservation and Sustainability Advisory Council has reviewed and unanimously endorsed this legislation,

NOW THEREFORE BE IT HEREBY

RESOLVED that the Town Board of the Town of Ulysses supports a New York Environmental Bill of Rights Amendment, Assembly Bill 2064 and Senate Bill 2072, amending Article 1, the Bill of Rights, of the New York State Constitution by inserting a new Section 19, reading: “Each person shall have a right to clean air and water, and a healthful environment.” which recognizes the inalienable and self-executing right of all New Yorkers to clean water, clean air, and a healthful environment; and further

RESOLVED, this right be as fundamental as a person’s right to freedom of speech and assembly; and further

RESOLVED that this resolution be sent to Governor Andrew Cuomo, State Senate Leader Andrea Stewart-Cousins, State Assembly Leader Carl Heastie, State Assemblywoman Barbara Lifton, State Senator Tom O’Mara, State Senator Carlucci, State Assembly people Englebright and Gottfried, County Legislative Chair Martha Robertson; Senators Gillibrand and Schumer; and Congressman Reed.

Moved: Ms. Thomas

Seconded: Ms. Zahler

A friendly amendment was made by Ms. Zahler to add language that refers to the CSAC's support of the resolution.

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

Vote: 3-0

Date Adopted: 4/23/19

PRIVILEGE OF THE FLOOR:

Ms. Liddle spoke in favor of more work being done on the 70/30 subdivision policy. She is concerned that not enough due diligence has been done regarding the impact on property values. She believes that there will be a race to subdivide if the law is passed.

Ms. Marino commented on the subdivision implementation timing. She appreciated board member opinions and said that CSAC will continue to work on a rationale for immediate implementation of that section, should it pass.

MONTHLY BUSINESS:

APPROVAL OF MINUTES

RESOLUTION 2019-88 APPROVAL OF MINUTES from 4/9

RESOLVED that the Ulysses Town Board approves the minutes from both the Town Board meeting and Public Hearing on 4/9/19.

Moved: Ms. Thomas Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 4/23/19

RESOLUTION 2019-89 APPROVAL OF MINUTES from 3/14

RESOLVED that the Ulysses Town Board approves the minutes from the Special Town Board meetings on 3/14.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Mr. Boggs abstain
Mr. Goldman aye

Vote: 3-0

Date Adopted: 4/23/19

ADJOURN:

Ms. Thomas moved to adjourn the meeting at 9:08pm, seconded by Mr. Goldman and passed unanimously.

APPENDIX

Resolution from the BZA to the Town Board:

Mr. Morreale MADE the MOTION to approve the following advisory resolution, and Mr. Hillman SECONDED the MOTION as follows:

The BZA advises the Town Board that the Conservation Zone should not remain in R1 and prefer the expanded Conservation Zone as proposed by ZUSC, but if it falls back it should fall back to AR or a new zone.

The BZA prefers the immediate implementation of the limitations on subdivisions, and view delaying the implementation as less desirable.

The vote was as follows:

Mr. Howarth AYE
Mr. Hillman AYE
Mr. Morreale AYE
Ms. Thompson AYE
Mr. Tyler AYE

Result: Resolution passed

Respectfully submitted by Carissa Parlato on 5/8/19.