

VILLAGE OF TRUMANSBURG BOARD OF TRUSTEES

DISSENTING OPINION

WILLIAM J. AUBLE PETITION FOR ANNEXATION

AUGUST 21, 2007

It is the opinion of this Trustee that the William J. Auble Petition for Annexation is, at this time and given current circumstances, not in the best interests of the Village of Trumansburg nor in the overall public interest. While not opposed to annexation in principle, it is believed that any such action should clearly be of overall benefit to the annexing municipality, and any detrimental effect or shortfall of the proposal should be indisputably overwhelmed by offsetting gains. At this time, it is the opinion of this Trustee that this is not the case.

The primary benefit to the Village of Trumansburg would be, in theory, to gain zoning control of a valuable piece of real estate adjacent to the Village at the Village's "northern gateway." In addition, sales tax and state revenue sharing monies, which would become available to the Village after the 2010 Census make annexation a profitable investment over the long term. However, these two factors do not outweigh several shortcomings of this proposal. To wit (i) that the Village has not yet adopted nor even completed its new Comprehensive Plan, which is a prerequisite to the updating of its thirty-six year old zoning laws; (ii) any hope of future development and the resulting financial and/or community benefits are, at present, subject to a moratorium on the extension of water services as imposed by the Tompkins County Health Department; (iii) annexation would end the possibility of the formation of a Town water district designed to provide the Village with an additional source of water; (iv) annexation would create an isolated, non-contiguous, "island" portion of the Town of Ulysses at the Covert Town and Seneca County lines; and (v) public opinion has appeared to lean against annexation. These five points are further discussed as follows:

1. **Zoning and Planning** – While it is acknowledged that annexation would give the Village statutory authority over the zoning of the area proposed to be annexed, the

fact remains that the Village is, by the Planning Commissioner's estimates, still six months away from adopting a new Comprehensive Plan, and an additional two years away from updating its thirty-six year old zoning ordinance. While the law would require the Village to affix a zoning designation to the property if annexed, to do so independent of the detailed Comprehensive Planning process, and to use outdated zoning regulations which the Village is in the very process of revising, seems imprudent and not in the overall public interest.

2. **Restrictions on Water Services** – Beginning in February 2007, the Tompkins County Health Department placed an indefinite hold on the Village's ability to extend its water mains, enforcing a provision of the County Sanitary Code which requires the Village to have more than one source of water. The Village is in the process of weighing its options and is seeking to come into compliance with these regulations, however, at this time any options available are, at best, only in the planning stages, thus the moratorium on the extension of water mains continues. Given this set of circumstances, it will be impossible for the Village to provide municipal water to any proposed development on the site proposed to be annexed. One of the great potential benefits of any annexation is the possibility of establishing additional community services and amenities on the annexed site, as well as the possibility of substantially increased revenue to the annexing municipality via development. Given current circumstances, and at least for the foreseeable future, this potential benefit would be an impossibility.
3. **Elimination of Proposed Town Water District** – While presently only in the planning and discussion stage, the possibility of building a proposed water district in the Town of Ulysses, adjacent to the Village, would be prevented if annexation occurs. Zero interest financing from the State of New York has been secured for the proposed water district, based in part on the presence of the property proposed to be annexed remaining in the Town. This water district, if formed, would provide an additional source of water to the Village adequate to meet the regulatory demands of the Tompkins County Health Department (see point #2). In addition, municipal water would become available to many Town residents who, at present, lack such services. While this second point is not of primary

consideration to the Village, and the Town can continue pursuing the development of this water district regardless of what action the Village takes, a consideration by the Village of the “overall public interest” is not limited in scope. Furthermore, the Tompkins County Health Department is officially on record as being in favor of the construction of this water district, as proposed. Therefore, it is the opinion of this Trustee that the proposed Town water district is in the overall public interest, both the public interest of Town residents, and the public interest of Village residents, as the Village would be able to finally come into compliance with Health Department mandate. Annexation would render the water district financially untenable, thus eliminating the possibility of this option and, at this point, it seems unwise to eliminate any option with regard to the Village’s water needs.

4. **Non-Contiguous Portion of Town** – Annexation would have the effect of isolating a portion of the Town of Ulysses, at the northern end of the Village adjacent to the Seneca County line, from the rest of the Town. The residences and businesses in this non-contiguous portion would, in effect, be on an “island”, separated from the Town, surrounded by other municipalities. This presents potential logistical issues which the courts, based on research performed by counsel, have consistently considered to be not in the overall public interest.
5. **Public Opinion** – While public opinion is rarely unanimous on any issue, a larger number of Village residents have spoken against annexation than in favor of it. At a July 11, 2007 special meeting of the Board of Trustees, some nineteen individuals spoke, over half of whom spoke against the proposed annexation. In addition, the Village has received letters from Village residents expressing their opposition to this proposal. While it is incumbent upon the Board of Trustees to make the final determination as to the suitability of the proposed annexation, consideration should also be given to input received from members of the public, within the context of, and in addition to, the previous four points.

Upon careful review and consideration, it is hereby the opinion of this Trustee that the proposed annexation as provided herein does not outweigh potential shortcomings

and detriments at this time. Notwithstanding the benefit of future zoning control and potential future financial gain, this Trustee does not find that there is sufficient and compelling reason to expect that these potential benefits will or must outweigh the incurring of the aforementioned problematic issues that annexation would almost certainly create, namely (i) zoning independent of the Comprehensive Planning process currently under way; (ii) the inability on the part of the Village to encourage development of any kind given regulatory restrictions currently in place; (iii) the elimination of the possibility of a water district project designed, in part, to alleviate the Village's water sourcing concerns; (iv) the creation of a non-contiguous portion of the Town surrounded, in part, by the Village; and (v) the ignoring of public opinion which has, to date, not been in favor of annexation. It is therefore this Trustee's opinion, based upon all of the foregoing, that the proposed annexation is at this time not in the overall public interest of the Village, the Town, or the territory proposed to be annexed.

Respectfully submitted,

Rordan Hart

Trustee

Village of Trumansburg

signature

date