INDEX OF 2010 RESOLUTIONS

TABLE OF CONTENTS

JANUARY 04, 2010 Organizational Meeting 3

JANUARY 12, 2010 –RTB – 9
*Acceptance of Unique Natural Area County Designations 10
*Appoint Lucia Tyler as representative for Health Care Consortium 10
*Designate Liz Thomas and Ken Zeserson as representatives to the NY Assoc. of Towns 10
*Establish Lakeshore Zoning Committee 10
*Set crime coverage for Town officials 10
*Set time for audit of financial records 10
*Authorize SPCA Contract for backup to dog control officer services 11

JANUARY 28, 2010 STB 11
* Designate "Library Month" 11
*Authorizing Farmland Protection Committee to add two new members. 11

FEBRUARY 9, 2010 RTB – 11
*Approve minutes of 12/8/09, 1/4/10, 1/12/10 11
*Approve budget modifications and vouchers 12
*Stormwater Contract with Soil and Water Conservation 12
*Appointment of Liz Thomas and Kevin Romer to the Emergency Management Service Task Force, ... 12
*Change of language to the fire contract 12
*Change of TB meeting date and time 13
*Appoint Richard Coogan to BZA and David Means to Assessment Advisory Board 13
*SPCA contract through Tompkins County Animal Control 13

FEBRUARY 23, 2010 STB 18
*Appoint Citizen's Advisory Board for Gas Drilling 18

MARCH 9, 2010 RTB 19
*Approval of vouchers 19
*Allowing Court Justices to contract for outside Clerk services 20
*Purchase of Tables 20
*Authorize Supervisor to sign CCE contract 20
*Entering Insurance Consortium 20
*Investigate installation of water meter 21

MARCH 15, 2010 STB 21
*Authorize Supervisor to sign Fire Protection Agreement 21

MARCH 23, 2010 STB 24
*Approve minutes 1/28, 2/9, 2/23 24
*Triathlon 24
*Establish Water Distribution and Maintenance Operator Position 25
*Appoint Water Distribution and Maintenance Operator 25

APRIL 13, 2010 RTB 25

*Establish new Code of Ethics Policy 26
*Withdraw Supplemental Generic Environmental Impact Statement 30
*Support for State legislation urging stricter oversight of hydrofracturing 34

APRIL 27, 2010 STB 35
*Inclusion of new land in Agricultural District 2 35

MAY 11, 2010 RTB 36
*Donating gravel to Jacksonville Association Park 36
*Authorize Supervisor to approve "Summer Concert Series" 36
*Extending Farmland Protection Plan 36
*Payment to the Cayuga Lake Intermunicipal Organization 36
*Establish local law for Operating Permits for Special Events 36
*Hiring help for the website 39
*Contract with Bergman for zoning analysis 39

MAY 25, 2010 STB 39
*Establish Local Law #1 requiring operating permits for special events 39
*Contract with Bergman Associates to help with Ag Land Protection Plan 41
*Approve minutes 4/13 49

JUNE 8, 2010 RTB 49
*Approve minutes 3/27, 3/29, 5/11, ... 49
*Hiring a Project Assistant 49

JUNE 23, 2010 STB 50
*Setting fees for Special Events Operating Permit 50
*Hiring Sue Henninger to assist with website writing 50
*Approving Marsha Georgia as a co-signer on checks over $5,000 50
*Voicing concern over billing for ambulance services 50

JULY 13, 2010 RTB 50
*Approval of 5/25 Minutes 50
*Stormwater compliance 51
*Establishing Standard Work Day and Reporting requirements 51
*Hiring a Project Assistant to assist Planning Board with Mapping 52

JULY 29, 2010 STB 52
*Approval of 6/28 minutes 52
*Authorizing contribution to Health Insurance Consortium reserves 52
*Approval of payment to the Community Science Institute 53
*Water sale agreement for outside users 54

AUGUST 18, 2010 RTB 55
*Approval of minutes for 6/23, 7/13, 7/29 56
*Issuance of permits for public displays of fireworks 56

AUGUST 31, 2010 STB 58
*Intermunicipal Cell Tower initiative 58
*Joint RFP with the Town of Caroline for roadway assessment study 59

SEPTEMBER 14, 2010 RTB 59
*Recommendation to send the Fransizka Racker Center expansion to Planning Board 59

*Recommended changes to SEQR and Stormwater Law 60
*Accepting quote to fix ceilings at Town Hall 60
*Support for Creating a County Animal Population Control Program 60

SEPTEMBER 21, 2010 STB 61
*Letter to County about Youth Programming Cuts 61
*Request for Attorney to draft Dog Enumerator contract 62

OCTOBER 5, 2010 STM 62
*Appointing Lucia Tyler to the Board of Directors for the Tompkins County Health Care Consortium 62

OCTOBER 12, 2010 RTB 62
*Approve minutes of 6/23, 7/13, 7/29, 8/18, 8/31, 9/14 62
*Amending Dog Enumerator contract 63
*Approval of Justice grant application to JCAP 67
*Support for Association of Towns resolutions 67

OCTOBER 13, 2010 STB 67

OCTOBER 22, 2010 STB 67
*Moving Tentative Budget to Preliminary Budget 68

OCTOBER 26, 2010 STB 68

NOVEMBER 9, 2010 RTB 68
*Adoption of 2011 Budget 69
*Approval of minutes from 9/21, 10/12, 10/13 69

NOVEMBER 17, 2010 STB 69
*Amendments to Procurement Policy 69
*Investigating procedure for selling Town-owned land 73
*Approval of minutes for 10/5, 10/22, 10/26 73

DECEMBER 14, 2010 RTB 73
*Approval of minutes for 11/3, 11/9, 11/17 74
*Switch ToU to 100% Renewable Energy through NYSEG 74
*Approval of Medicare Supplemental insurance for employees on Medicare 74
*Changing the payroll service 75
*SEQR determination for Franziska Racker Center renovation 75
*Insurance contract 77
*Gifts for employees and volunteers 77
*New telephone system 77
*Local Law #2: Dog Licensing and Control Law for the Town of Ulysses 78

****

JANUARY 04, 2010 Organizational Meeting

BE IT RESOLVED, the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:30 PM in the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. Board review of monthly claims will begin at 7:00 p.m. prior to each scheduled Regular Board Meeting. A monthly working meeting will be held on the 4th Thursday of each month.

BE IT RESOLVED the designated news media is advised of the foregoing schedule and those meeting notices are posted, in accordance with the open meeting law, on the clerk's bulletin board and the Town web site. **FURTHER RESOLVED** the Ithaca Journal, a newspaper regularly published and having general circulation in the Town, is hereby designated as the official newspaper of Town of Ulysses.

BE IT RESOLVED, copies of the official minutes of the Town Board, prepared and distributed by the Town Clerk, shall be distributed *[electronically unless otherwise requested]* to each Town Board member, Town Justices, Highway Superintendent, Building Code Enforcement Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Clerk's Bulletin Board and on the Town of Ulysses Website within 2 days of approval by the Town Board. Draft meeting minutes, clearly labeled as such, will be posted on the Clerk's Bulletin Board, the Town website, and distributed to Town Board members for review at least 14 days before the regular monthly Town Board meeting at which such minutes are to be approved.

BE IT RESOLVED mileage at a rate of $0.50 cents per mile shall be paid to Town Officials and employees for use of their personal vehicles for Town Business and that such mileage shall be reported on the appropriate forms provided.

BE IT RESOLVED the Highway Superintendent is authorized to incur expenses not to exceed $3,000.00 for repairs and maintenance of highway equipment without prior Board approval.

BE IT RESOLVED that the Town Clerk's petty cash fund of $150 is extended for the year 2010.

BE IT RESOLVED the following bond undertakings for Town Officials and appointees are hereby approved as follows:

A. Town Clerk/Tax Collector	$250,000
B. Justices (2)	$4,000 each
C. Court Clerk	$4,000
D. Code Enforcement Officer	$1,000
E. Highway Superintendent	$1,000
F. Town Supervisor	$500,000
G. Deputy Supervisor	$15,000
H. Deputy Town Clerk	$15,000

BE IT RESOLVED in lieu of the report required by Town Law Section 29(10), the Supervisor be and hereby is authorized to submit to the Town Clerk within 60 days after the close of the fiscal year a copy of his annual report to the State Comptroller, and that the Town Clerk shall cause a summary thereof to be published in accordance with the law (Town Law Section 29(10-a)). If the time for filing the annual report is extended 60 days by the State Comptroller, the supervisor's time for filing a copy of the report with the town clerk is extended for a like period.

BE IT RESOLVED the Tompkins County Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks and institutions as outlined in the Towns investment policy. The Town investment policy shall be reviewed by the Town Board during the year and revised as necessary.

BE IT RESOLVED the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage and contractual agreements which if delayed may result in loss of discounts or the accrual of service charges.

BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual salary of $18,224 as set by the Town Board for 2010. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

BE IT RESOLVED that the Town Board has established the Office of Deputy Supervisor, to continue in 2010. The Deputy Supervisor acts for and in place of the Supervisor in her / his absence. The annual salary of the Deputy Supervisor is set at $5,000. In accordance with Town Law, the Supervisor appoints the Deputy Supervisor.

BE IT RESOLVED that the Town Board has established the Office of Deputy Town Clerk, to continue in 2010 at an annual salary of $28,403. Further resolved that the responsibilities of this office are to assist the Town Clerk in Records Management, tax collection, producing meeting minutes, and to act for and in place of the Clerk during her / his absence. In accordance with Town Law, the Town Clerk appoints the Deputy Town Clerk. The Town Clerk shall appoint a Deputy Town Clerk by January 7, 2010 and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2010.

BE IT RESOLVED that the Town Board has established the office of Deputy Highway Superintendent, to continue in 2010 at an hourly pay rate of $20.27. The Deputy Highway Superintendent acts for and in place of the Highway Superintendent in her / his absence. In accordance with Town Law, the Highway Superintendent appoints the Deputy Highway Superintendent. The Highway Superintendent shall appoint a Deputy Highway Superintendent by January 7, 2010 and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2010.

BE IT RESOLVED that the Town Justices are authorized to employ the services of a Court Clerk or Clerks to assist in the administration and bookkeeping, at an annual salary of $31,283 for 2010. If the Town Justices find it necessary to employ more than one Clerk, the total salary paid shall not exceed the annual budgeted amount for Court Clerk. The Town Justices shall appoint a Court Clerk by January 7, 2010 and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2010.

BE IT RESOLVED that the Town Board has established the position of Water Superintendent, to supervise and carry out all of the activities necessary for the day to day operation and maintenance of the Town's special improvement Water Districts, as outlined in the Town of Ulysses Personnel manual (Water Supervisor). The 2010 annual salary for the Water Superintendent is $16,244. The Town Board appoints Doug Austic as Water Superintendent for the 2010 calendar year.

BE IT RESOLVED the Town Board hereby establishes the following payroll periods:
Bi-weekly: Highway Superintendent, Town Clerk, Justices, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Supervisor, Highway Department Staff, Bookkeeper, Code Enforcement Officer, Zoning Officer, Planning and Zoning Staff, Court Clerk, Temporary student and other employees, part-time Clerical and Support Staff, Town Board Coordinator, Water Superintendent, Water Clerk and laborers.

Monthly: Councilpersons, Supervisor, Dog Control Officer

Annually: Historian

Voucher: Town Hall Custodian and all other employees if not listed above

BE IT RESOLVED that the Town Board hereby establishes the following salaries for 2010:

position	budgeted salary	hourly rate if applicable
Supervisor	$15,150	
Councilperson	$ 3,996	
Highway Superintendent	$55,609	
Town Clerk	$47,114	
Town Justice	$15,334	
Bookkeeper	$18,224	
Deputy Supervisor	$ 5,000	
Town Council Assistant	$ 5,000	$20
Deputy Town Clerk	$28,403	
Court Clerk	$31,283	
Deputy Highway Superintendent	multiple budget lines	$20.27
Highway Employees	multiple budget lines	$14.14 - $16.77
Code Enforcement Officer	$28,706	
Zoning Officer	$21,769	
Planning and Zoning Clerk	$ 5,000	$15.76
Planning Manager	$20,000	$20 - $25
Water District Superintendent	$16,244	
Water District Clerk	$12,010	

Dog Control Officer	$ 8,000	*Check contract*
Historian	$ 1,500	
Laborer	$4212	$14.44 – 18.08
Deputy Zoning	$6000	$20

BE IT RESOLVED all hourly employees shall turn in a time card by the end of the last day of the pay period, salaried employees shall do the same stating time used for vacation, sick time, holiday or other time off to maintain accurate records of benefit time used. No pay will be issued without a signed time card.

BE IT RESOLVED that the Town Board makes the following appointments:

A. Code Enforcement Officer	Alex Rachun
B. Deputy Code Enforcement Officer	Mark Hasson
C. Planning Board Chairperson	Ken Zeserson
D. Planning Board Member - 2010 to 2017 term	Rod Hawkes
E. Board of Zoning Appeals Chairperson	George Tselekis
F. Board of Zoning Appeals Member - 2010 to 2015 term	vacant
G. Health Insurance Consortium Board representative	Lucia Tyler
H. Clerk for Planning Board and Board of Zoning Appeals	Robyn Carlisle-Peck
I. Board of Assessment Review	Dick Coogan vacant
J. TC Environmental Management Council (EMC)	Lucia Tyler
K. TC Water Resources Council	Ken Zeserson
L. Cayuga Lake Watershed/ Stormwater	(vacant)
M. County Youth Bureau Representative	vacant *(check)*
N. Trumansburg Ulysses Youth Commission Reps	Deb Austic *(check)* Michel Vonderweidt *(check)*
O. Recreation Partnership representative	vacant
P. Tompkins County Youth Services Board	vacant
Q. Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde
R. Ithaca/Tompkins County Transportation Council Policy Committee	Sue Poelvoorde
S. TC Fire, Disaster, and EMS Advisory Board	Kevin Romer
T. TC Council of Governments	R. Marino/ L. Thomas alternate
U. Water District Clerk	Marsha Georgia
V. Tompkins County Area Development	Dave Kerness
W. Fair Board liaison	Kevin Romer

X.	Historian	Nancy Dean
Y.	Agriculture and Farmland Protection Plan Committee Chairperson	John Wertis
Z.	Lakeshore Zoning Committee Chairperson	Don Smith
AA.	Water District Advisory Board Chairperson	Diane Hillman

BE IT RESOLVED that the Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009, and

FURTHER RESOLVED that the Town Board agrees to the Addendum to Retainer Agreement submitted by Ms. Geldenhuys for Board consideration, which changes the hourly fees for billing to $160 (Attorneys) and $105 (Paralegals). All other provisions of the Agreement shall remain in full force and effect.

WHEREAS the Town Government is in a time of major transition,

BE IT RESOLVED that the Town Board authorizes the Supervisor to contract with former Supervisor and Bookkeeper Doug Austic as a consultant to provide advice to the Supervisor and the Bookkeeper appropriate for an efficient transition. Compensation is authorized at a rate of $25 per hour, not to exceed $2,000.

WHEREAS the Town Government is in a time of major transition,

BE IT RESOLVED that the Town Board authorizes the Supervisor to contract with former Deputy Supervisor and Planning Manager Dick Coogan as a consultant to provide advice to the Supervisor and the Zoning Officer appropriate for an efficient transition. Compensation is authorized at a rate of $25 per hour, not to exceed $2,000.

BE IT RESOLVED that the Town of Ulysses has adopted and will adhere to policies for a Code of Ethics, Personnel and Benefits, Procurement, Claims, Meeting Rules and Procedures, Investment, Alcohol and Controlled Substance Testing, Planning Board and Zoning Board Attendance and Training, and Emergency Preparedness. The Town Clerk shall provide to each newly elected official and to any other elected or appointed official or employee these policies, and any other planning documents or local laws upon request.

BE IT RESOLVED any member of the public wishing to present a topic on the agenda advise the Supervisor of that intent at least one week prior to the scheduled meeting, if at all possible.

BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advice the Town Clerk of the special requirements at least one week prior to the meeting. (ADA)

BE IT RESOLVED that the Town Clerk will continue with the Resolution/Motion Index System initiated in 2009, identifying the Resolution/Motion number, date approved, and Title.

BE IT RESOLVED that any and all of these Organizational Resolutions be and remain subject to amendment throughout the year by the Town Board.

WHEREAS, Highway Law #142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law #283 to enter into agreements for shared services and equipment with other municipalities to authorize, within existing budget constraints, the Town's Highway Superintendent, pursuant to Highway Law #284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

BE IT RESOLVED that the Town of Ulysses join this collaboration effort with Danby, Caroline, Enfield and Ithaca to write a generic road construction and excavation local law for Tompkins County Towns at a cost not to exceed $500.

BE IT RESOLVED that the Town Board change the policy of giving $40 per year of service for a retiring individual from the Town of Ulysses.
****

<u>JANUARY 12, 2010 –RTB –</u>

BE IT Resolved that the Town Board of the Town of Ulysses approve the vouchers #475 through 516 for 2009 in the amount of $87,557.46 and vouchers #1 through 22 in the amount of $39,002.13(total reflects less #20 in the amount of $395)
*****
BE IT Resolved that the Town Board of the Town of Ulysses extend the current standing contract with Chris Austin the Dog Control Officer through February 15th at a rate of $7500 annually.
*****

***Acceptance of Unique Natural Area County Designations**
Whereas, the Tompkins County Environmental Management Council (EMC) has designated certain areas within the Town of Ulysses as Unique Natural Areas (UNA's), as shown on the map dated September 1999 attached hereto; and

Whereas, the Planning Board is in the process of drafting a proposed amendment to the Zoning Ordnance of the Town of Ulysses for consideration by the Town Board creating a Conservation Zone; and

Whereas, the UNA's are important natural resources in the Town;

Therefore, It Is Hereby Resolved that the Town Boar concurs with the designation of the UNA's and acknowledges that the UNA's are an important factor when considering a Conservation Zone.
*****

***Appoint Lucia Tyler as representative for Health Care Consortium**
BE IT RESOLVED that the Ulysses Town Board hereby appoints Lucia Tyler as the representative to the Greater Tompkins County Municipal Health Care Consortium Board of Directors, and Kevin Romer as the alternate.
*****

***Designate Liz Thomas and Ken Zeserson as representatives to the NY Assoc. of Towns**
BE IT Resolved that the Town Board of the Town of Ulysses designate Liz Thomas as the designated delegate to attend the business meeting of the NYS Association of Towns annual meeting and that Ken Zeserson be the alternate.
*****

***Establish Lakeshore Zoning Committee**
BE IT Resolved that the Town Board of the Town of Ulysses approve that the Lakeshore Zoning Committee is made up of the seven (7) members previously stated. The seven are Don Smith, Rod Hawks, George Tselekis, Terry Cool, John Wertis, Kris Cail and David Kerness.
*****

***Set crime coverage for Town officials**
BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved as follows: $250,000 for public employee dishonesty, $100,000 for forgery and alterations, and excess crime coverage for the Supervisor at $450,000, Town Clerk at $115,000 and Town Justices at $5,000."
*****

***Set time for audit of financial records**
BE IT Resolved that the Ulysses Town Board shall schedule a meeting to audit the Supervisor's financial records, in compliance with Town Law section 29(10), within 20 days of the submission of the Annual Financial Report to the NYS Comptroller's office.

BE IT Resolved that the Town Board of the Town of Ulysses schedule an audit for the Town Clerk and Court Clerk on February 3rd at 3pm.
*****

***Authorize SPCA Contract for backup to dog control officer services**
BE IT Resolved that the Ulysses Town Board authorizes the Supervisor to sign the proposed 2010 contract with the Tompkins County SPCA for impoundment and back up dog control officer services.
*****

Mr. Kerness moved a friendly amendment to the above resolution to have the contract read as it is but under #14 at the end it would read provided that the clause #14 can be amended to read "resulting from the actions of Town employees or agents or clause #14 is deleted completely or clause #14 is amended to make a parallel provision for mutual indemnification before signing said contract.
****

JANUARY 28, 2010 STB

*** Designate "Library Month"**
Ms. Marino moved to suspend the rule for supermajority resolution to consider the library proclamation, seconded by Mr. Kerness and Ms. Tyler.

BE IT Resolved that the Town Board of the Town of Ulysses authorize Supervisor Marino to sign the proclamation for "Library Month".

Ms. Marino moved to suspend the supermajority rule to allow the Board to address the resolution to add two members to the Ag Farmland Committee, seconded by Mr. Kerness.

***Authorizing Farmland Protection Committee to add two new members.**
BE IT Resolved that the Town Board of the Town of Ulysses authorizes the Ag Farmland Protection Committee to add two additional members making them a committee of nine.

FURTHER Resolved that Allison Pritts and Mark Ochs be appointed to that committee per the recommendation of the Ag Farmland Committee.

BE IT Resolved that the Town Board of the Town of Ulysses go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel (legal phrasing for the particularity of the subjects of discussion).
****

FEBRUARY 9, 2010 RTB –

***Approve minutes of 12/8/09, 1/4/10, 1/12/10**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of December 8, 2009, with the changes and corrections made tonight.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Organizational Town Board meeting of January 4, 2010, with the changes and corrections made tonight.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of January 12, 2010 with the changes and corrections made tonight.

***Approve budget modifications and vouchers**
BE IT RESOLVED that the Town Board of the Town of Ulysses approves to increase A5132.2 Highway by $61,000 for a total of $64, 000 and increase A5031 Reserve Usage by $61,000 transferring this out of Capital Reserve Savings Account (#19202000508)

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #23 through 84, and the addition of voucher #20 that was removed last month for the Ithaca Journal (voucher #20) in the amount of $395.01 for a total of $64,683.17.

***Stormwater Contract with Soil and Water Conservation**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to renew the agreement with Tompkins County Soil and Water to have them provide Ulysses with the technical review for Stormwater.

***Appointment of Liz Thomas and Kevin Romer to the Emergency Management Service Task Force,**
BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Kevin Romer and Liz Thomas to the Village of Trumansburg EMS Task Force group.

***Change of language to the fire contract**
BE IT Resolved that the Town Board of the Town of Ulysses approve the wording for the Fire Contract with the following changes to the wording:

"5. this contract shall be for a term of one calendar year, beginning January 1, 2010 and ending December 31, 2010. The parties hereto acknowledge that the Village of Trumansburg may implement a new arrangement for provision of emergency medical services during calendar year 2010. If the Village forms a new entity for provision of such services, the parties agree that the provisions of this Agreement which pertain to emergency medical services may be assigned to such new entity. Any new arrangement by the Village to bill service recipients for emergency medical services shall require prior written approval of each town and the adoption by each town of rules and regulations authorizing billing for such services."
*****

***Change of TB meeting date and time**
BE IT RESOLVED that the Town Board of the Town of Ulysses change the second meeting of the Town Board from the 4th Thursday at 7 pm to the 4th Tuesday at 7:30 p.m. The first meeting will be February 23rd at 7:30 p.m.
*****

***Appoint Richard Coogan to BZA and David Means to Assessment Advisory Board**
BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Richard Coogan to the five year term on the Zoning Board of Appeals.

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint David Means to serve on the Local Assessment Advisory Board.
*****

***SPCA contract through Tompkins County Animal Control**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the contract with the SPCA as follows:

This Animal Control Services Agreement is effective as of the __the day of February, 2010, by and between the SPCA of Tompkins County**,** a not-for-profit corporation created and existing under the laws of the State of New York, having its principal place of business at 1640 Hanshaw Road in the Town of Dryden, County of Tompkins, State of New York dba: **TOMPKINS COUNTY ANIMAL CONTROL (TCAC)**, and the **Town of Ulysses**, a municipal corporation of the State of New York.

In consideration of the covenants contained herein and other good and valuable consideration, the parties hereby agree as follows:

1. This Agreement has a term of 3 years beginning January 1, 2010 through December 31, 2012 and includes the Consortium of Towns of Newfield, Enfield, Danby, Caroline, Ulysses, Ithaca, and the City of Ithaca.

2. The terms of a new 3-year Agreement must be established before July 31, 2012

3. If a municipality states its intention to terminate its participation after three years, the TCAC budget, for the reduced workload, will be divided up with the participating municipalities per their respective total of human and dog populations pursuant to the formula set forth on page 4, under "Fiscal Matters", par.2.

4. If a municipality exercises its right to terminate this agreement with 60 days notice, the Advisory Board, as defined on page 2, will recommend a financial solution for the remainder of that calendar year. That financial solution must be ratified by the Boards of the SPCA of Tompkins County and the remaining participating municipalities. If universal ratification cannot be achieved, this agreement will be terminated for all parties within 60 days of such impasse.

5. Each participating municipality will by resolution deputize TCAC as the dog control agency and notify the New York State Department of Agriculture & Markets of that action. Each municipality will grant TCAC access to the New York State database for dog licenses.

ADVISORY BOARD

1. TCAC Advisory Board will be comprised of three members chosen by the participating municipalities and appointed by resolution of each participating municipality, serving along side three SPCA board members and one TCAC senior staff.

2. The Advisory Board will be the body to negotiate terms of any future agreements.

3. The Advisory Board will review dog control statistics and financials data and recommend procedures and policies to the Consortium municipalities and TCAC.

4. The annual budget for dog control will be recommended by the Advisory Board to the Consortium municipalities and TCAC by October 1st of the year prior to its implementation for approval separately by each party of the Consortium.

5. The Advisory Board will also be the panel for hearing and resolution of disputes between a participating municipality and management of TCAC.

DOG CONTROL SERVICE

1. Within the physical boundaries of the Municipality, the TCAC, through its duly appointed agents and employees, will serve as the "dog control officer" pursuant to Article VII of the Agriculture and Markets Law of the State of New York (the "Law") and, in such capacity, will enforce the provisions thereof, including any rules and regulations promulgated thereto or hereunder. The dog control officers will have the required Division of Criminal Justice Services ("DCJS") training and be certified peace officers.

2. Within the physical boundaries of the Municipality, the TCAC, through its duly appointed agents and employees, will provide the following services, including but not limited to:

    a. Seize and impound unlicensed dogs of which the TCAC becomes aware, as described in local laws, as well as any dog found off an owner's premises not wearing the tag required by Law;

    b. Enforce provisions of quarantine orders enacted pursuant to Sections 122 and 123 of the Law whenever such laws are in effect within Tompkins County;

c. Provide and maintain a shelter or pound for seized dogs and for lost, stray, abandoned, or homeless dogs in accordance with Section 115 of the Law. Note this shelter is not required to be within the physical boundaries of the Municipality;

d. All seized and unredeemed dogs pursuant to Section 118 of the Law will be humanely destroyed (in accordance with the procedures described in the Law) or make them available for adoption through the SPCA of Tompkins County;

e. Provide proper and veterinary care for all dogs in the shelter described in Section 2(c) above, which shelter shall be under the care and charge of a competent and trained employee(s); and

f. TCAC will:

i. Require proof of or provide rabies vaccination prior to adoption or redemption, and

ii. Provide for licensing under the authority of the participating Municipality, and

iii. Keep records as required by sections 114(5) & (6) of the Law; and

g. Maintain a regular schedule during which the shelter described in Section 2(c) above will be open to the public.

3. The TCAC will enforce the provisions of any lawful dog control law or ordinance of the Municipality, including TCAC will prepare and issue appearance tickets in a prompt and timely manner (where called for within the Municipality's corporate limits) and respond to reasonable requests for service within six (6) business hours. The Municipality will be made aware within 24 hours of any requests for service where TCAC didn't respond. The TCAC will strive to talk to owners as a first response to any request for service so that disputes may be resolved prior to the issuance of an appearance ticket, but recognize that some situations require immediate action.

4. Each municipality will send out notices of dog license renewal and notice of expired license if needed. The Municipality will notify TCAC of any dog owners holding an overdue dog license. TCAC will make reasonable attempts to make physical contact with the dog owner to deliver court appearance tickets.

5. TCAC will not issue or enforce any type of warrant, including, but not limited to, bench, arrest, and search and seizure warrants. However, the TCAC may accompany a police officer, upon request of the officer so named in any search and/or seizure warrant, where animal control or welfare issues may, will or do arise in connection with enforcement or execution of any such warrant. Neither the TCAC, nor any of its employees, officers, or animal control personnel

(hereinafter referred to collectively as its "Agents"), shall be required to act as a prosecutor to enforce issued appearance tickets before any Court or Magistrate. TCAC will, however, with respect to those matters as to which TCAC personnel have personal knowledge, provide witnesses for any court proceeding as required by the Municipality without any cost to that Municipality.

6. Responses to requests for service shall be provided on a 24-hour, seven days per week basis. Requests are considered "Emergency" where they occur outside the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday and Sunday. TCAC reserves the exclusive right to determine if a situation qualifies as an emergency. The Municipality will be made aware via email or phone call within 24 hours of any requests for emergency service for dog control that were denied.

FISCAL MATTERS

1. The annual charge for dog control service for 2010 will be $14, 802. The cost distribution is based on the year 2000 human population.

2. For 2011 and beyond, the distribution of costs, determined by TCAC, will be prorated by a sum of human and dog populations for each participating municipality as its fraction of the total human and dog population for the Consortium. TCAC will notify the Municipality in writing by September 30th of each year of the annual charge to the Municipality for the next year.

3. The parties agree that the TCAC shall be compensated by participating municipalities for its performance of the above-described services as follows. If the contract is not paid in full, then any outstanding balance shall be paid down in equal monthly increments over the course of the year. Each monthly payment shall be paid by the Municipality on or about the 15th day of the month following the month in which services were rendered.

4. TCAC will remit to the Municipality all impoundment and license fees collected by the 15th of each month. The SPCA of Tompkins County will be entitled to retain all adoption fees. The adoption fee schedule shall be consistent for all municipalities that are participating in this Consortium.

5. The SPCA does not have the right to waive impoundment fees.

DOG CENSUS

1. The Advisory Board shall develop proposed language for dog census protocol and present to each participating municipality of the Consortium for approval to add as an addendum to this Agreement.

2. Each participating municipality must complete a dog census by September 30, 2010. The dog census process must meet the protocol's requirements.

3. Each participating municipality must update its dog census every three (3) years.

MISCELLANEOUS

1. This Agreement shall commence as of February __, 2010 and continue through December 31, 2012. TCAC and the Municipality, reserve the right to terminate the agreement at any time for any reason by giving the TCAC and the remaining municipalities sixty (60) days written notice. Notices shall be delivered by hand, certified mail-return receipt requested, or overnight delivery courier. Notices shall be addressed to the Supervisor or Mayor at the municipal offices (in the case of notice to a town or city), or to the SPCA's Executive Director at the address listed above (in the case of notice to the SPCA). Notices are deemed given when received.

2. The TCAC shall allow the Municipality, upon five (5) days' written request, to inspect TCAC's books and records during normal business hours, excluding confidential information pertaining to individuals. The TCAC will deliver to the Advisory Board quarterly reports of all activities and financials.

3. TCAC will maintain general liability insurance coverage in a minimum amount of $1,000,000 per occurrence, with a $2,000,000 general aggregate. The Municipality shall be named an unrestricted additional insured, and the policy shall:

- Be purchased from an A.M. Best rated "secured" New York State licensed insurer.
- Contain a 30-day notice of cancellation, non-renewal or material change.
- State that the organization's coverage shall be primary coverage for the Municipality, its Boards, officers, employees, agents and volunteers.
- The Municipality shall be listed as an additional insured by using endorsement CG 2026 or broader. The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.
- Be written on an occurrence basis.

TCAC acknowledges that failure to obtain such insurance on behalf of the Municipality constitutes a material breach of contract. TCAC is to provide the Municipality with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of its services. The failure of the Municipality to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the Municipality.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first written below.

BE IT Resolved that the Town Board of the Town of Ulysses authorizes the Town Supervisor to sign a grant application to the New York State Energy Research Authority (NYSERDA), currently known as RFP 10.

FURTHER Resolved the grant would provide funds for a staff person or persons, or consultant to work among several municipalities in Tompkins County to work on the following types of projects:

* Projects to perform energy management functions
* Projects to inventory local greenhouse gas emissions and developing reduction plans
* Projects to develop zoning guidelines for sustainable development
* Projects to implement regional plans that reduce energy use in various sectors

The grant submission is a collaboration between the Towns of Danby, Dryden, Caroline, Enfield, and Ulysses. Ulysses will not be the lead agency for the submission, and there is no cost to the Town associated with inclusion as a collaborator. The date for submission is February 17, 2010.

Whereas there are many unresolved environmental issues associated with (hydrofracking) gas drilling,

BE it resolved that the Town of Ulysses will not lease any of its property for gas drilling, nor sell any water from its municipal source for that purpose.
****

<u>FEBRUARY 23, 2010 STB</u>

***Appoint Citizen's Advisory Board for Gas Drilling**

RESOLUTION TO CREATE A
CITIZEN'S ADVISORY BOARD TO FOCUS ON
DRILLING FOR GAS IN THE MARCELLUS SHALE

Whereas extracting natural gas from the Marcellus Shale by means of hydrofracturing is a complex topic with potential negative effects on water, air, roads, community, and legislated land uses within the Town of Ulysses limits; and

Whereas according to Article IX of the New York State Constitution, it is the Town's duty to enact laws to protect the safety, health, and well-being of persons or property within the Town borders; and

Whereas without paid staff to work on this subject, the Town Board does not have sufficient information to make critical decisions.

Therefore be it resolved that the Town of Ulysses appoint a Gas Drilling Advisory Board consisting of citizens from within the Town of Ulysses and Village of Trumansburg to assist in collecting information. Suggested tasks involve but are not limited to:

- Providing the Town Board with background material specifically to explore road protection ordinances and driveway permits.
- Explore protections for residents living in close proximity to wells regarding noise, light, air quality, water quality, and disposal of waste water from drilling activities.
- Collect data on existing vertical wells, abandoned or active. Provide data on lease lands to keep residents aware of drilling activities within the Town.
- Work with other municipalities to exert local control over land uses and watershed management.
- Explore mechanisms to affect placement of pipelines throughout the Town.
- Implement local education programs.

Be it also resolved that Ken Zeserson will serve as chair of the Gas Drilling Advisory Board and Elizabeth Thomas will serve as Town Board liaison. The Advisory Board will attempt to include representation from the Village of Trumansburg in order to help advice Village Trustees on topics of concern specifically to the Village. The Board will consist of 5 citizens at most, with the following having been identified:

Ken Zeserson
Michelle Bamberger
Robert Oswald
Judy Abrams

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Kerness seconded the motion and the vote was taken.

BE IT Resolved that the Town Board of the Town of Ulysses approve that all elected officials of the Town sit at the tables.
****

<u>MARCH 9, 2010 RTB</u>

***Approval of vouchers**
BE IT Resolved that the Town Board of the Town of Ulysses approve voucher numbers 85 through 90 and 92 through 137 in the amount of $103,165.28.
*****

***Allowing Court Justices to contract for outside Clerk services**
Whereas the Town Court Clerk is in the hospital and is expected to be out two to four weeks;

BE IT RESOLVED that the Town Board of the Town of Ulysses allow the Town Justices to contract for services up to 40 hours per week for $15 per hour.
*****

***Purchase of Tables**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the purchase of the tables for the conference and be paid for out of the A Fund.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to increase A5132.2 Highway Barns by $3000 and decrease Capital Building Reserve by the $3000,

***Authorize Supervisor to sign CCE contract**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to sign the contract with Cornell Cooperative Extension.
*****

***Entering Insurance Consortium**
AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE GREATER TOMPKINS COUNTY MUNICIPAL INSURANCE CONSORTIUM

Whereas, the Tompkins County Council of Governments (TCCOG) is comprised of all the municipalities in Tompkins County and

Whereas, the Town of Ulysses is a member of the Tompkins County Council of Governments (TCCOG), and

Whereas, health care costs for Tompkins County and other local governments have been increasing each year at rates much higher than inflation, which can be addressed by pooling our buying power,

Whereas,, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program to assist the municipalities in Tompkins County to create local municipal health care consort into, and

Whereas. the Greater Tompkins County Municipal Health Insurance Consortium developed health benefits coverage for all participating municipalities with the intent of providing a net savings to the taxpayers of Tompkins County, a goal the Town of Ulysses supports, and

Whereas, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members, an

RESOLVED, on recommendation of the Town Board, the Chief Elected Official of the Town of Ulysses is hereby authorized to execute a municipal cooperative agreement effective May 1, 2010, with the Greater Tompkins County Municipal Health Insurance Consortium for the, New York State Shared Municipal Services Program.

*****

***Investigate installation of water meter**
BE IT RESOLVED that the Town Board of the Town of Ulysses move forward with the Town of Ithaca to install a water meter to better track the water usage the Town of Ithaca charges the Town assuming that the cost of the project will be split 50/50 at a total cost of the $125,000.

Friendly amendment moved by Ms. Tyler, seconded by Ms. Thomas

Further resolve that if the Town goes forward 50/50 on this meter all of the penalty charges will be removed.

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Kerness seconded the motion and the vote was taken.
****

MARCH 15, 2010 STB

***Authorize Supervisor to sign Fire Protection Agreement**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Ms. Marino to sign the contract with the Village of Trumansburg for the Fire Protection Agreement for 2010.
*****

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the payment of voucher #91 in the amount of $398.34 to USA Blue Book.

2009 Budget adjustment:

A Fund	**Increases**	
Budget line	Name	
1010.4	Town Board CE	8.86
1112.1	Justice Clerk PS	6.02
1411.1	Deputy Town Clerk	.12
1620.4	Buildings CE	2,147.10
1670.4	Central Print/Mail	1,041.18
3510.1	Dog Control PS	0.04
5132.2	Town Barn Capital	4,078.26

5132.4	Garage CE	325.71
5182.4	Street Lighting CE	27.33
7301.4	Youth CE	7054.57
9030.8	Social Security Town	1,030.77
Total Increases		**25,711.10**

A Fund Decreases

Budget line	Name	
1110.4	Justices CE	1,521.16
1410.4	Town Clerk CE	2,455.55
1420.4	Attorney CE	2,580.50
1450.4	Elections CE	2,632.00
1650.4	Central Communic	3,947.95
1990.4	Contingency	9,323.00
9010.8	State Retirement	3,250.94
Total Decreases		**25,711.10**

2009 Budget adjustments:

DA Fund Increases

Budget line	Name	
5130.4	Garage CE	350.00
5140.1	Brush and Weeds	1,015.33
Total Increases		**1,365.33**

DA Fund Decreases

Budget line	Name	
5142.4	Snow Removal CE	1,365.33
Total Decreases		**1,365.33**

2009 Budget adjustments:

DB Fund Increases

Budget line	Name	
5110.1	General Repairs PS	330.71
Total Increases		**330.71**

DB Fund	**Decreases**	
Budget line	Name	
9040.8	Workman's Comp	330.71
Total Decreases		**330.71**

2009 Budget adjustments:

B Fund	**Increases**	
Budget line	Name	
8020.4	Planning CE	13,079.44
9010.8	State Retirement	999.56
Total Increases		**14,071.00**

B FUND	**Decreases**	
Budget line	Name	
8023.4	Comp Plan CE	14,071.00
Total Decreases		**14,071.00**

2010 Budget adjustment:

Dog Control and Impoundment: Need to adjust budget to reflect the change to SPCA contract:

Decrease **A3501.4 Dog Control PS** to $1,250 (move the $6750 left into Dog Control CE 3510.4)

Decrease A**1990.4 Contingency Account by** $5,552 (move to Dog Control CE) – 1990.4 budget line becomes $9,448)

Increase **Dog Control CE 3510.4** to $14,802

Change SW38310.1	to	$15,929.
Change SW28311.1	to	11,777.

Ms. Marino explained that at the time the 2010 budget was passed these two salaries in Water District #3 were left with a 3% increase when the Board's intention was that all salaries would be 1%. This Fund got overlooked.

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Kerness seconded the motion and the vote was taken.
****

MARCH 23, 2010 STB

***Approve minutes 1/28, 2/9, 2/23**
BE IT RESOLVED that the Town Board of the Town of Ulysses to approve the minutes from the Regular Town Board meeting of February 9, 2010 and the Special Town Board meetings of January 28, 2010 and February 23, 2010 as corrected by Ms. Poelvoorde and emailed to the Board.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following 2009 budget modifications:

B Fund

Increase B8021.1	Planning Manager PS	$1,909.80
B9055.8	Disability Insurance	4.50
Decrease B1990.4	Contingency Account	1,914.30

Ms. Marino	aye
Ms. Thomas	aye
Ms. Tyler	aye
Mr. Kerness	aye
Mr. Romer	aye

Adopted

2010 Budget Modifications

SW3 Water

Increase SW39040.8	Workers Comp	272.00
Decrease SW38340.4	Trans./Dist CE	272.00

***Triathlon**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to write a letter to Jane Miller, Director of the Cayuga Lake Triathlon giving them permission to use public roads in the Town's jurisdiction for the bicycle portion of the race on August 1, 2010.

***Establish Water Distribution and Maintenance Operator Position**

RESOLUTION TO ESTABLISH WATER DISTRIBUTION AND MAINTENANCE OPERATOR POSITION

Be it resolved that:

The Town of Ulysses hereby establishes the competitive class position of Water Distribution and Maintenance Operator, as approved by the Tompkins County Personnel Department dated February 22, 2010 and amended by the Town Board March 23, 2010 (position description attached to this resolution). The Water Distribution and Maintenance Operator is responsible for the maintenance, daily operation, and repairs of Town water systems so as to ensure continued distribution of potable water to the customers.

Be it further resolved that:

This resolution rescinds and supersedes all previous resolutions by the Ulysses Town Board pertaining to the above-described job functions.

***Appoint Water Distribution and Maintenance Operator**

RESOLUTION TO APPOINT A WATER DISTRIBUTION AND MAINTENANCE OPERATOR

The Ulysses Town Board hereby appoints Douglas Austic to the position of Water Distribution and Maintenance Operator until December 31, 2010. This is a provisional appointment, pending either re-classification of the position to non-competitive status or successful final rating on the necessary competitive examination. This resolution supersedes all previous resolutions by the Ulysses Town Board pertaining to the job functions associated with operation, maintenance, and repair of Town water systems.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to have future Town Board minutes reflect any official actions with the motions, resolutions and the vote and

Further resolve that individual agenda items have a short synopsis and indicate the general time of the topic and discussion.
****

<u>APRIL 13, 2010 RTB</u>

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #'s 138 through 191 in the amount of $170,208.17.
*****

***Establish new Code of Ethics Policy**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Code of Ethics policy as amended March 13th, 2010 as follows:

TOWN OF ULYSSES – CODE OF ETHICS

WHEREAS, the General Municipal Law provides that all towns shall enact a Code of Ethics and that it be filed with the State Comptroller on or before December 31, 1970, and

WHEREAS, this Town Board believes that a Code of Ethics will provide town public officials and employees with adequate and definitive guidelines for their official conduct, be it

RESOLVED, that the Town Board of the Town of Ulysses does hereby enact and adopt the following resolution and that a certified copy be sent to the comptroller of the State of New York and also one copy be posted on the Town Clerk's bulletin board:

Section 1. Pursuant to the provisions of Section Eight Hundred Six of the General Municipal Law, the Town Board of the Town of Ulysses recognizes that there are rules of ethical conduct for public officials and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Ulysses. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. – Definition

A. **"Municipal Officer or Employee"** means an officer, appointee, or employee of the Town of Ulysses, whether paid or unpaid, including members of any administrative board, committee, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

B. **Interest** means a pecuniary or material benefit accruing to a municipal officer or employee unless the contract otherwise requires.

Section 3. – Standards of Conduct.

Every officer or employee of the Town of Ulysses shall be subject to and abide by the following standards of conduct:

A. **Gifts.** He/she shall not directly or indirectly (through family members), solicit any gift; or accept or receive any gifts having an annual cumulative value greater then seventy-five dollars and that $75 referred to is the limit of all permissible gifts to an affected employee or public official regardless of number of such gifts. The gifts could be in the form of money, services, loan travel, entertainment, hospitality, promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

B. **Confidential Information.** He/she shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.

C. **Representation before one's own agency.** He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. **Representation before any Agency for a contingent fee.** He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. **Disclosure of Interest in Legislation.** To the extent that he knows, thereof, a member of the Town Board and any officer or employee of the Town of Ulysses, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. **Investments in Conflict with official Duties.** He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or private transaction, which creates a conflict with his official duties. In the event such a conflict exists he or she shall recuse him or herself from any decisions involving such conflicts

G. **Appearance of Impropriety.** A public official or employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.

H. **Recusal.** A public official or employee must rescue himself when faced with the above conflicts. Recusal defined-Recusal means that the official may not deliberate, vote, or participate in any way in such matter. The official should disclose his or her conflict and remove him or herself from the board.

I. **Town Property.** No employee or public official shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets restricted to the conduct of official business and for the benefit of all residents.

J. **Nepotism.** Spouses and other family members may not serve in positions creating a conflict of interests, the appearance of a conflict or consolidation of power in one board.

K. **Private Employment.** He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.

L. **Future Employment.** He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Ulysses in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

M. **Subordinates.** No public official shall solicit political contributions from subordinates.

N. **Incompatible Positions.** A public official is prohibited from (a) holding positions when one is subordinate to the other (b) Holding positions when the duties of the positions conflict.

Section 4. – Right to File Claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of Ulysses, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5 – Distribution of Code of Ethics.

The Town Clerk of the Town of Ulysses shall give a copy of this Code of Ethics to every public official and employee of the Town of Ulysses upon appointment or request or update of document. A signed document reflecting receiving and

understanding of Ulysses Code of Ethics Policy (see attachment 1) must be returned to the Town Clerk within 3 months. The attorney for the Town shall provide annual training for Ulysses public officials and employee's concerning the requirements of the Town Code of Ethics.

Section 6 – Penalties.

Any Town of Ulysses employee or public official may submit in writing alleged ethical issues or concerns to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

Section 7 – Effective Date.

This resolution shall take effect 30 days after it is filed as provided in Section Twenty-seven of the Municipal Home Rule Law.

This is to certify that the above Revised Code of Ethics was adopted by the Town Board of the Town of Ulysses April 13, 2010.

MEMORANDUM

The purpose of this Memorandum is to advise each employee, appointee, and public official of changes to the Code of Ethics Policy for the Town of Ulysses. A copy of the Code of Ethics is attached to this Memorandum for your information.

Please review the attached Ethic's Policy and if there are any components of the Policy that you do not understand or would like to comment on, please send your questions in writing or via e-mail to: Marsha L. Georgia, Town Clerk 10 Elm Street, Trumansburg, NY - email - touclerk@twcny.rr.com

After reviewing the Code of Ethics Policy, sign the attached declaration affirming that you have read and understood the Policy and return this sheet to Marsha L. Georgia, Ulysses Town Clerk. If you feel you cannot sign the declaration, you will need to attend the Ethics Training provided by the town of Ulysses.

Each employee and elected official should be aware that the gift limit described therein is a cumulative, annual gift limit and that the $75 referred to is the limit of all permissible gifts to an affected employee or official regardless of the number of such gifts.

Beginning January 13, 2009 any alleged infractions of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for investigation. Infractions of the Code of Ethics that are confirmed by such investigations will be referred to the Town Board for action.

Town of Ulysses – Code of Ethics Declaration

Town of Ulysses Code of Ethics Policy

I _____ have received a copy of the Code of Ethics Policy for the Town of Ulysses. I have read and understand the Code of Ethics Policy for the Town of Ulysses and understand that it is my responsibility as an elected official, public official, or staff member for the Town of Ulysses to adhere to its requirements.

If you cannot sign this declaration it is mandatory for you to attend the Town of Ulysses Ethics training.

I understand that any alleged violations of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for review and investigation.

_____ _____

Date Signature

*****

***Withdraw Supplemental Generic Environmental Impact Statement**

REQUEST TO GOVERNOR DAVID A. PATERSON to Withdraw the draft Supplemental Generic Environmental Impact Statement Related to Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop Marcellus Shale and Other Low-Permeability Gas Reservoirs

WHEREAS, the Town of Ulysses, a community in Tompkins County is wholly located above a portion of the Marcellus Shale formation, a low-permeability rock formation estimated to contain reserves of natural gas; and

WHEREAS, recent technological developments including horizontal drilling and high-volume hydraulic fracturing have enabled energy exploration companies to potentially mine this resource in New York State, including the Town of Ulysses; and

WHEREAS, the Town of Ulysses recognizes the need for interim energy sources as our state and country transition to widespread economical renewable energy use; and

WHEREAS, the Town of Ulysses recognizes that, if properly regulated, the development of natural gas resources in New York State could present some communities and residents with financial benefit; and

WHEREAS, the Town of Ulysses also realizes that the aforementioned potential financial benefits could easily be offset by unforeseen and preventable damage to the Upstate economy, including the tourism, wine, agriculture and education industries, should development of natural gas resources be allowed to continue in a largely unregulated manner; and

WHEREAS, land-use planning in the Town of Ulysses is guided by a Comprehensive Plan and Zoning Ordinance; and

WHEREAS, in addition to residential, commercial and industrial zones, the Town of Ulysses is also comprised of sizable areas unique natural areas, ecologically fragile surface waters, or other land unsuitable for surface disturbance, and

WHEREAS, through the Comprehensive Plan process, Town of Ulysses residents have overwhelmingly identified environmental protection as a top priority for consideration in land-use and growth management policies; and

WHEREAS, the Town of Ulysses has historically taken an active role in the siting and permitting of development within its borders, including industry; and

WHEREAS, it is generally recognized that NYSDEC has assumed de facto siting and permitting authority related to the exploration and extraction of natural gas; and

WHEREAS, the process of hydraulic fracturing involves the use, retention and disposal of millions of gallons of fracturing fluid and wastewater that is high in dissolved solids and contains toxic and radioactive materials, some of which are not subject to public disclosure requirements; and

WHEREAS, there are no requirements for closed, above-ground storage facilities, nor pre-treatment requirements, for the fracturing fluid and wastewater generated during the fracturing process; and

WHEREAS, the United States Environmental Protection Agency is preparing to undertake an investigation of the impacts of hydraulic fracturing on the environment; and

WHEREAS, there have been hundreds of reported spills, fires and contaminated water supplies related to conventional vertical well drilling in New York State, and surface contamination related to the retention and disposal of fracturing fluid and wastewater from natural gas operations; and

WHEREAS, staff resources of the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation are dangerously inadequate to manage current drilling activities in New York State and, so, are not sufficient to handle the widespread proliferation of deep well horizontal drilling and hydraulic fracturing; and

WHEREAS, the proposed fee structure related to permitting new wells would not provide finances adequate to staff NYSDEC to the degree necessary to process and manage an onslaught of new and more complicated drilling operations, thereby potentially creating a taxpayer subsidy for the oil and gas industry; and

WHEREAS, there is no strict liability requirement for natural gas drilling waste releases by energy companies, potentially shifting the financial burden of remediating contamination related to drilling and extraction to taxpayers; and

WHEREAS, New York State's Spill Remediation Fund may only be available for emergency response related to oil spills, excluding emergencies related to natural gas; and

WHEREAS, reporting requirements for uncontrolled oil and gas releases are currently insufficient and could be made similar to those for leaking underground storage tanks; and

WHEREAS, according to NYSDOT, New York State and Tompkins County reportedly contain the alarmingly high percentage (37%) of structurally deficient or functionally obsolete bridges; and

WHEREAS, the widespread development of natural gas resources in New York State would involve the regular transport of heavy equipment and routine hauling of large volumes of hydraulic fluid and hydraulic fracturing wastewater over state, county and municipal roads and bridges, creating potentially dangerous conditions and a potential financial burden for taxpayers; and

WHEREAS, foreknowledge of the siting of industrial facilities related to natural gas development is critical to acquiring an understanding of future road usage for bonding and planning purposes, and no such advance notification requirement exists; and

WHEREAS, a comprehensive analysis of the statewide impacts of natural gas development utilizing a "full build-out" scenario has not been done; and

WHEREAS, the Town of Ulysses has a responsibility to preserve and protect its natural resources, water resources, infrastructure, and residents' quality of life.

NOW, THEREFORE BE IT

RESOLVED, that the Town of Ulysses Board hereby requests that the Honorable David A. Paterson, Governor, withdraw from the current SEQRA review the Draft Supplemental Generic Environmental Impact Statement On The Oil, Gas and Solution Mining Regulatory Program- Well Permit Issuance for Horizontal Drilling And High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, as the aggregate protection provided therein is inadequate to safeguard the public health, environment and economy of New York State.

BE IT FURTHER RESOLVED that the Town Board of the Town of Ulysses requests that no new permits be issued for horizontal drilling and deep well hydraulic fracturing until the aforementioned and following regulatory issues are addressed:

1. Allow municipal control over permitting, siting and certain construction and operational parameters in accordance with a municipality's land-use regulations and local laws.

2. Require closed storage and pre-treatment of fracturing fluid and wastewater from natural gas operations. Prohibit surface storage and surface disposal of fracturing fluid and wastewater from natural gas operations.

3. Require complete public disclosure of fracturing fluid and drilling wastewater constituents.

4. Require independent comprehensive baseline water quality testing of any and all potentially impacted public and private drinking water sources, financed by energy companies.

5. Mandate setbacks from private and public water sources that are adequate to protect them from uncontrolled releases of gas and hydraulic fluid, which, according to NYSDEC historical spills data, can migrate thousands of feet in minutes.

6. Impose strict reporting requirements for uncontrolled oil and gas releases consistent with New York State Navigation Law.

7. Impose strict financial liability on energy companies for environmental remediation costs.

8. Allow access to New York State's Spills Remediation Fund for emergency clean-up related to natural gas drilling contamination releases.

9. Create a permit fee structure to finance adequate staffing at NYSDEC and training of local emergency response personnel.

10. Require energy companies to post performance bonds or acquire pollution clean-up insurance prior to initiating site work.

11. Require disclosure of development plans far enough in advance to allow for planning and bonding for bridge and roadway use.

12. Conduct a comprehensive analysis of statewide impacts of natural gas development, using a "full build-out" scenario based on the maximum allowable wells per acre.

Be it also resolved that a copy of this resolution shall be sent to Governor Paterson, Regional Representative to the Governor Kevin McCab, NYSDEC Commissioner Grannis, NYS Secretary of the Environment Peter Iwanowicz, State Senators Winner, Seward, and Nozzolio, State Assembly Speaker Silver, State Assemblywoman Lifton, NYS Senate President Malcolm Smith, NYS Senate Majority Leader Pedro Espada, Chair of State Senate Committee on Environmental Conservation Thompson, Chair of State Assembly Committee on Environmental Conservation Sweeney, State Attorney General Cuomo, U.S. Representatives Hinchey and Arcuri, U.S. Senators Schumer and Gillibrand, EPA Region 2 Regional Administrator Judith Enck, New York Comptroller, Thomas DiNapoli and New York State Association of Towns and Municipal Officials and Clerks.

*****

***Support for State legislation urging stricter oversight of hydrofracturing**

RESOLUTION TO SUPPORT PROPOSED STATE LEGISLATION URGING STRICTER OVERSIGHT OF HORIZONTAL DRILLING AND HIGH-VOLUME HYDARULIC FRACTURING USED IN THE EXTRACTION OF NATURAL GAS FROM THE MARCELLUS SHALE FORMATION

Whereas the proposed New York State bill number A10088 prohibits the use of on-site, open-pit storage of flow back waters due to the hazards they potentially pose for wildlife and the surrounding water quality from accidental releases. This bill proposes the use of steel tanks for flow back storage to minimize such hazards, and;

Whereas the proposed New York State bill number A10090 prohibits on-site disposal or burial of drill cuttings from natural gas wells due to the extreme volume of cuttings generated of between 100 and 500 times the volume generated at vertical well sites. Oxidation and leaching from these cuttings produces an acid mine discharge which if not properly managed poses a threat to nearby water quality; and

Whereas the proposed New York State bill number A10091 requires the Department of Environmental Conservation to disclose the ingredients in hydraulic fracturing fluids and prohibits the use of chemicals that pose a risk to human health due to their persistence, their bio-accumulative or toxic characteristics, or their mutagenic qualities; and

Whereas the proposed New York State bill number A10092 requires an Environmental Impact Statement (EIS) for any natural gas drilling involving the use of hydraulic fracturing fluid to determine if it will pose a threat to special groundwater protection areas; and

Whereas the proposed New York State bill number A8784 requires permit holders to test the quality of ground and surface water sources within a thousand foot radius of the drilling area and on all water wells in the production unit, unless the Department of Environ mental Conservation (DEC) determines that an expanded radius is required; and

> Requires such testing to occur prior to drilling, following any hydro fracturing, prior to well completion and annually for producing wells; and
>
> Defines “compounds” or “contaminants of concern” to include the ingredients contained in hydrofracturing fluids and chemical treatment; and
>
> Establishes liability for the permit holder if the post drilling/hydrofracturing test results indicate contamination or decreased flow rate; and,

Requires DEC to promulgate methane and "compounds or contaminants of concern" regulations; and

Whereas the proposed New York State bill number A9414 establishes liability for any person involved in the extraction of natural gas by use of high volume hydraulic fracturing techniques. A "person" means "any individual, association, corporation or other entity that engages in natural gas exploration, drilling, extraction or transportation. The term "person" shall include any individual, association, corporation or other entity that owns an interest in land that is subject to a lease or other grant that permits surface rights, sub-surface rights or both surface and sub-surface rights for the purpose of natural gas exploration, drilling, operation or extraction unless said lease or grant was executed prior to the effective date of this title."

Whereas the proposed New York State bill number A8806 establishes a water permitting process to allow the Department of Environmental Conservation to better regulate the use of the State's water resources.

Therefore, be it resolved, that the Town of Ulysses supports passage of the above state legislation meant to improve oversight of natural gas hydrofracturing activities to ensure the health, safety and well being of the citizens of the Town of Ulysses.

Be it also resolved that a copy of this resolution shall be sent to Governor Paterson, Regional Representative to the Governor Kevin McCab, NYSDEC Commissioner Grannis, NYS Secretary of the Environment Peter Iwanowicz, State Senators Winner, Seward, and Nozzolio, State Assembly Speaker Silver, State Assemblywoman Lifton, NYS Senate President Malcolm Smith, NYS Senate Majority Leader Pedro Espada, Chair of State Senate Committee on Environmental Conservation Thompson, Chair of State Assembly Committee on Environmental Conservation Sweeney, State Attorney General Cuomo, U.S. Representatives Hinchey and Arcuri, U.S. Senators Schumer and Gillibrand, EPA Region 2 Regional Administrator Judith Enck, New York Comptroller, Thomas DiNapoli and New York State Association of Towns and Municipal Officials and Clerks.

*****

APRIL 27, 2010 STB

***Inclusion of new land in Agricultural District 2**

WHEREAS, the Town Board has received the request from Richard Erali, Tax Parcel 14.-3-14.61 for inclusion of NYS Agricultural District 2 and

WHEREAS, Richard Erali has stated per letter received April 27, 2010 he had no intent to harvest timber on this property.

THEREFORE BE IT RESOLVED, the Town of Ulysses Town Board endorse the Richard Erail property for inclusion of NYS Agricultural District 2.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves that the edited minutes get sent to the Town Board members electronically prior to the meeting at which they are to be voted on for the Boards review.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes as edited for STB March 5, 2010, RTB March 9, 2010, and STB March 15. 2010, PH March 15, 2010 and the STB March 23, 2010.
****

MAY 11, 2010 RTB

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers 192 through 233 in the amount of $16, 888.66.

***Donating gravel to Jacksonville Association Park**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the authorization for the Town Highway Department to donate a truck load of crusher run stone to the Jacksonville Association Park.
*****

***Authorize Supervisor to approve "Summer Concert Series"**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Supervisor to sign the letter. "Summer Concert Series"
*****

***Extending Farmland Protection Plan**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Contract Extension for the Farmland Protection Plan at a total of $4,050
*****

***Payment to the Cayuga Lake Intermunicipal Organization**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the payment of the 2009 dues to rejoin the Cayuga Lake Intermunicipal Organization in the amount of $900.
*****

***Establish local law for Operating Permits for Special Events**
WHEREAS the Town Board of the Town of Ulysses introduced the Local Law on the proposed Operating Permits for Special Events.

BE IT RESOLVED that the Town Board of the Town of Ulysses hold a public hearing on May 25th, 2010 at 6:30 pm in the Town Hall on the proposed Operating Permits for Special Events Local law as follows: *note this is the final draft that follows

A Local Law to require operating permits for special events in the Town of Ulysses

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

SECTION 1. Definitions

a. "Special Event". For purposes of this Local Law, a special event is defined as follows: Any event or gathering in the Town of Ulysses, held on property located outside the A-2 zone as designated in the Town of Ulysses Zoning Ordinance, which will result in traffic generation of more than fifty vehicles and

i. be more than eight (8) hours in duration and/or

ii. involve overnight camping on property which is not an approved overnight camping facility pursuant to the Zoning Ordinance of the Town of Ulysses

b. The following shall not be considered a "special event" for purposes of this Local Law:

i. A non-commercial social gathering at a single family residence, including, but not limited to, a party, family reunion or wedding; or

ii. An event held on commercial property with available parking for such event.

c. "Operator". The person, entity or organization which organizes and operates a Special Event and the owner of the property where the event is held are collectively referred to as the "Operator" for purposes of this Local Law.

SECTION 2. Operating Permit required

a. No Operator shall hold a Special Event in the Town of Ulysses, or permit such an event to be held on property he or she owns, without first obtaining an Operating Permit from the Town of Ulysses as prescribed in this Local Law.

b. The Operating Permit shall be obtained at least five days before the commencement of the Special Event.

SECTION 3. Requirements

a. No Special Event shall be more than five days in duration.

b. No more than four Operating Permits per calendar year shall be issued to the same Operator or for the same property. Any applications for Operating Permits in excess of this limit must be made to the Town Board of the Town of Ulysses.

c. The Operator shall be responsible for safe operation of traffic and parking on the property where the Special Event is held and will provide an attendant to oversee and regulate traffic on the property.

d. The Operator shall provide proof of liability insurance for the Special Event in an amount of no less than $1,000,000, naming the Town of Ulysses as additional insured. Any request to maintain a lower amount of insurance coverage will require the written consent of the Code Enforcement Officer.

e. If the Special Event will include overnight camping, the Operator will obtain all necessary approvals from the Tompkins County Health Department prior to applying for the Operating Permit from the Town of Ulysses.

SECTION 4. Procedure

a. The Operator of the Special Event shall apply to the Code Enforcement Officer of the Town of Ulysses for an Operating Permit for the Special Event on a form provided by the Town, which identifies the property where the event will take place by address and tax parcel number. The owner of the property where the event will be held must join in the application.

b. Every application for an Operating Permit shall be accompanied by the following:

i. an application fee set by resolution of the Town Board.

ii. an insurance binder or other written proof of insurance coverage as required by this Local Law.

iii. if the Special Event will include overnight camping, copies of all documents showing approval of the camping facilities by the Tompkins County Health Department.

SECTION 5. Penalties

a. Failure to comply with the requirements of this local law shall constitute a violation and shall be punishable by a fine of $1,000.00 for the first violation and $2,000.00 for each subsequent violation.

b. Each day of failure to comply with the requirements of this local law shall constitute a separate violation.

SECTION 6. Effective date

This local law shall take effect upon filing with the Secretary of State.
*****

***Hiring help for the website**
BE IT RESOLVED that the Town Board of the Town of Ulysses hire a professional to get the redone Town website (beta version) finished and on line.

FURTHER RESOLVE that Ms. Poelvoorde will draft an RFP to get quotes and bring information to the next meeting.
*****

***Contract with Bergman for zoning analysis**
BE IT RESOLVED that the Town Board of the Town of Ulysses hire Bergman Associates to do the Zoning Analysis for the Town of Ulysses to be done over a 2-month time period for a fee of $3,500 and

FURTHER RESOLVED consulting services on an hourly basis as requested.
****

<u>MAY 25, 2010 STB</u>

***Establish Local Law #1 requiring operating permits for special events**
BE IT RESOLVED that the Town Board of the Town of Ulysses adopt Local Law #1 for 2010 A Local Law to require Operating Permits for Special Events in the Town of Ulysses.

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

SECTION 1. Definitions

a. "Special Event". For purposes of this Local Law, a special event is defined as follows: Any event or gathering in the Town of Ulysses, held on property located outside the A-2 zone as designated in the Town of Ulysses Zoning Ordinance, which will result in traffic generation of more than fifty vehicles and

i. be more than eight (8) hours in duration;

and/or

ii. involve overnight camping on property which is not an approved overnight camping facility pursuant to the Zoning Ordinance of the Town of Ulysses.

b. The following shall not be considered a "special event" for purposes of this Local Law:

i. A non-commercial social gathering at a single family residence, including, but not limited to, a party, family reunion or wedding; or

ii. An event held on commercial property with available parking for such event.

c. "Operator". The person, entity or organization which organizes and operates a Special Event and the owner of the property where the event is held are collectively referred to as the "Operator" for purposes of this Local Law.

SECTION 2. Operating Permit required

a. No Operator shall hold a Special Event in the Town of Ulysses, or permit such an event to be held on property he or she owns, without first obtaining an Operating Permit from the Town of Ulysses as prescribed in this Local Law.

b. The Operating Permit shall be obtained at least five days before the commencement of the Special Event.

SECTION 3. Requirements

a. No Special Event shall be more than five days in duration.

b. No more than four Operating Permits per calendar year shall be issued to the same Operator or for the same property. Any applications for Operating Permits in excess of this limit must be made to the Town Board of the Town of Ulysses.

c. The Operator shall be responsible for safe operation of traffic and parking on the property where the Special Event is held and will provide an attendant to oversee and regulate traffic on the property.

d. The Operator shall provide proof of liability insurance for the Special Event in an amount of no less than $1,000,000, naming the Town of Ulysses as additional insured. Any request to maintain a lower amount of insurance coverage will require the written consent of the Code Enforcement Officer.

e. If the Special Event will include overnight camping, the Operator will obtain all necessary approvals from the Tompkins County Health Department prior to applying for the Operating Permit from the Town of Ulysses.

SECTION 4. Procedure

a. The Operator of the Special Event shall apply to the Code Enforcement Officer of the Town of Ulysses for an Operating Permit for the Special

Event on a form provided by the Town, which identifies the property where the event will take place by address and tax parcel number. The owner of the property where the event will be held must join in the application.

b. Every application for an Operating Permit shall be accompanied by the following:

i. an application fee set by resolution of the Town Board.

ii. an insurance binder or other written proof of insurance coverage as required by this Local Law.

iii. if the Special Event will include overnight camping, copies of all documents showing approval of the camping facilities by the Tompkins County Health Department.

SECTION 5. Penalties

a. Failure to comply with the requirements of this local law shall constitute a violation and shall be punishable by a fine of $1,000.00 for the first violation and $2,000.00 for each subsequent violation.

b. Each day of failure to comply with the requirements of this local law shall constitute a separate violation.

SECTION 6. Effective date

This local law shall take effect upon filing with the Secretary of State.

*****

***Contract with Bergman Associates to help with Ag Land Protection Plan**

Resolution to Approve Hiring Bergmann Associates for Professional Planning Services to Complete the Agriculture and Farmland Protection Plan and Implement the 2009 Comprehensive Plan Following Town of Ulysses Procurement Policy Section 6.

WHEREAS, the Town Board of the Town of Ulysses adopted an updated Comprehensive Plan in 2009, and

WHEREAS, the Comprehensive Plan was prepared by a Town Board-appointed Comprehensive Plan Update Committee (CPUC) with professional planning assistance from Bergmann Associates, and

WHEREAS, Bergmann Associates was hired by the Town Board of the Town of Ulysses after an open competitive RFP process conducted in 2006, and

WHEREAS, the RFP process established that Bergmann Associates have the necessary professional skills to assist the CPUC and that its hourly rates were competitive with the two other top-rated firms identified by the selection committee,

WHEREAS, through the Comprehensive Plan process Bergmann's contract was amended to utilize Bergmann's professional planning services to assist the Town of Ulysses to prepare an Agricultural and Farmland Protection Plan, partially funded by a grant from the New York State Department of Agriculture and Markets, and it is necessary to extend the Bergmann contract to February 2011 to assist with completion of the AFPP, and

WHEREAS, the Town Board of the Town of Ulysses is committed to moving forward to implement strategies in the newly adopted 2009 Comprehensive Plan and the Town needs additional professional planning staff to assist with this effort, and

WHEREAS, the first step in strategy implementation is to complete a consistency review of the current Zoning Law with the newly adopted 2009 Comprehensive Plan, and

WHEREAS, Bergmann's previous contracts with Ulysses have given the firm familiarity with the town government, community characteristics, and zoning laws, and

WHEREAS, New York State General Municipal Law Section 104-b (2) (f), provides that a municipality may include a provision in its procurement policy outlining circumstances when, and types of procurement for which, the solicitation of alterative proposals or quotations will not be in the best interest of the municipality;

WHEREAS, section 6 of the Town of Ulysses procurement policy provides that such circumstances include professional services or services requiring special or technical skill;

WHEREAS, Bergmann has demonstrated that it has the requisite skill to perform professional planning services required by the Town and that it has the accountability, reliability, responsibility and skill for such services;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ulysses authorize the Supervisor to enter into 1) a contract extension for the Agricultural and Farmland Protection Plan and 2) a new contract to provide professional planning services to implement strategies in the 2009 Comprehensive Plan with Bergmann Associates for an amount not to exceed $8000.

Approval of Bergmann Associates Contracts

STANDARD FORM OF AGREEMENT
BETWEEN
OWNER AND CONSULTANT
FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT made as of May 21, 2010 between the Town of Ulysses (hereinafter OWNER) and Bergmann Associates (hereinafter CONSULTANT). OWNER intends to engage the CONSULTANT in professional services pertaining to the development of a Zoning Analysis in order to achieve the goals and objectives of the OWNER in cost-effective and timely manner (hereinafter called the Project). The contract amount for these services is $3,500.00 and shall be executed as a lump sum agreement. Additionally, the Contract shall allow the OWNER to engage the CONSULTANT on a time and materials basis for professional planning services as required and determined by the OWNER.

OWNER and CONSULTANT, in consideration of their mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - BASIC SERVICES OF CONSULTANT

1.1 CONSULTANT shall provide basic professional services for OWNER as specified in Exhibit "A", "Scope of Services" of this Agreement.

ARTICLE 2 - ADDITIONAL SERVICES OF CONSULTANT

2.1 Services in connection with work directive changes and change orders to reflect changes requested by OWNER.

2.2 This Agreement may be extended at the request of the OWNER for additional professional planning services with an amended scope of work and fee approved by the OWNER and CONSULTANT in writing.

ARTICLE 3 - OWNER'S RESPONSIBILITIES

OWNER shall do the following in a timely manner so as not to delay the services of CONSULTANT:

3.1 Designate a person to act as Owner’s representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define Owner’s policies and decisions with respect to Consultant’s services for the Project.

3.2 Provide all criteria and full information as to Owner’s requirements for the Project.

3.3 Assist CONSULTANT by placing at Consultant’s disposal all available information pertinent to the Project including previous reports and any other data relative to the Project.

3.5 Furnish, or direct CONSULTANT to provide, Additional Services as stipulated in Article 2 of this Agreement or other services as required.

ARTICLE 4 - PERIODS OF SERVICE

4.1 CONSULTANT shall complete the Zoning Analysis within a period of 2 months from the date of this Agreement. The time and materials contract shall be in effect until either party provides, in writing, a request for termination of the contract, consistent with Section 6.1.

4.2 If significant changes in the scope or detail of the Project occur, or if the Project is delayed for reasons beyond Consultant's control, an equitable extension of the period of service shall be made.

4.3 If Consultant's services for planning and design are delayed or suspended in whole or in part by OWNER for more than three months for reasons beyond Consultant's control, CONSULTANT shall have the right to terminate the Agreement in accordance with paragraph 6.1.

ARTICLE 5 - PAYMENT PROVISIONS TO CONSULTANT

5.1 CONSULTANT shall submit statements each month for Basic and Additional Services rendered and for Reimbursable Expenses incurred. OWNER shall pay CONSULTANT within 30 days of receipt of Consultant's statement detailing the charges for basic and additional services rendered (specifying charges for Farmland Protection Plan and Zoning Analysis and any other out of scoop hourly charges).

5.2 If OWNER fails to make full payment due CONSULTANT for services and expenses within thirty days of Consultant's statement therefore, the amounts due CONSULTANT may be increased at the rate of 1-1/2 percent per month from said thirtieth day. If OWNER fails to make full payment due CONSULTANT for services and expenses within forty-five days of Consultant's statement therefore, CONSULTANT may, after giving seven days' written notice to OWNER, suspend services under this Agreement until CONSULTANT has been paid in full all amounts due for services, expenses, and interest charges.

5.3 In the event of termination by OWNER under paragraph 6.1 upon the completion of any phase of the Basic Services, progress payments due CONSULTANT for services rendered through such phase shall constitute total payment for such services. In the event of such termination by OWNER during any phase of the Basic Services, CONSULTANT shall be paid for services rendered during that phase to date of termination. In the event of any such termination, CONSULTANT also will be reimbursed for all unpaid Additional Services and unpaid Reimbursable Expenses.

5.4 Reimbursable Expenses mean the actual out-of-pocket direct expenses incurred by CONSULTANT.

ARTICLE 6 - GENERAL CONSIDERATION

6.1 Termination
The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

6.2 Reuse of Documents
All documents prepared or furnished by CONSULTANT pursuant to this Agreement are instruments of service in respect of the Project and CONSULTANT shall retain an ownership and property interest therein whether or not the Project is completed.

6.3 Insurance/Liability

6.3.1 CONSULTANT shall procure and maintain the following insurance coverage for the duration of this Agreement:

Worker's Compensation	Statutory Coverage
Comprehensive General Liability;	
Bodily Injury and Property Damage	$1 mil per occurrence per aggregate year
Comprehensive Automobile Liability;	
Bodily Injury and Property Damage	$1 mil per occurrence per aggregate year
Professional Liability Insurance	$1 mil per occurrence per aggregate year

6.3.2 Limitation of Liability

6.3.2(a) OWNER hereby agrees that to the fullest extent permitted by law, Consultant's total liability to OWNER for any and all claims, losses, expenses or damages whatsoever arising out of or in any way related to the project or this Agreement from any cause including, but not limited to Consultant's negligence, errors, omissions, strict liability, breach of contract or breach of warranty, shall not exceed the total compensation received by CONSULTANT under this Agreement.

6.3.3 Severability and Reformation. Any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties. The parties agree that this Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

6.4 Controlling Law
This Agreement is to be governed by the law of the principal place of business of CONSULTANT.

6.5 Dispute Resolution
In the event of a dispute between the parties arising out of the terms of this Agreement or any services provided pursuant to its terms, the parties agree to participate in a mediated settlement conference before a mutually acceptable mediator whose fees will be shared equally by the parties. In the event that the parties are unable to agree upon a mediator they will ask the American Arbitration Association to appoint one. Participation in a

mediated settlement conference shall be required before either party may pursue its claim in any other form of dispute resolution.

ARTICLE 7 - SPECIAL PROVISIONS, EXHIBITS AND SCHEDULES

7.1 The following Exhibits are attached to and made a part of this

Agreement: 7.1.1 Exhibit A "Scope of Services", consisting of 1

page.

7.1.2 Exhibit B "Project Hourly Rates Table", consisting of 1 page.

7.2 This Agreement together with the Exhibits and schedules identified above constitute the entire Agreement between OWNER and CONSULTANT and supersede all prior written or oral understandings. This Agreement and said Exhibits and schedules may only be amended, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

OWNER:	CONSULTANT:
_____	_____
_____	_____
_____Address for giving notices:	_____ Address for giving notices:
	28 East Main Street
	200 First Federal Plaza
	Rochester, NY 14614

Exhibit A Town of Ulysses

Scope of Services

The zoning analysis report will assist the Town of Ulysses in better understanding the current issues facing the Town. The zoning analysis report will identify updates necessary to address current issues, such as natural gas drilling associated with Marcellus shale, and consistency with the recently adopted Comprehensive Plan. The zoning analysis will assist the Town in prioritizing zoning tasks and provide an estimate for the level of effort and associated cost involved in updating the Town Zoning Law. This will allow for a smooth and cost effective transition from the comprehensive plan process to zoning and land use regulatory updates.

Our approach to this analysis includes the following tasks:

- Meet with representatives who utilize the zoning and land use regulatory codes of the Town on a regular basis including the zoning and code enforcement officer, and at least one representative from both the Zoning Board of Appeals and Planning Board and a member of the Town Board. This meeting will focus on identifying sections of the zoning and land use regulatory codes of the town that are working well and areas that need modification.

- Prepare a summary report comparing the comprehensive plan to the current zoning code to identify areas of conflict and consistency.

- Develop a summary report of suggested updates to the zoning and land use regulatory codes of the Town that will address current user concerns, potential issues facing the community and consistency with recommendations set forth in the Comprehensive Plan.

- Provide an estimated cost and timeline associated with the zoning and land use regulatory code updates.

The lump sum agreement for the Zoning Analysis includes the following:

- One (1) meeting with Town staff / representatives
- One (1) electronic copy of the final document, in Word and PDF
- Ten (10) color copies of final Zoning Analysis

Exhibit B Town of Ulysses
Project Hourly Rate Tables

The following hourly rates shall be applied to the completion of additional planning services. Bergmann Associates shall not proceed with any planning service tasks until written approval to proceed has been provided by the Town of Ulysses in the form of a Board resolution outlining the specific tasks and the primary contract person.

Hourly Rate Table for the Town of Ulysses Time and Materials Planning Efforts

Staff Level	Hourly Rate
Principal-in-Charge	$150.00
Project Manager	$95.00
Senior Professional	$85.00
Professional	$75.00

Technician	$65.00

Additional Reimbursable Expenses will be billed to the Town according to the following rates:

Mileage – $0.50 per mile
Black and white copies - $0.02 per page
Color copies - $1.00 per page
Tolls – actual cost
Meals – actual cost (lunch not to exceed $10, dinner not to exceed $20 / per person)

RE: Contract Extension – Farmland Protection Plan

The following services will constitute the extent of additional services for the Town of Ulysses Farmland Protection Plan. The provisions set forth in the master contract executed by the Town on July 16, 2008 shall cover this additional services contract. Our services will include:

- Attendance at one (1) Steering Committee Meeting in June 2010
- Attendance and facilitation of one (1) Public Workshop
- Review of Steering Committee revisions to Section 4.0
- Prepare written comments on Section 4.0
- Develop final recommendations and implementation section based on revised Section 4.0
- Finalize mapping
- Prepare consolidated draft Farmland Protection Plan
- Make one (1) set of final revisions after Public Workshop and Town Board review
- Provide Town with ten (10) color, hard copies of final Draft and Final plan

The lump sum amount for these services is $3,500 and shall be completed by January 2011. Any tasks not detailed above that are requested of Bergmann Associates will be billed on a time and materials basis, at a rate of $80/hour, upon approval by the Town of Ulysses. Billing for these services will be incorporated directly into the Farmland Protection Plan invoicing. Final payment not to exceed 10% of the total contract value being withheld until the Farmland Protection Plan is accepted by the Town Board of Ulysses, Tompkins County Agricultural Farmland and Protection Board and the NYS

Department of Agricultural and Markets. Please sign below to direct Bergmann Associates to execute these services. Please return one original copy to my attention.
I authorize Bergmann Associates to complete the services outlined above.
*****

***Approve minutes 4/13**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes as edited by Ms. Tyler and Ms. Marino for the Regular Town Board meeting of April 13, 2010.
****

<u>JUNE 8, 2010 RTB</u>

***Approve minutes 3/27, 3/29, 5/11,**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes as edited for the Regular Town Board meeting of May11, 2010 and the two (2) Special Board meetings on March 27 & 29, 2010.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following 2010 Budget modifications:

Budget Modifications

A Fund			
Appropriation line 1920.4	Municipal Association Dues	increase	$925
Appropriation line 7450.4	Historical Society CE	increase	$ 35
Appropriation line 5132.2	Town Barn Capital	decrease	$960
B Fund			
Appropriation line 9040.8	Workers Comp	increase	$ 165
Appropriation line 1990.4	Contingency	decrease	$ 165
SW3			
Appropriation line 8340.2	Transmission/Distribution EQ	increase	$ 395
Appropriation line 9040.8	Workers Comp	increase	$1086
Appropriation line 8340.4	Transmission/Distribution CE	decrease	$1481

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers in the amount of $13,920.31.

BE IT RESOLVED that the Town Board of the Town of Ulysses would be willing to tentatively commit a contribution of $10,478 and possibly go up as high as $40,000 based upon how the money will be paid back over time to the Town. Mr. Kerness seconded this.
*****

***Hiring a Project Assistant**
BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Eliza Newman as Project Assistant at $12 per hour up to a 30 hours per week.
****

JUNE 23, 2010 STB

***Setting fees for Special Events Operating Permit**
BE IT RESOLVED that the Town Board of the Town of Ulysses hereby sets the fee for the Special Events Operating Permit at $50 payable to the Town Code Enforcement Officer.
*****

***Hiring Sue Henninger to assist with website writing**
BE IT RESOLVED that the Town Board of the Town of Ulysses hire Sue Henninger for the writing portion on the web site not to exceed $2980.
*****

***Approving Marsha Georgia as a co-signer on checks over $5,000**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve Marsha L. Georgia to be a co-signer on checks over $5000.
*****

***Voicing concern over billing for ambulance services**
Whereas, the Ulysses Town Board is concerned that the proposed changes to the Village of Trumansburg's EMS program are being implemented in a manner with little serious consideration of input from the Town of Ulysses or its residents, and

Whereas, the Ulysses Town Board believes that the proposed insurance-only billing plan has not been well enough considered in some aspects that can have serious consequences for equity and ensuring that no one in our community might refuse care or emergency services for fear of the costs, and

Whereas, the community has had little to no input on options to receive EMS that may be more economical or provided in a faster manner, and

Whereas, the Ulysses Town Board is not comfortable moving forward towards implementation of this plan without full and complete answers to several important concerns the Town has raised, and

Whereas, the Ulysses Town Board also believes that calling the current proposal "insurance only" billing plan is deceptive, and the task force process is not open and transparent with minutes taken and made available to the public.

Therefore, be it resolved that the Ulysses Town Board is not in support of the proposed changes to Trumansburg EMS under the current process.
****

JULY 13, 2010 RTB

***Approval of 5/25 Minutes**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the May 25, 2010, Special Town Board meeting with the corrections and changes.

*****

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #275 through 307 in the amount of $11,626.61.
*****

***Stormwater compliance**
WHEREAS, the Town of Ulysses is required by the New York State Department of Environmental Conservation to file an Annual Report on the Town's compliance with SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-10-002, Minimum Control Measures for the area of the Town covered by the General Permit, and

WHEREAS, the Town of Ulysses is required to provide the public the opportunity to review and provide comments on the Annual Report, and

WHEREAS, the Town of Ulysses held a public hearing on July 13, 2010, 7:00 p.m. to hear public comment, and

WHEREAS, no comments were received on the report posted to the Town's Web site on July 5, 2010, and submitted to the MS4 Permit Coordinator of the New York State Department of Environmental Conservation, Albany, New York.

Missing the RESOLVED part
*****

***Establishing Standard Work Day and Reporting requirements**

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Ulysses hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on Record of Activities)
Elected Officials					
Town Clerk	Marsha Georgia	7	01/01/2010 – 12/31/2013	No	23.18
Superintendent of Highways	James Meeker	8	01/01/2010 – 12/31/2013	No	24.86
Town Justice	Thomas Schlee	6	01/01/2009– 12/31/2012	No	18.67

Appointed Officials					
Deputy Supervisor	Sue Poelvoorde	6	01/01/2010 – 12/31/2010	No	9.17
Deputy Town Clerk	Patricia Halloran	7	01/01/2010 – 12/31/2010	Yes	20.65
Court Clerk	Michelle Townley	7	01/01/2010 – 12/31/2010	Yes	21.93
Bookkeeper	Mary Bouchard	6	01/01/2010 – 12/31/2010	No	10.3
Code Enforcement Officer	Alex Rachun	7	01/01/2010 – 12/31/2010	Yes	23.02

*****

***Hiring a Project Assistant to assist Planning Board with Mapping**
BE IT RESOLVED that the Town Board of the Town of Ulysses hire Maya Weltman Fahs as a Project Assistant to assist in a mapping project for the Planning Board, Town Board, and Zoning Officer for the summer at $18 per hour and not to exceed $1800.
****

<u>JULY 29, 2010 STB</u>

***Approval of 6/28 minutes**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of June 8, 2010, as edited and corrected.
*****

***Authorizing contribution to Health Insurance Consortium reserves**

AUTHORIZATION TO CONTRIBUTE TO THE RESERVES OF THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM

WHEREAS, the Town of Ulysses shall join the Greater Tompkins County Municipal Health Insurance Consortium for the purpose of providing employee health insurance and prescription drug coverage, and

WHEREAS, the Consortium, as required by the New York State Insurance Department, must establish sufficient financial reserves to begin working as a consortium, now, therefore be it

RESOLVED, that the Town of Ulysses shall contribute $5,659 to the Initial Capitalization of the Consortium reserves. It is anticipated that by the year 2014 these monies will be paid back in full to the Town by the Consortium, with 3% interest.

RESOLVED FURTHER, that the fiscal officer of the Town of Ulysses is authorized to make payment immediately to the Consortium.

WHEREAS, the Tompkins County Council of Governments (TCCOG) is comprised of all of the municipalities in Tompkins County, and

WHEREAS, the Town of Ulysses is a member of TCCOG, and

WHEREAS, health care costs for Tompkins County and other local governments have been increasing each year at rates much higher than inflation, which can be addressed by pooling our buying power,

WHEREAS, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program to assist the municipalities in Tompkins County to create a local municipal health care consortium, and

WHEREAS, the Greater Tompkins County Municipal Health Insurance Consortium developed health benefits coverage for all participating municipalities with the intent of providing a net savings to the taxpayers of Tompkins County, a goal the Town of Ulysses supports, and

WHEREAS, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members,

BE IT RESOLVED that the Supervisor of the Town of Ulysses is hereby authorized to execute a municipal cooperative agreement effective October 1, 2010 with the Greater Tompkins County Municipal Health Insurance Consortium for the New York State Shared Municipal Services Program.

BE IT FURTHER RESOLVED that this resolution supersedes all previous resolutions by the Ulysses Town Board to authorize municipal cooperative agreements with the Greater Tompkins County Municipal Health Insurance Consortium.
*****

***Approval of payment to the Community Science Institute**

WHEREAS, the 2010 budget included a line item of $5,000 for stream monitoring, based upon a proposal from the Community Science Institute (CSI) to continue the water quality data base they have been collecting using citizen volunteers in Taughannock and Trumansburg Creeks, and

WHEREAS, since November 2009 when this money was appropriated there has been much discussion among town residents (some of whom have expertise in water quality issues) and by the Town Board about current and future potential threats to water quality in Ulysses, including expansion of concentrated animal

feeding operations (CAFO's), stormwater runoff and changes to DEC regulations, and the commencement of industrial-scale drilling in the Marcellus shale using high volume, horizontal hydrofracking,

THEREFORE BE IT RESOLVED that the Ulysses Town Board approves payment of the 2010 CSI budget request of $4,996 for stream monitoring.

BE IT FURTHER RESOLVED that the Town will engage an ad-hoc committee of Ulysses residents with expertise in land use, water quality, and monitoring to review the CSI project, facilitate discussion on these issues, and advise the Town Board on this and other future water quality testing needs and priorities for funding.

*****

***Water sale agreement for outside users**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Water Sale Agreement to outside users as presented in the following contract:

THIS AGREEMENT is made as of the ____ day of , ____ by and between the TOWN OF ULYSSES, a municipal corporation with offices at 10 Elm Street, Trumansburg, NY 14886 (hereafter referred to as "the Town") and ____ [name], of [address], hereafter referred to as "the Customer".

WHEREAS, the Town has water available for sale in Water District 3 of the Town; and

WHEREAS, the Town by resolution dated _____determined that, in order to protect the health, safety and welfare of Town residents, no water sold by the Town of Ulysses shall be used for any purposes related to gas drilling, hydrofracturing or any related purposes;

WHEREAS, the Customer wishes to purchase water from the Town;

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein set forth and agreed upon, the parties agree as follows:

1. The Town hereby agrees to sell and furnish to the Customer water from Water District 3.

2. The water will be furnished to the Customer as follows: [circle one]

   a. The Customer will access the water at a designated metered hydrant, which is locked and is accessible only by the Customer; or

   b. Upon prior arrangement with the Administrator of the Water District.

3. The Customer agrees that none of the water purchased pursuant to this Agreement will be used for any purposes related to gas drilling, hydrofracturing or any related

purposes. Any violation of this provision will result in the immediate termination of this Agreement by the Town.

4 The Customer agrees and acknowledged that, if the Customer purchases water from the Town and delivers the water by truck to third parties, the quality of the water so delivered (including, but not limited to, portability) is not in any way guaranteed by the Town of Ulysses. The Customer shall be solely responsible for the quality of any water delivered by truck to third parties and shall indemnify the Town and hold the Town harmless from any liability or claims related to the quality of such water.

5 The rate for the water purchase pursuant to this Agreement will be established by resolution of the Town Board from time to time.

6 The Customer will receive no more than 40,000 gallons of water per day, unless a larger volume is approved by resolution of the Town Board.

7. The Customer will receive a bill from the Town on a monthly basis, unless a monthly bill amounts to less than $20.00, in which case billing will be done on a quarterly basis. All bills are due and payable within 30 days after receipt thereof. There will be a late fee of 20% of the amount due for all payments not received by the due date. Upon the customer's failure to pay a bill by the due date, the Town, at its option, may terminate this Agreement.

8. In addition to termination of this Agreement by the Town pursuant to paragraphs 3 and 6 above, the Town may terminate this Agreement at any time upon 10 days' notice to the Customer.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed as of the date set forth below.

BE IT RESOLVED that the Town Board of the Town of Ulysses set the rate for the outside water users at 1.7 times the rate charged to water users within Water District 3 & 4.

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Romer seconded the motion and the vote was taken.
****

AUGUST 18, 2010 RTB

***Approval of minutes for 6/23, 7/13, 7/29**
Ms. Thomas moved, seconded by Mr. Kerness to table the minutes of Regular Town Board 07/13/2010, Special Town Board 6/23/2010 and Special Town Board 7/29/2010 for approval.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 308 through 354 (except for voucher #322 for $799.99) in the amount of $42,843.97.

Appropriation line 1650.4	Central Communications CE	increase	$2,500
Appropriation line 1990.4	Contingency	decrease	$ 2,500
Appropriation line 9050.8.	Unemployment Insurance	increase	$1,620
Revenue line A511	Appropriated Reserve	increase	$1,620
Reserve for Unemployment Insurance (A fund)		decrease	$1,620
Appropriation line 5182.4	Street Lighting	increase	$ 660
Appropriation line 1620.4	Buildings CE	decrease	$ 660

SW3

Appropriation line 8340.2	Transmission/Distribution EQ	increase	$1,300
Appropriation line 8340.4	Transmission/Distribution CE	decrease	$1,300

Appropriation line 1650.4	Central Communications CE	increase	$2,500
Appropriation line 1990.4	Contingency	decrease	$ 2,500
Appropriation line 9050.8.	Unemployment Insurance	increase	$1,620
Revenue line A511	Appropriated Reserve	increase	$1,620
Reserve for Unemployment Insurance (A fund)		decrease	$1,620
Appropriation line 5182.4	Street Lighting	increase	$ 660
Appropriation line 1620.4	Buildings CE	decrease	$ 660

****

***Issuance of permits for public displays of fireworks**

RESOLUTION REGARDING ISSUANCE OF PERMITS FOR PUBLIC DISPLAYS OF FIREWORKS IN THE TOWN OF ULYSSES

WHEREAS, the Town is authorized by Penal Law §405.00 to issue permits for the display of fireworks; and

WHEREAS pursuant to Penal Law §405.00(1), the Town Board shall designate an officer as the permit authority to grant and issue permits for fireworks displays; and

NOW, THEREFORE, pursuant to the provisions of §405.00 of the Penal Law, it is

RESOLVED, that the Code Enforcement Officer of the Town of Ulysses is hereby appointed as the permit authority to grant and issue permits for fireworks displays pursuant to the requirements set forth in Penal Law §405.00 and all other applicable laws and regulations and administer and enforce all aspects thereof; and it is further

RESOLVED that the Code Enforcement Officer shall have all the powers and duties granted by applicable law, including, but not limited to, the following:

1. receive, review and approve or disapprove applications required for fireworks display permits pursuant to §405.00 of the Penal Law, and the plans, specifications and construction documents submitted with such applications;

2. determine such terms and conditions as the Code Enforcement officer may deem to be appropriate, to be incorporated in the permit;

3. conduct site inspections prior to the time of the fireworks display and any inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of applicable law, or cause such inspections to be conducted by a qualified consultant;

4. review and investigate complaints;

5. maintain records;

6. notify the Trumansburg Fire Department of the issuance of the fireworks display permit;

7. notify the Village of Trumansburg police department, the New York State Police and the Tompkins County Sheriff's Department of the issuance of the fireworks display permit;

8. pursue enforcement actions and proceedings in consultation with the Attorney for the Town:

and it is further

RESOLVED that the Code Enforcement Office shall develop and maintain a permit application form and permit that complies with the requirements of Penal Law §405.00 and all other applicable law; and it is further

RESOLVED that the application fee for a permit for fireworks displays shall be set by the Town Board from time to time and shall be $150.00 until modified by further resolution of the Town Board; and it is further

RESOLVED that the amount of the bond required prior to issuance of a permit pursuant to Penal Law §405.00 shall be no less than $1,000,000.00, the minimum amount set forth in the Penal Law.

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize payment to the Jacksonville Community Association in the amount of $400 for their bridge repair work.

BE IT RESOLVED that the Town Board of the Town of Ulysses moves ahead with the Lakeshore and Conservation agreement with Bergmann, starting first with the Conservation Zone on an hourly basis;

FURTHER RESOLVE that the Town of Ulysses is asking for a package quote.
****

AUGUST 31, 2010 STB

***Intermunicipal Cell Tower initiative**
RESOLUTION SUPPORTING INTERMUNICIPAL CELL TOWER INITIATIVE

WHEREAS, various municipalities in Tompkins County have received applications for permission to construct cellular communication towers within their borders (and, in some cases, on municipal property), and some of these applications have elicited substantial public concern or opposition, and

WHEREAS, at the same time, some municipalities have areas where cell coverage is desired but it is substandard or absent, and

WHEREAS, to date, each municipality has acted on its own, each with their own local ordinances regarding cell towers, and sometimes seeking expert consultation to evaluate an applicant's need or other assertions, and

WHEREAS, recognizing their shared interests and concerns, several municipalities have decided, through the Tompkins County Council of Governments (TCCOG), to explore the possible benefits of a more coordinated approach to the issues surrounding cellular communications. The participating municipalities want to learn what the current status is of local jurisdiction in this area, and to determine whether some type of coordinated, Intermunicipal approach could enhance their ability to focus cell tower siting at the most appropriate and least disruptive locations. In addition, some participating municipalities may want outside advice on whether their individual ordinances should be revised and updated, and

WHEREAS, the participating municipalities (nine interested TCCOG members) issued an RFP for legal services to advise them on these issues in December 2009, and received four qualified responses, and

WHEREAS, on consideration of these proposals and phone interviews with two of the applicants, the firm of Silverberg Zalantis, Tarrytown, NY, was selected as the preferred vendor for this contract for a total of $10,250, as follows:

Presentation - $750 (flat fee)
Collaboration feasibility - $1,500 (flat fee)

Ordinance template - $3,000 (estimate)
Contingency - $5,000
Total to be divided among municipalities - $10,250

and

WHEREAS, in addition, individual municipalities can decide whether to seek an optional review of their specific ordinance for an estimated $300-$500 per municipality, to be arranged directly with Silverberg Zalantis, now therefore be it

RESOLVED, the Town of Ulysses recognizes that issues of cellular communications affect all our residents and visitors, and that the coordinated action of multiple municipalities is more efficient and effective than separate and disconnected efforts, and be it further

RESOLVED, that the Town of Ulysses desires to participate in this intermunicipal project to support enhanced cell service with the fewest possible new cell towers at the most appropriate locations, and be it further

RESOLVED, that the Town of Ulysses will contribute up to $1,500 as a share of this contract, that share depending in the end upon the number of municipalities that agree to share the cost, and be it further

RESOLVED, that Tompkins County will serve as fiscal agent to collect municipal contributions and handle the contract administration, subject to the approval of the participating municipalities
*****

***Joint RFP with the Town of Caroline for roadway assessment study**
BE IT RESOLVED that the Town Board of the Town of Ulysses pursue doing a joint RFP with the Town of Caroline for roadway assessment study covering gas drilling impact.
****

<u>SEPTEMBER 14, 2010 RTB</u>

BE IT Resolved that the Town Board of the Town of Ulysses approve the previous examined vouchers #355 through 397 in the amount of $60,592.90.

***Recommendation to send the Fransizka Racker Center expansion to Planning Board**
BE IT RESOLVED that the Town Board of the Town of Ulysses pass this project for the Fransizka Racker Center expansion to the Planning Board for their review and recommendations using the guidelines of Site Plan Review.
*****

***Recommended changes to SEQR and Stormwater Law**

BE IT RESOLVED that the Town Board of the Town of Ulysses request the Planning Board look at the documents that Mr. Rachun has on changes to SEQR and the Stormwater Law and make recommendations to the Town Board.
*****

***Accepting quote to fix ceilings at Town Hall**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the quote from Schickel Construction in the amount of $3,989 to reinforce the ceilings in the court room, court office, copier room and kitchen and the replacement of all the light fixtures.

Ms. Thomas moved to suspend the rule of acting on a resolution that had not been presented in a timely manner to the Town Board, seconded by Mr. Kerness.

***Support for Creating a County Animal Population Control Program**

SUPPORT FOR CREATION OF A COUNTY ANIMAL POPULATION CONTROL PROGRAM

WHEREAS, the New York State 2011 Budget contains new legislation concerning dog licensing and Animal Population Control Funds, and

WHEREAS, the new legislation gives a county the authority to create its own Animal Population Control Program, thereby receiving the Animal Population Control Funds collected within such county, and

WHEREAS, the Tompkins County SPCA and the Tompkins County Town Clerks Association have expressed a desire to create a plan for Tompkins County Animal Population Control, and

WHEREAS, the Tompkins County Administrator has indicated that the County would be in favor of such a plan, and

WHEREAS, the Town of Ulysses is in favor of such a plan, therefore.

BE IT RESOLVED, that the Town Board of the Town of Ulysses is in favor of the creation of a Tompkins County Animal Population Control Program.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve giving the Winter Fest $2000.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the purchase of a laptop in the amount of $1,959 for the Planning Board and Zoning Board of Appeals.

****

SEPTEMBER 21, 2010 STB

***Letter to County about Youth Programming Cuts**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to send the letter presented by Ms. Tyler to the Tompkins County Legislators; Joe Mareane, Tompkins Co. Administrator' Nancy Zahler, TC Youth Director; Karen Coleman, TC Program Mng. Specialist; Nancy Irish and Carissa Parlato RYS Program Directors; and Durand VanDoren, Trumansburg Ulysses Youth Comm. Chair. Letter follows:

Dear County Legislators:

As members of the Ulysses Town Board we fully understand the financial constraints of these challenging times. However, we believe that it is short-sighted to eliminate all municipal matching funds for Youth Services from the 2011 budget. These matching funds ensure that the money is used for youth services on the local level where it is most needed. These cuts on top of cuts to the Learning Web will result in the elimination of programs that help at- risk youth in our community and others. It is hard to measure in dollar value the full scope of positive effects these programs have had on youth through activities, internships, and mentoring.

Several of us have witnessed how Carissa Parlato and Nancy Irish of Ulysses have worked with youth in our town at the local farmer's market, at Main Street clean up days, and in job placement. Through positive mentoring, many at-risk students have learned things about volunteering and employment including time management, appropriate dress, and helpful attitude that are so important to their future success in the work world. It is difficult for most of us to imagine how alienated some of the youth in our community may feel. Carissa describes how she casually met with needy students for lunch at the high school a few times, but now it has evolved into a weekly lunch group. A few students have told Carissa that they wish they could meet with her more often at lunch because it is so much better than sitting alone at the lunch table!

Without these programs many youth will be that much more susceptible to the negative activities that often go hand in hand with boredom and isolation; including drug use, teen pregnancy, and vandalism. Putting our most vulnerable youth at even greater risk because they have no opportunity for adult mentoring can result in significant long term costs to society for services like drug treatment, psychiatric counseling, or incarceration.

We respectfully request that you continue to partner with us in investing in youth services for the long term by restoring the matching funds to local municipalities for Youth Services in the 2011 County Budget. We do not see this as simply shifting the tax burden from the county to the towns since the loss in efficiency would in all probability raise taxes of residents within the county overall. The commonalities in youth problems and needs for services across all our municipalities would seem to make coordination of these services at the County level most effective from both a cost and a programmatic perspective.

We do appreciate your difficult work on the 2011 budget.

Sincerely,

*****

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to modify the 2010 budget in B8020.1 Planning PS needs to be increased by $2000 and decrease B8020.4 Planning CE by $2000.
*****

***Request for Attorney to draft Dog Enumerator contract**
BE IT RESOLVED that the Town Board of the Town of Ulysses ask Ms. Geldenhuys to draw up a contract to hire a Dog Enumerator.
*****

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Kerness seconded the motion and the vote was taken.
****

OCTOBER 5, 2010 STM

***Appointing Lucia Tyler to the Board of Directors for the Tompkins County Health Care Consortium**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Lucia Tyler to serve on the Board of Directors for the Tompkins County Health Care Consortium.
****

OCTOBER 12, 2010 RTB

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #398 through 435 in the amount of $21,081.86.

***Approve minutes of 6/23, 7/13, 7/29, 8/18, 8/31, 9/14**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Regular Town Board minutes of July 13, 2010, August 18, 2010 and September 14, 2010 and the Special Town Board minutes of June 23, 2010, July 29, 2010 and August 31, 2010.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following budget modifications:

- Increase A1920.4 Municipal Dues by $1100.
- Decrease A1910.4 Unallocated Insurance $1100.
- Increase A9905.8 Disability Insurance 103.
- Decrease A1640.4 Central Garage 103.
- Increase SW8340.2 Trans. /Distribution EQ 100.
- Decrease SW8340.4 Trans. /Distribution CE 100.

****

***Amending Dog Enumerator contract**

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the contract as amended and move forward to hire a Dog Enumerator as an independent contractor. Contract follows:

AGREEMENT WITH INDEPENDENT CONTRACTOR FOR SERVICES
DOG ENUMERATION

THIS AGREEMENT is made this ____ day of _____, 2010 between the **TOWN OF ULYSSES** with offices at ___ Elm Street, Trumansburg, New York 14867 (hereinafter referred to as the "Town") and _____whose mailing address is _____(hereinafter referred to as the "Contractor").

The Town and Contractor agree as follows:

1. Services to be Performed. Contractor agrees to perform the following services for the Town and/or to provide the following products to the Town: Contractor will conduct a door-to-door dog enumeration by visiting each household in the Town (including the Village of Trumansburg) that does not have a licensed dog or dogs on record to observe if a dog is harbored there or if there are signs or evidence of a dog being harbored there. Contractor will be provided a listing of the households on each road in the Town and shall return the lists to the Town Clerk with written remarks regarding each household visited. Contractor shall leave a Town-provided flyer at each household where no one answers the door and shall not revisit such households, unless specifically authorized by the Town Supervisor**.** The list of households will be divided into zones and the Contractor will complete one zone at a time. The Contractor will represent the Town in a professional manner, relaying information about the Town via flyers and other material that is provided by the Town. Contractor will be provided a safety T-shirt with the "Town of Ulysses" on the left front breast pocket to identify him as a Town contractor. Contractor will begin the enumeration within _____days of the full execution of this Agreement, and Contractor shall complete the enumeration by _____.

2. Fees. The Contractor shall be paid $2.00 per household visited to cover the costs for travel and time associated with services to the Town. Billing will be based on the number of households visited, which is based on the household listing provided to the Contractor and then returned to the Town by the Contractor. The Town has no obligation to utilize the services of or pay the Contractor for any minimum number of hours. Mileage will not be a reimbursable expense. Contractor will not bill for any other disbursements, such as long distance telephone charges or meals.

3. Additional Fees. An additional $1.00 will be paid for each new dog license issued by the Town from the first date Contractor visits households until 90 days after Contractor's last household visit. The Town will generate a list of new licenses on the 1st of each month during the applicable time period.

4. Term of Agreement.

   a) The term of this Agreement shall be from the date it is fully executed until_____, unless terminated earlier by either party.

   b) Notwithstanding the term set forth above, this Agreement may be terminated by either party at any time without cause upon seven (7) days prior written notice to the other party, in which case the Contractor shall be paid pro rata for the satisfactory work performed to the date of termination.

   c) This Agreement may be terminated immediately by either party upon the breach of any of its terms by the other party. Termination shall be effected by the breaching party's receipt of a written notice of termination setting forth the manner in which the party is in default

   d) In the event of the Town's termination for Contractor's default, the Contractor will be paid only for services performed in accordance with this Agreement. If it is later determined by the Town that the Contractor had an excusable reason for not performing, such as a strike, fire, flood, or other events which are not the fault of or are beyond the control of Contractor, the Town may allow the Contractor to continue work, or treat the termination as a termination without cause.

5. Payment for Services.

   a) Payment for services shall be submitted on the standard Town voucher which will list the number of households visited, as set forth in paragraph 2 above.

   b) The vouchers shall be submitted monthly covering services for the preceding month. The Town Board will review same and, if acceptable, pay for the services after submission of the vouchers to the Town Board and approval of same by the Board in compliance with the Town Board's statutory duties to audit claims for payment. The Town Clerk will submit a monthly voucher to the Town Board so it can audit the claim for the additional fees earned for new licenses issued.

6. <u>Relationship</u>. The Contractor is, for all purposes (including, without limitation, withholding of income tax, payment of workman's compensation, and payment of FICA taxes) an independent contractor and no employer-employee relationship is intended, implied or created by this Agreement. Contractor shall determine the times and manner of performance of any services for the Town hereunder consistent with the overall obligations to complete the work contemplated by this Agreement. Contractor shall be free to devote such portions of his time not required for the performance of services to the Town in such manner as Contractor sees fit and for such other persons, firms, or entities as Contractor deems advisable,

provided that such other services do not constitute a conflict of interest with the interests of the Town.

7. Ownership of Products of Service. All work products of any services to be performed hereunder shall be the property of the Town, and the Town is vested with all rights therein, including the right to use, duplicate, distribute, share or sell such materials, without any further compensation of any nature to Contractor.

8. Insurance Requirement. Throughout the term of this Agreement, Contractor will be required to provide proof of general commercial liability insurance coverage in an amount of no less than $1, 000, 000, listing the Town of Ulysses as an additional insurance. Contractor will not be covered under the Town's general commercial liability insurance coverage.

9. Workers Compensation and Disability Insurance. Upon execution of this Agreement, the Contractor shall present to the Town proof either that the Contractor provides the levels of workers' compensation and disability coverage required by the State of New York or that the Contractor is not required to provide such coverage.

10. Indemnity. The Contractor agrees to defend, indemnify and hold harmless the Town, its elected officials, public officers, employees, and agents from and against all losses or claims, and costs incidental thereto (including costs of defense, settlement and reasonable attorney's fees) which any or all of them may incur, resulting from bodily injuries (or death) to any person, damage (including loss of use) to any property, other damages, or contamination of or adverse effects on the environment, caused by the acts or omissions of Contractor or Contractor's employees, agents or subcontractors, with respect to this Agreement. To the extent the Town is negligent; Contractor's indemnification shall not extend to the proportion of loss attributable to the Town's negligence.

11. Contractor May Not Assign. This Agreement may not be assigned by the Contractor without the previous written consent to such assignment from the Town, which consent may be withheld entirely at the discretion of the Town, it being understood that the Town is making this Agreement personally with the Contractor and is not intending that it be performed by any other person or entity.

12. Binding Nature of Agreement. This Agreement is binding upon the parties, their respective representatives and successors and, when assignment is permitted, assigns.

13. Governing Law, Jurisdiction, and Enforcement. This Agreement is made in New York, and shall be construed under the laws of the State of New York without regard to, or the application of, New York State's choice of law provisions. Both parties consent that if any action is brought to enforce this Agreement, it shall be

brought in an appropriate Court in Tompkins County, New York, and both parties consent to the jurisdiction of such court.

14. Notices. Any notices or other communications given under or in relation to this Agreement shall be deemed duly given if served personally or by commercial courier service upon the other party at the address set forth above, or, if the mails are operating, mailed by certified mail to the other party at the address set forth above, return receipt requested. All notices shall be effective upon the date of receipt. Either party may change the address to which notices are sent by giving notice of such change in the manner set forth above to the other party.

15. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior written or oral agreements, negotiations or understandings, existing between the parties. This Agreement may be amended only by written instrument signed by each party.

16. Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between Contractor and the Town shall survive the completion of services hereunder and the termination of this Agreement.

17. Claims and Disputes Arbitration. The Town may elect to subject disputes arising out of this Agreement to resolution by mediation or arbitration or litigation. This election can be made at any time up until sixty (60) days after the claim or dispute arises in writing. If the Town does not make an election, the dispute shall be subject only to litigation. Unless otherwise agreed by the parties at the time of such election, the rules governing mediation or arbitration invoked by the Town shall be the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association. Contractor hereby waives the right to elect the method of dispute resolution and agrees that this waiver is supported by sufficient and appropriate consideration.

18. Severability. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part may be modified by the parties to the extent necessary to make it valid and operative, or if it cannot be so modified, then it shall be deemed severed, and the remainder of this Agreement shall continue in full force and effect as if this Agreement had been signed with the invalid portion so modified or eliminated.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year written below.

TOWN OF ULYSSES

By: Date: _____

Roxanne Marino, Town Supervisor

CONTRACTOR

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to approve the materials developed by Marsha Georgia and Liz Thomas for the dog enumeration process including the notification postcard to send to residents without a licensed dog, door drop flyer with licensing info, and enumerator form.

FURTHER RESOLVE to allow Ms. Marino, Ms. Thomas and Ms. Georgia to discuss and agree to contract with one of the potential enumerators who has expressed interest in the town's dog enumeration work.

******

***Approval of Justice grant application to JCAP**

BE IT RESOLVED that the Town Board of the Town of Ulysses approves Justice Schlee's request to submit a grant application to JCAP for the 2010/2011 grant.
*****

***Support for Association of Towns resolutions**

BE IT RESOLVED that the Town Board of the Town of Ulysses supports the following resolutions submitted by Don Barber, Supervisor Town of Caroline and requests that resolutions #10 titled **Preserve Town Land Use Authority in the Natural Gas Exploration and Extraction Approval Process** & #12 **Road Preservation Bonds and Road Use Agreements** be added to the list of resolutions voted on at the Association of Towns annual business meeting in February 2011.

BE IT FURTHER RESOLVED that this resolution be certified and sent to Mr. Barber and the Association of Towns.
*****

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Mr. Tyler seconded the motion.
****

OCTOBER 13, 2010 STB

BE IT RESOLVED that the Town Board of the Town of Ulysses reduce line item DA9950.9 to $60,000 in the 2011 budget.
****

OCTOBER 22, 2010 STB

Ms. Marino moved to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel. Ms. Tyler seconded the motion.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to add $2500 back to the Stream Research.

Further Resolve that the Town receives reports of compliance to State/Federal regulations and will be provide recommendations for mitigation of out of compliance conditions and

Further Resolve provide out reach education in Ulysses.

***Moving Tentative Budget to Preliminary Budget**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves the Tentative Budget to Preliminary Budget with the modifications done tonight.

****

OCTOBER 26, 2010 STB

BE IT RESOLVED that the Town Board of the Town of Ulysses go into executive session to discuss a possible matter of litigation.

****

NOVEMBER 9, 2010 RTB

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2010 budget modifications:

A Fund

- Increase A1670.4 $1,500
- Decrease A1910.4 1,500
- Increase A1620.4 4,554

Further resolve that the Town Board approves the transferring of $4,554 out of Building Repair Reserve A882 for the emergency repairs to the Town Hall ceilings.

SW3 Fund

- Increase SW3-8340.2 250
- Decrease SW3-8340.4 250

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #436 through 476 (#466 deleted) in the amount of $107,756.06.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to pay in the amount of $900 for 2010 dues to the Cayuga Lake Watershed Intermunicipal Organization.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to create line A9901.98 NYS Retirement Reserve.

Further resolve to include that in the 2011 budget in the amount of $15,000.
*****

***Adoption of 2011 Budget**
BE IT RESOLVED that the Town Board of the Town of Ulysses adopts the 2011 budget as modified with the above establishment of the NYS Retirement Reserve Account A9901.98.

***Approval of minutes from 9/21, 10/12, 10/13**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of October 12, 2010, and the Special Town Board meetings of September 21, 2010 and October 13, 2010, as modified and corrected.
****

NOVEMBER 17, 2010 STB

***Amendments to Procurement Policy**
BE IT RESOLVED that the Town Board of the Town of Ulysses remove the examples of purchases listed after State (tires, salt, gas, etc.) and County (guard rails, asphalt, stone, etc.) contracts from the Procurement Policy.

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the Procurement Policy as modified. Policy follows:

TOWN OF ULYSSES
PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid and

WHEREAS, comments have been solicited from all officers in the Town of Ulysses involved in the procurement process, now, therefore be it

RESOLVED, that the Town of Ulysses does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

1. Every purchase to be made must be initially reviewed to determine whether it is a Purchase Contract or a Public Works contract. Contracts which involve substantial or extensive services, or involve special skills so that the acquisition of the commodity is incidental to the labor should be treated as Public Works Contracts. Purchases and true rentals or leases of property do not constitute "purchase contracts" within the meaning and intent of General Municipal Law 103 and therefore are not subject to the requirements specified in (1) above. Contracts where there is little or no labor involved and involves primarily the procurement of commodities should be treated as Purchasing Contracts (ref: OSC 1998 publication 3006 on the Applicability of General Municipal Law 103).

Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under $20,000 and public works contracts under $35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from agencies for correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity. In considering the thresholds for competitive bidding, the aggregate amount to be expended in a fiscal year for an item or commodity to be purchased or the same type of public work must be considered.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings.

Estimated Amount Of Purchase Contract (Est. labor cost no greater than 20% of the total cost)	**Method**
$0 – 500	Prior approval of Department Head

$501 – 1,000	Prior approval from Supervisor
$1,001 – 4,000	2 written/fax quotations and prior approval from Supervisor & notification to TB
$4,001 - 19,999	3 Written/fax quotations or written request for proposal and prior approval from Town Board.

Exception:

1. Highway Superintendent is authorized to incur expenses not to exceed $4,000.00 for repair and maintenance to highway equipment without Board or Supervisor approval.
2. Highway Superintendent is authorized to purchase capital equipment with prior approval of the Town Board and an agreed upon spending limit.

Estimate Amount of Public Works Contract	**Method**
$0 – 1,000	Prior approval of Supervisor.
$1,001 – 10,000	2 Written/fax quotations and prior approval from Town Board.
$10,001 – 34,999	3 Written/fax quotations or written requests for proposal and prior approval from the Town Board.

Exception:
The Highway Superintendent is authorized to incur expenses not to exceed $4,000 for repair and maintenance of highway equipment without Board or Supervisor approval.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposal be a bar to the procurement.

4. All procurements made under one of the above listed circumstances require written documentation of the circumstances and reasoning or information used.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b (2) (f), this procurement policy specifies the following circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Ulysses.

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Town Board shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or accountant; investment management services; printing services involving extensive writing, editing or art work; management of services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source.

d. Sole-source items.

All procurements made under one of the above listed circumstances require written documentation of the circumstances and reasoning or information used.

7. The unintentional failure to comply with the provisions of this policy shall not be grounds to void action taken or give cause for action against the Town or any officers or employees thereof.

8. This policy shall be reviewed annually by the Town Board at their organizational meeting or as soon afterward as practical. The adopted policy will be distributed to all department heads.

*****

***Investigating procedure for selling Town-owned land**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve to have Attorney Geldenhuys look into the procedure for selling Town-owned real property.
*****

***Approval of minutes for 10/5, 10/22, 10/26**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of Special Board meetings dated October 5, 22, and 26 as edited by Ms. Poelvoorde, Ms. Marino and Ms. Tyler.
****

DECEMBER 14, 2010 RTB

A Fund

Appropriation line 1640.7	Central Print / Mail	increase	$ 244
Appropriation line 1620.4	Buildings CE	increase	$1,095
Appropriation line 1650.4	Central Communications CE (website)	increase	$1,319
Appropriation line 5010.4	Highway Supervisor CE	increase	$ 50
Appropriation Line 5132.4	Garage CE	decrease	$2,708
Appropriation line 1920.4	Municipal Dues (Cayuga Lake IO & Chamber of Commerce)	increase	$ 970
Appropriation line 1010.4	Town Board CE	decrease	$ 970
Appropriation line 9060.8	Medical Insurance (Town Share)	increase	$ 528

Appropriation line 1910.4	Unallocated Insurance	decrease	$ 528

B Fund

Appropriation line 9060.8	Medical Insurance (Town Share)	increase	$1,062
Appropriation line 8011.1	Deputy Zoning Officer PS	decrease	$1,062

DB Fund

Appropriation line 5110.1	General Repairs PS	increase	$9,000
Appropriation line 9010.8	State Retirement	increase	$ 640
Appropriation line 9030.8	Social Security	increase	$ 474
Appropriation line 9040.8	Workers Comp	decrease	$2,871
Revenue line DB599	Appropriated Fund Balance	increase	$7,250

SW3 Fund

Appropriation line 8340.4	Transmission /Distribution CE	increase	$ 485
Appropriation line 8340.2	Transmission /Distribution EQ	decrease	$ 289
Appropriation line 8310.4	Administration CE	decrease	$ 196

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers numbered 477 through 525 in the amount of $55,294.03.

***Approval of minutes for 11/3, 11/9, 11/17**
BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of 11/09/2010; the Special Town Board meeting of 11/17/210; the Public Hearings of 11/03/2010 and 11/17/2010.
*****

***Switch ToU to 100% Renewable Energy through NYSEG**
BE IT RESOLVED that the Town Board of the Town of Ulysses notify NYSEG Solutions that the Town of Ulysses switch to the 100% Renewable Energy.
*****

***Approval of Medicare Supplemental insurance for employees on Medicare**
BE IT RESOLVED that the Town Board of the Town of Ulysses approves the Medicare Supplemental insurance for those employees currently on Medicare.

*****

***Changing the payroll service**
BE IT RESOLVED that the Town Board of the Town of Ulysses approves the change for the payroll service from ADP to Paychex, Inc.
*****

***SEQR determination for Franziska Racker Center renovation**

WHEREAS, the Franziska Racker Centers ("the Applicant") filed an application for a special permit and site plan review for a project to renovate the existing 25,000 square foot school building located at 3226 Wilkins Road in the Town of Ulysses (hereafter "the Property"), construct two single-story additions totaling 8,500 square feet, modify the existing west parking lot to become ADA compliant, add a new landscape buffer along Wilkins Road facing the residential neighbors, and as a later phase, add a new 55 space parking lot behind the east side of the school (collectively "the Project"); and

WHEREAS, the Project is an Unlisted action under the State Environmental Quality Review Act, and is subject to environmental review; and

WHEREAS, the Applicant completed Part I of the Short Environmental Assessment Form (SEAF);

WHEREAS, the Town Board completed Part II of the SEAF;

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines, based on the information and analysis set forth in the SEAF and supporting documentation submitted by the Applicant, that the proposed action will not result in any significant adverse environmental impacts.

SPECIAL PERMIT APPLICATION: FRANZISKA RACKER CENTERS PROJECT

WHEREAS, the Franziska Racker Centers filed an application for a special permit and site plan review for a project to renovate the existing 25,000 square foot school building located at 3226 Wilkins Road in the Town of Ulysses (hereafter "the Property"), construct two single-story additions totaling 8,500 square feet, modify the existing west parking lot to become ADA compliant, add a new landscape buffer along Wilkins Road facing the residential neighbors, and as a later phase, add a new 55 space parking lot behind the east side of the school (collectively "the Project"); and

WHEREAS, the Property is located in a moderate density residential zone; and

WHEREAS, a school is a permitted use in this zone with a special permit approved by the Town Board, pursuant to§8.5 of the Zoning Law; and

WHEREAS, the Town Board referred the application to the Planning Board for Site Plan Review pursuant to §3.4 of the Town of Ulysses zoning law; and

WHEREAS, the Project is an Unlisted action under the State Environmental Quality Review Act, and is subject to environmental review; and

WHEREAS, the Planning Board and the Town Board held a joint Public hearing for a Special Permit and Site Plan Review for the Project on November 17, 2010; and

WHEREAS, legal notice of the public hearing was published and properly posted; and

WHEREAS, the Planning Board passed a Resolution on November 17, 2010, approving the site plan for the Project and recommending to the Town Board that it grant the Special Permit; and

WHEREAS, the Planning Department of the County of Tompkins reviewed the Project under General Municipal Law §239- l, -m and -n and concluded that it did not have negative inter-community or county-wide impacts, as set forth in a letter to the Code Enforcement Officer dated December 3, 2010; and

WHEREAS, the applicant submitted the following documentation, which has been reviewed by the Town Board:

1. A narrative describing the project;

2. Part 1 of a short Environmental Assessment Form;

3. A survey map showing location of the Property, topography, streets, highway, adjacent neighbors, and buildings;

4. A Stormwater Pollution Prevention Plan, Narrative and Calculations, subject to further review by Tompkins County Soil and Water Services;

5. A nine page site plan showing existing and proposed site work and proposed buildings; and

WHEREAS, the Town Board made a negative determination of environmental significance in a resolution adopted on December 14, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Town Board makes the following findings:

1. All required written submissions for the Project are complete.

2. The public was provided an opportunity to comment on the Project and all such comments were considered by the Town Board.

3. A school is a permitted use in the Moderate-Density Residence District (R-2) by Special Permit.

4. An educational facility provides benefit to the community.

5. The site plan for the Project, as approved by the Planning Board, protects the general welfare, health and safety of the community, in that:

    1. The proposed new construction blends as unobtrusively as possible into the current landscape and the current aesthetic character of the complex is maintained;

    2. Additional lighting for the proposed parking lot at the back of the building will not produce excessive illumination;

    3. Stormwater run-off from the proposed parking lot will be mitigated by the construction of a small retention pond.

        d. New trees and shrubs at the school entrance along Wilkins Road will supplement existing spruce trees to create a landscape buffer facing residential neighbors.

AND BE IT FURTHER RESOLVED that the Town Board approves the Special Permit for the Franziska Racker Centers Project.
*****

***Insurance contract**
BE IT RESOLVED that the Town Board of the Town of Ulysses approves the insurance contract with E. C. Cooper for a total premium of $18,609.74 and authorize Supervisor Marino to sign the contact.
*****

***Gifts for employees and volunteers**
BE IT RESOLVED that the Town Board of the Town of Ulysses provide gift certificates of $50 to all non-elected employees and the volunteer committees and boards appointed by the Town Board that regularly hold meetings.
*****

***New telephone system**
BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Marino to contract with All-Mode Communications for a new voicemail system in the amount of $1,946.
*****

***Local Law #2: Dog Licensing and Control Law for the Town of Ulysses**
BE IT RESOLVED that the Town Board of the Town of Ulysses adopt Local Law #2 for the year 2010 "Dog Licensing and Control Law of the Town of Ulysses", with the corrections made tonight as follows:

Local Law #2 for the Year 2010

Dog Licensing and Control Law

of the Town of Ulysses

Section 1. Title. The title of this Local Law shall be, "**Dog Licensing and Control Law of the Town of Ulysses".**

Section 2. Authority. This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Purpose. The Town Board of the Town of Ulysses, County of Tompkins hereby finds and declares that the purpose of this Local Law is to provide for the licensing and identification of dogs**.**

Section 4. Application.

1. This Local Law shall apply to all areas of the Town of Ulysses, including the Village of Trumansburg.

2. In the event that any dog owned by a non-resident of the Town of Ulysses is harbored within the Town for a period of 30 days or less**,** such dog shall be exempt from the identification and licensing provisions of this Local Law**,** provided such dog is licensed pursuant to the provisions of law in the area of residence.

3. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

Section 5. Definitions As used in this Local Law, the following words shall mean:

1. "Altered" shall refer to a dog that has been spayed or neutered.

2. "At large" means an unleashed dog not under control of the owner and off the premises of the owner**.**

3. "Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "domestic animal" as defined in this Section.

4. "Dangerous dog" means any dog which

a. without justification attacks a person, companion animal, farm animal, or domestic animal as defined in this section and causes physical injury or death, or

b. behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or

c. without justification attacks a "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog" and causes physical injury or death.

d. "Dangerous dog" does not include a "Police Work Dog", while being used to assist one or more law enforcement officers in the performance of their official duties.

5. "Detection dog" means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

6. "Dog" means any member of the species canis **familiaris**.

7. "Dog Control Officer" means any individual appointed by the Town to assist in the enforcement of this Local Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this Local Law.

8. "Domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the New York State Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the New York State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this Local law.

9. "Farm animal", as used in this Local Law, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

10. "Guide dog" means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such purpose.

11. "Harbor" means to provide food or shelter to any dog.

12. "Hearing dog" means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

13. "Identification tag" means a tag issued by the Town of Ulysses or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the licensing municipality deems appropriate.

14. "Identified dog" means any dog carrying an identification tag.

15. "Municipality" means any county, town, city or village.

16. "New York State Agriculture and Markets Law" means the Agriculture and Markets Law of the State of New York in effect as of the effective date of January 1, 2011 and as amended thereafter.

17. "Owner" means any person who harbors or keeps any dog. If a dog is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this Local Law shall be owned by a minor (under 18 years of age), the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this Local Law.

18. "Owner of record" means the person purchasing the license or in whose name any dog was last licensed. An owner of record shall be 18 years of age or older.

19. "Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

20. "Police work dog" means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

21. "Purebred Dog" means a dog registered by a nationally recognized registry association.

22. "Recognized registry association" means any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of Agriculture.

23. "Service dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

24. "Therapy dog" means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.
25. "Tompkins County Working dog" shall refer to any "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog" as defined by this Local Law and Article 7 of New York State Agriculture & Markets Law, and is duly licensed by any licensing municipality within Tompkins County, New York and wearing a Tompkins County Working Dog tag.
26. "Town" means the area within the corporate limits of the Town of Ulysses, including the Village of Trumansburg.
27. "Town Board" means the Town of Ulysses Board.
28. "Town Clerk" means the Ulysses Town Clerk.
29. "Unaltered" shall refer to any dog that is not spayed or neutered.
30. “Village” means the area within the corporate limit of the Village of Trumansburg.
31. "War dog" means any dog which has been honorably discharged from the United States armed services.
32. "Working search dog" means any dog that is trained to aid in the search for missing persons and is actually used for such purpose.

Section 6. Licensing.

1. **Application for Original License.**
    a. The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk’s Office. No license shall be required for any dog which is under the age of four months and which is not at large, or any dog that is residing in a pound or shelter maintained by or under contract or agreement with the State of New York or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.
    b. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter or pound, the Town Clerk and the manager of the facility shall establish a licensing procedure that is agreeable and beneficial to both the Town of Ulysses and the shelter or pound.
2. **Rabies Vaccination Required.** All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated or because of old age or another reason, the life of the dog would be endangered by the administration of vaccine. A copy

of the rabies certificate or certified statement shall be attached to the Clerk's copy of the application. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter, copies of the rabies certificate shall be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and be made available upon request for rabies and other animal disease control efforts.

3. **Spay/Neuter Certificates.** In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner shall present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in Part 7 of this Section.

4. **License.** Upon receiving a complete application, the required documents and the fee, the Town Clerk shall issue a license and tag. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

5. **Expiration of License.** An original license shall be issued for a period of one year, and shall expire on the last day of the month one year from the date of issue.

6. **License Renewal.**

    a. License renewal forms shall be mailed by the Town Clerk.

    b. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal. An in-lieu-of statement as described in Part 2 of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the renewal.

    c. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been altered during the preceding year, the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.

    d. The renewal shall expire on the last day of the month in the same month that it was originally issued. (i.e., a license originally issued in January will always expire in January.)

    e. Renewing early or late, does not change the renewal month. However, owners having more than one dog may request common renewal dates for their licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waived when accommodating such a request.

f. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

7. License Fees.

a. Pursuant to this Local Law, the Town Board of the Town of Ulysses is authorized to establish by resolution, a schedule of fees pertaining to the licensing, identification and enumeration of dogs. The Town Board may amend the fee schedule by resolution from time to time as it deems appropriate. The most current fee schedule will be kept on file in the office of the Ulysses Town Clerk for public inspection.

b. All applications for original licenses or renewals shall be accompanied by a fee established by resolution of the Ulysses Town Board.

c. All revenue derived from such fees shall be the sole property of the Town of Ulysses and shall be used only for controlling dogs and enforcing this Local Law and Article 7 of New York State Agriculture and Markets Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, to subsidize any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and to subsidize public humane education programs related to responsible dog ownership.

d. In no event shall any money derived from license fees be used to subsidize the spaying or neutering of cats or animals other than dogs.

e. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.

f. An additional fee may be established by resolution of the Ulysses Town Board should a dog be identified as unlicensed during an enumeration. Such additional fee shall be the property of the Town of Ulysses and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law and for spaying or neutering dogs and cats.

g. In addition to the fees set by the Town Board, an additional New York State Spay/Neuter Surcharge shall be assessed for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. Money derived from such additional assessment may be used to subsidize the spaying and neutering of cats as well as dogs pursuant to Article 7 of New York State Agriculture and Markets Law.

8. Exemptions to License Fees. Licenses for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall be exempt from license fees. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog",

"Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate, by the Town Clerk. Pursuant to Article 7 of New York State Agriculture and Markets Law, said dogs are not exempt from the mandated population control fee.

9. **Identification of dogs.**

   a. When a dog is originally licensed, a Town of Ulysses identification number will **be** assigned and an identification tag shall be issued, which shall be worn by the dog at all times.

   b. Existing New York State Agriculture and Markets dog licenses being renewed or transferred in from another municipality shall be assigned a Town of Ulysses identification number and an identification tag shall be issued. The New York State Agriculture and Markets tag or other municipality's tag shall be discarded and the Town of Ulysses tag shall be worn by the dog at all times.

   c. A dog participating in a dog show is exempted from wearing an identification tag only for the duration of the show.

   d. No identification tag shall be affixed to the collar of any dog other than the dog to which it was assigned.

   e. Any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall be issued a Town of Ulysses identification tag and a Tompkins County Working Dog tag. Both tags shall be worn by the dog at all times.

   f. Lost tags shall be replaced at the expense of the owner at a fee set by the Ulysses Town Board.

10. **Change of Address.** When there is a change of address for the owner of record, the owner shall notify the Town Clerk's Office of such change. If the change is still within the Town of Ulysses, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town of Ulysses, the Town Clerk shall make a note in the record and cancel the license. The Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality.

11. **Change of Ownership.** In the event of a change in the ownership of any dog licensed in the Town of Ulysses, the new owner shall immediately make application for a license for such dog. Additionally, the original owner of record shall notify the Town Clerk's Office of the change of ownership. Such original owner of record shall be liable for any violation under this Local Law until such filing is made or until the dog is licensed in the name of the new owner.

12. **Lost, Stolen or Deceased Dog.** If any dog which has been licensed in the Town of Ulysses i

13. **Lists of Licensed Dog Owners.** No dog licensing records, information, or lists shall be mad

14. **Purebred Licenses.**

a. Purebred Licenses are offered in the Town of Ulysses as an alternative to individual dog licenses for owners actively involved in the breeding and sale of purebred dogs.

b. To qualify for a Purebred License, a person must own five or more purebred dogs and at least five of those dogs must be unaltered. The purebred dogs must be registered by a recognized registry association as defined in Agriculture and Markets Law § 108.

c. At the time of application, the Town Clerk shall assign a Purebred License identification number.

d. Application for a purebred license shall be on a form provided by the Town Clerk and shall include rabies vaccination certification as specified in Part 2 of this Section for every dog listed on the license, a copy of which shall be kept on file by the Town Clerk.

e. Copies of registry papers for every dog or a comprehensive list of registry numbers and associations shall be required and filed with the Clerk's copy of the license.

f. All dogs over four months of age must be listed and included in the purebred license.

g. Purebred licenses shall be issued for one year and renewed annually.

h. All applications for and renewals of purebred licenses shall be accompanied by a fee as set by resolution of the Town Board. In addition, an assessment of $3.00 for each dog unaltered dog and $1.00 for each altered dog shall be added for the purpose of carrying out animal population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. No fee or portion thereof shall be refundable once the license is issued.

i. The Town Clerk may request that the Dog Control Officer verify the number of dogs being claimed on any purebred license.

j. No purebred license is transferable. Upon change of ownership of any dog licensed under a purebred license, the new owner shall immediately make application for a license pursuant to Part 1 of this Section, except when the new owner holds a valid purebred license and adds the dog to such purebred license.

15. **Wolf/dog hybrid. A wolf/dog hybrid,** or any animal whose overall appearance makes it difficult, or impossible to distinguish from a wolf (Canis lupis), or a coyote (Canis latrans) may not be licensed in the Town of Ulysses. NYS Department of Environmental Conservation regulates them under Dangerous Wildlife License pursuant to Environmental Conservation Law §3-0301, 11-0325, 11-051 and 6 NYCRR Part 175 and Part 180. A copy of such permit must be filed with the Ulysses Town Clerk in lieu of a dog license.

Section 7. Prohibited Acts.

It shall be unlawful for any owner of a dog to permit or allow such dog to:

1. Run at large.
2. When within the corporate limits of the Village of Trumansburg, be off the owner's property unless restrained and controlled by an adequate collar and a leash
3. When in the area of the Town of Ulysses outside the corporate limits of the Village, be off the owner's property unless restrained by an adequate collar and leash except when it is accompanied by its owner or a responsible person able to control it by command.
4. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy and/or disturb any person other than the owner of such dog.
5. Cause damage or destruction to property or defecate, urinate, dig or otherwise commit a nuisance other than on the property of the owner of such dog.
6. Chase, bite, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
7. Chase, run alongside of, bark at or otherwise harasses any motor vehicle, motorcycle, bicycle, carriage or any other vehicle or device used by persons for travel or any riders or occupants thereof while said vehicle or device is on a public highway or private property other than property of the owner of said dog. For purposes of this section, a horse or other animal shall be considered a vehicle or device.

It shall also be unlawful for any dog owner to:

1. Fail to license any dog at the age of four (4) months or older, or allow any dog to be unlicensed due to failure to renew a dog license.
2. Fail to have any dog identified by a valid and current Town of Ulysses dog license identification tag.
3. Knowingly affix to any dog any false or improper identification tag or any identification tag belonging to another dog.
4. Fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law or Article 7 of New York State Agriculture and Markets Law.
5. Furnish any false or misleading information on any license or form, required by the Town, the Ulysses Dog Control Officer, or any shelter or pound servicing the Town of Ulysses.
6. Fail to notify the Town Clerk of any change of ownership, change of address, death or loss of any dog licensed in the Town of Ulysses.

7. License a wolf/dog hybrid or any animal whose overall appearance makes it difficult or impossible to distinguish it from a wolf (Canis lupis), or a coyote (Canis latrans) as a dog in the Town of Ulysses. See Section 6 - #15.

8. Fail to obtain a permit from the Department of Environmental Conservation for a wolf/dog hybrid or any animal whose appearance makes it impossible to distinguish it from a wolf (canis lupus) or a coyote (canis latrans) and/or fail to file such permit with the Town of Ulysses in lieu of a dog license.

9. Violate the provisions of New York State Agriculture and Markets Law 351, which prohibits an

Establishment of the fact or facts that a dog or its owner has committed any of the acts above prohibited by this Local Law shall be presumptive evidence against the owner of such dog that he/she has failed to properly confine, leash or control his/her dog.

Section 8. Removal of Feces.

1. Any owner who allows a dog to defecate on any public or private property, other than the property of the owner, shall immediately clean up the feces, place it in a plastic container or bag, and deposit it in a container used for the disposal of refuse.

2. In no event shall any feces be deposited in storm drains or any other streams or ponds.

Section 9. Conditions for Keeping Dogs.

All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter and space must be provided for each dog owned. For the purpose of this Section, “adequate” shall mean sufficient for age, size and number of dogs on the premises.

Section 10. Female Dogs.

All female dogs, while in season (heat), shall be confined to the premises of their owner and my not be left outside unattended. Any owner not adhering to this section shall be subject to having the dog seized by the Dog Control Officer and removed to a shelter or pound for confinement. The owner of any dog seized pursuant to this section shall be subject to an impoundment fee plus the shelter’s usual boarding fees for time spent in the shelter. In the event that the dog is released from the shelter before the end of its cycle, the owner must demonstrate to the shelter manager that the dog shall be sufficiently confined**.**

Section 11. Liability of Owner.

1. If a domestic, farm or companion animal is injured or killed as a result of being attacked, chased or worried by any dog, the owner of said dog shall be liable for damage. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a police officer who shall proceed pursuant to the Dangerous Dog Section of Article 7 of New York State Agriculture and Markets Law.

2. In no event shall the Town of Ulysses, the Village of Trumansburg, or the County of Tompkins be held liable for any damage done by any dog.

Section 12. Dangerous Dogs.

1. The determination of a Dangerous Dog and the prosecution of the owner of such a dog shall be pursuant to Article 7 of New York State Agriculture and Markets Law.
2. In the event that a dog is determined by the Ulysses Town Court to be a dangerous dog, the Court shall give notice to the Town Clerk of such determination and note will be made in the dog's record. Additionally, the Town Clerk shall notify the Village Clerk, law enforcement and emergency services.

Section 13. Enforcement/Appearance Ticket.

Any Dog Control Officer or other person or persons, who are or may be lawfully authorized by the Town, shall, and any Village of Trumansburg Police Officer or any other peace officer may, administer and enforce the provisions of this Local Law, and for such purpose shall have the authority to issue appearance tickets.

Section 14. Impoundment of Dogs

1. Any dog belonging to a person found in violation of any of the provisions of this Local Law may be seized pursuant to the provisions of New York State Agriculture and Markets Law.
2. Any dog believed to be dangerous and which poses an immediate threat to the public safety may be seized.
3. Any dog may be seized, which has been judged to be a Dangerous Dog pursuant to New York State Agriculture and Markets Law and whose owner has failed to obey a court order pertaining to said Dangerous Dog.
4. Every dog impounded shall be properly cared for, sheltered, fed and watered.
5. Seized dogs may be redeemed by producing proof of licensing and identification and by paying an Impounded Dog License Surcharge as set by resolution of the Town Board.
6. Each dog which is not identified, whether or not licensed, shall be held for a period of 5 days from the day seized during which period the dog may be redeemed by its owner. Said owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an Impoundment Dog License Surcharge fee pursuant to Part 5 of this Section. Seized dogs that are found to be unlicensed shall be reported to the Town Clerk before leaving the shelter and be required to be licensed immediately at the Town Clerk's Office.
7. In the case of an identified dog, the owner of record shall be promptly notified by the Dog Control Officer of the seizure and the procedure for redemption either personally or by certified, return receipt requested mail. If notification is personally given, the dog shall be held for a period of 7 days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, the dog shall be held for a period of 9 days from the date of mailing, during which period the dog may be redeemed by the owner. Said

owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an Impoundment Dog License Surcharge fee pursuant to Part 5 of this Section. Any owner who provides an expired license as proof will be reported to the Town Clerk for renewal of the license and pay the Impounded Dog License Surcharge before the dog is released from the shelter.

8. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of New York State Agriculture and Markets Law.

9. If the owner of any unredeemed dog is known, such owner shall be required to pay the Impoundment Dog License Surcharge fee required by Part 5 of this Section.

10. The seizure of any dog shall not relieve any person from any violation of this Local Law or New York State Agriculture and Markets Law.

Section 15. Complaint.

1. Any Town-designated Dog Control Officer or Agency having reasonable cause to believe that a violation of this Local Law has been committed in his/her presence shall, and any Village Police Officer or other peace officer may, issue and serve upon such person an appearance ticket for such violation.

2. Any person who observes a dog in violation of this Local Law may file a complaint, under oath, with a Town-designated Dog Control Officer or Agency specifying the nature of the violation, the date thereof, and a description of the dog, the location of the violation and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

3. Upon receipt by the Town-designated Dog Control Officer or Agency of any such complaint, that Officer or Agency shall issue an appearance ticket to the alleged owner of the dog to appear before the Ulysses Town Court at a date and time specified.

Section 16. Violations and Penalties.

A violation of this law shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a penalty of not less than $25 for the first violation, not less than $50 for the second violation, and not less than $75 for the third and all subsequent violations, or by imprisonment for a term not to exceed five days for each violation. These penalties shall be in addition to any other penalty provided by law.

Section 17. Additional Penalties.

1. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who intentionally refuses, withholds, or denies a person, because he or she is accompanied by an on-duty police work dog, working search, war, or detection dog, any accommodations, facilities, or privileges thereof shall be subject to a civil penalty of up to $200.00 for the first violation and up to $400.00 for each subsequent violation.

2. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who for the purpose of participating in the animal population control program shall falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog or cat protective association or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a spaying or neutering procedure pursuant to this Local Law and/or Section 117 of New York State Agriculture and Markets Law, and any veterinarian who shall furnish false information concerning animal sterilization fees shall be guilty of a violation prosecuted pursuant to the New York State Penal Law punishable by a fine of not less than $250.00.

Section 18. Disposition of Fines.

Notwithstanding any other provision of law, all moneys collected as fines or penalties by the Town of Ulysses as a result of any prosecution for violations of the provisions of this Local Law or Article 7 of New York State Agriculture and Markets Law and all bail forfeitures by persons charged with such violations shall be the property of the Town of Ulysses and shall be paid to the Town Supervisor. Such moneys shall be used only for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize: 1) the spaying or neutering of dogs, 2) any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and 3) subsidizing public humane education programs in responsible dog ownership.

Section 19. Non-liability.

No action shall be maintained against the Town of Ulysses, the Village of Trumansburg, the Ulysses Dog Control Officer, any Village of Trumansburg Police Officer, or any person or persons lawfully authorized by the Town when performing duties pursuant to this Local Law or New York State Agriculture and Markets Law to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or New York State Agriculture and Markets Law.

Section 20. Separability

If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 21. Repealer.

This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the control, licensing and fee schedules of dogs within the Town and they shall be, upon the effective date of this Local Law, null and void.

Section 22. Effective Date.

This Local Law shall take effect the 1st day of January 2011 and filed with the Secretary of State.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following Dog License fees:

Dog License Fees

Spayed/neutered Dogs	$13.50*
Unspayed/unneutered	$20.50**

Tompkins County Working Dogs as referenced in Section 5 - #24 of Local Law #2 for the Year 2010 – "Dog Licensing and Control Law of the Town of Ulysses". No Fee

*Includes $1 for Dog Population Control Surcharge
** Includes the $3 for Dog Population Control Surcharge

Purebred Licenses

5-20 Purebred dogs	$100.00*
21- and over	200.00*

*Additional $3.00 for each unaltered dog

Replacement Tag/ Purebred Tag	$ 3.00
Impoundment Fee (refund by TCAC)	$30.00
Unlicensed Dog identified during Dog Enumeration	$ 5.00

Further resolved that this shall supersede all prior Dog License fee schedules established by the Town of Ulysses.

Contents

JANUARY 7, 2011 – ORGANIZATIONAL MEETING 6

*Board Meeting monthly schedule 6

*Monthly Claims Procedure 6

*Designate News Media 8

*Distributing Monthly Minutes 8

*Mileage rate $.51 8

*Town Clerk's Petty Cash 8

*Crime Coverage Town Officials 9

*Lieu of Annual Financial Report 9

*Designation Depository 9

*Annual Audit by Town Board 9

*Procurement Policy (revised) 9

*Establishment of Appointed Offices and Salaries 9

* Establishment of Payroll Periods and Pay Rates for Elected and Appointed Officials and Salaried and Part-time Hourly Employees 11

*Salaries 2011 11

*Hourly Employees/Time Cards 12

*Town Board and Liaison Appointments 12

*Contracts 13

*General Procedures and Policies 13

*Resolution Index System 14

* Prohibition against gifts by municipalities 14

*Organizational Resolutions subject to Amendment 14

*Shared Highway Services Agreement 14

*Surplus Computer Equipment Disposal 14

*Executive Session 15

JANUARY 11, 2011 15

*Approval of Claims/Minutes 16

*Agreement for the Expenditure of Highway Moneys 16

*2010 Year-end Budget Modifications 16

*Request for Re-zoning Merits Further Consideration 17

*Executive Session 18

Special Town Board January 25, 2011 18
*Authorize Supervisor Marino To Sign the 2011 Fire/EMS Contract 18
*Re-appoint Barbara Bristow Zoning Board of Appeals 18
*Timeline Revisions of the 2007 Zoning Law 18
*"Professional Services", Jonathan Kanter, AICP 19
*Planning Board- Site Plan-1520 Trumansburg Road 20
*Resolutions for the NYS Association of Towns annual meeting in February 20
*Insurance-only billing 20
*Revise the Cleaning Contract 21
Regular Town Board February 8, 2011 21
*Year End 2010 Budget Modification 21
*Approve the 2010 vouchers 22
*Approve Minutes 22
*Appointment of Sarah Adams to the Ulysses Planning Board 22
*Draft "Ulysses Ag and Farmlands Protection Plan" 22
*Procedure Review and Audit of the Monthly Claims 22
*Urging New York State to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases Before Imposing a Property Tax Cap 23
*Executive Session 25
Special Town Board 3/1/2011 25
*Planning Board request to review the High Impact Industrial (HII) and Office, Technology and Mixed Use (OTM) Zoning Law 25
Regular Town Board 3/08/2011 26
*Monthly Vouchers/Minutes 26
*REQUESTING NEW YORK STATE TO MAINTAIN FUNDING STREAMS FOR YOUTH BUREAU AND FURTHER URGING ELIMINATION OF COMPETITIVE BID FUNDING 26
SEQR ACTION: TYPE II-20 28
Special Town Board 3/16/2011 28
*Potential Conflict of Interest of Some Members of the Planning Board 28
Special Town Board 3/22/2011 28
*Potential Conflict of Interest of Some Members of the Planning Board 28
*Resolution to Set High Impact Industrial (HII) And Mixed Use Office and Technology (MUOT) Zoning Law Changes as a Top Priority 29

*Executive Session 29
*Introduced Local Law #1 for 2011 entitled "A Local Law to Establish the Position of Second Deputy Supervisor" 30
Regular Town Board Meeting 4/12/2011 30
*Vouchers/ Minutes 30
*Second Deputy Supervisor 30
*Budget Modifications 31
*Adjourn to a Closed Session 32
Special Town Board Meeting 4/27/2011 32
*Bid from LaBella Associates 32
*Certify the final adoption of Local Law #1 2011 32
Regular Town Board Meeting 5/10/2011 32
*Vouchers/ Minutes 32
*Job description for the Environmental Planner 33
*Confidentiality and Joint Protection agreement 33
*Resolution Asking the New York State Department of Environmental Conservation to Establish a Minimum 90-Day Comment Period for the Supplemental Generic Environmental Impact Statement on Oil, Gas, and Solution Mining Regulations for Shale Gas Drilling 33
Special Town Board Meeting 5/18/2011 34
*Minutes 34
*Modifies the 2011 budget/ Stream Research 34
*Modify/ Salary for the Baseball Director 35
Special Town Board Meeting 5/24/2011 35
No Resolutions passed 35
Regular Town Board Meeting 6/14/2011 35
*Vouchers/Minutes 35
*RESOLUTION OF THE ULYSSES TOWN BOARD FOR A PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2011, AMENDING THE TOWN OF ULYSSES ZONING LAW 35
*Three (3) minute limitation for public comments 36
Regular Town Board Meeting 7/12/2011 36
*Voucher/Minutes 36

*Supervisor Roxanne Marino manage and complete hiring procedures for the position of Environmental Planner 36
*Retirement Alex Rachun 36
*Appoints Alex Rachun to perform the duties of building inspector as an Enforcement Officer 36
*Executive Session 37
*Termination notice/Cleaning Contract 37
Special Town Board Meeting 7/26/2011 37
Re-accepting Alex Rachun's Retirement and Re-appointing Part-time Enforcement Officer 37
Minutes Regular Town Board Meeting 7/12/2011 39
Regular Town Board Meeting 8/10/21 39
*Budget Modifications 39
*Approval of Claims/Minutes 39
*SEQR For Zoning Law Amendment 39
*Zoning Law Amendment Related To Gas Drilling 42
*Resolution on Water Issue With Town of Ithaca 56
Special Town Board Meeting 8/25/2011 57
*Approval of Minutes 57
*2011 MS4 Annual Report for Stormwater 57
* Approve the Cleaning Contract to hire Melanie Steverson 57
Special Town Board Meeting 9/08/2011 57
*Approve the Purchase of the 2000 Volvo 57
*Resolution To Resolve Provision Of Emergency Management Services With The Village Of Trumansburg For The Year 2012 57
Regular Town Board Meeting 9/11/2011 60
*Approval of Claims/Minutes 61
*Resolution Supporting A County-Wide Survey Of Residents About Broadband Internet61
*Introduction of: A Local Law To Override Tax Levy Limit Established In General Municipal Law §3-C 61
Special Town Board Meeting 9/15/2011 62
*Presentation of Lakeshore Zoning 62
Public Hearing 9/27/2011 62

Special Town Board Meeting 9/27/2011 62
* A Local Law # 3 Of 2011 To Override The Tax Levy Limit Established In General Municipal Law §3-C 62
*Employees Contributing To Dental Insurance %50 63
*Employees Contributing To Health Insurance 5% 63
*No Pay Increases For Elected Officials 63
SPECIAL TOWN BOARD MEETING OCTOBER 3, 2011 64
*Pay Increases 64
REGULAR TOWN BOARD MEETING OCTOBER 10, 2011.....64
*Budget Modifications 2011 Budget 64
*Claims / Minutes 64
*Contribution TCCOG sponsored DEC hearing 64
*Pay Increases/lump sum payment towards insurance 64
*Tentative Budget to Preliminary Budget 65
*Resolution to Retract Drilling Regulations 65
SPECIAL TOWN BOARD MEETING OCTOBER 25. 2011 65
*Alter 2012 Budget Cayuga Lake Scenic Byway 65
*Executive session 66
*Engage firm for Amicus Brief 66
SPECIAL TOWN BOARD MEETING NOVEMBER 3, 2011.....66
*Adoption of 2012 Budget 66
SPECIAL TOWN BOARD MEETING NOVEMBER 8, 2011.....66
*Amicus Curiae Brief 66
REGULAR TOWN BOARD MEETING NOVEMBER 16, 2011.....67
*Budget Modifications for 2011 67
*Claims / Minutes 67
*Appointment to EMC 68
*Winterfest Contribution 68
*Executive Session 68
SPECIAL TOWN BOARD MEETING DECEMBER 5, 2011 68
*Holiday Gathering 68
*Reject EMS Service from Village of Trumansburg 68

REGULAR TOWN BOARD MEETING DECEMBER 13, 2011.....68
**2011 Budget Modifications..... 68
**Approving Claims/Minutes..... 70
**EMS / Fire Agreement 2012..... 70
**Town of Ithaca Water Agreement Amendment..... 70
PUBLIC HEARING / SPECIAL TOWN BOARD MEETING DECEMBER 19, 2011 72
**Fire & Rescue Squad Protection agreement with Village of Trumansburg..... 72
***Comments/Cover letter on HVHF Regulations 72
** Comments/Cover letter on SGEIS 72
**Excepting quotes for Insurance..... 73
**Solar Lease Program 73
***Appointments Planning Board/Zoning Board 73
***Pre-tax Medical Benefits Package (125 Plan) 73

INDEX OF 2011 RESOLUTIONS

JANUARY 7, 2011 – ORGANIZATIONAL MEETING

*Board Meeting monthly schedule

BE IT RESOLVED, the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:00 p.m. at the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. A monthly working meeting will be held on the 4th Tuesday of each month at 7:00 p.m.

*Monthly Claims Procedure

BE IT RESOLVED, the Town Board will use the following procedure for review and audit of the monthly claims before presentation for Board approval at the Regular Monthly Meeting of the Ulysses Town Board:

1. Invoices are received in the Town Clerk's Office, through the mail, electronically, or personally delivered.

2. Town Clerk obtains approval of the expense, which is evidenced on the invoice with the initials or signature of the department head or person who gave rise to the claim. The Town Clerk or the department head also indicates on the invoice the general ledger account that should be charged for the expense and checks that each invoice is properly itemized, mathematically accurate, and contains sufficient detail to ensure that the Board members auditing the claim can determine whether the proposed payment is proper and just.

3. Town Clerk gives invoices to the Bookkeeper who inputs the invoices into the accounting software and produces a listing of all vouchers (Abstract of Vouchers) for Town Board approval at the Regular Monthly meeting. The Bookkeeper keeps an updated file of claims to be audited before the meeting, which the Town Board members can access. All claims to be submitted for approval by Board vote at the Regular Meeting shall if at all possible be processed and in the file of claims by the end of the day on the Thursday before the Regular Meeting.

4. In addition to the Supervisor, a sub-committee of 2 Town Board members will audit the vouchers on behalf of the full Board. Any other Town Board members who wish to audit the claims are welcome to do so as well. The sub-committee will rotate membership every 6 months as appointed by the Supervisor. Each sub-committee member will initial each invoice after review.

5. Audit by the Town Board does not have to happen all at once. Invoices will be entered throughout the month and can be approved periodically throughout the month. All claims shall be audited as in (4) above by 9:00 a.m. on the day of the Regular Board meeting.

6. The Bookkeeper produces a final Abstract of Vouchers the day of the Town Board meeting, after audit of claims is completed. The Town Clerk will review the Abstract of Vouchers for accuracy against the claims, and initial it as such before presentation to the Town Board at the Regular meeting.

7. After Town Board votes to approve payment of the claims, the Town Clerk signs the Abstract of Vouchers and the Bookkeeper cuts checks.

8. Supervisor signs checks.

9. Invoices are then filed by vendor, most recent payment in front of the file.

All claims must be approved for payment by the Town Board except for: (1) fixed salaries or compensation for services of offices or employees regularly engaged at agreed wages by the hour, day, week, or year; (2) principal or interest on indebtedness; (3) amounts becoming due on lawful contracts for periods exceeding one year; (4) certain welfare payments (Town Law 125 & Social Services Law 86); (5) payments made pursuant to a court order; (6) mandatory payments to the State Comptroller for retirement.

FURTHER RESOLVED that the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage, and approved contractual agreements which if delayed may result in loss of discounts, the accrual of service charges, or cancellation of service. All such claims shall be presented at the next regular meeting, as per Town Law section 118.

*Designate News Media

BE IT RESOLVED the designated news media is advised of the foregoing schedule and meeting notices will be posted, in accordance with the Open Meetings Law, on the Town Clerk's bulletin board and the Town Website.

FURTHER RESOLVED the Ithaca Journal, a newspaper regularly published and having general circulation in the Town, is hereby designated as the official newspaper of Town of Ulysses.

*Distributing Monthly Minutes

BE IT RESOLVED, copies of the official minutes of the Town Board, prepared and distributed by the Town Clerk, shall be distributed electronically unless otherwise requested to each Town Board member, Town Justices, Highway Superintendent, Building Code Enforcement Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Town Clerk's Bulletin Board and on the Town of Ulysses Website within 4 days of approval by the Town Board. In accordance with the Open Meetings Law, draft meeting minutes, clearly labeled with the date and "DRAFT, not yet approved" will be available through the Town Clerk's Office and distributed to Town Board members for review within 14 days of the date of the meeting.

*Mileage rate $.51

BE IT RESOLVED mileage at a rate of $0.51 cents per mile shall be paid to Town Officials and employees for use of their personal vehicles for Town Business and that such mileage shall be reported on the form provided by the Town Clerk.

*Town Clerk's Petty Cash

BE IT RESOLVED that the Town Clerk's petty cash fund of $150 is extended for the year 2011.

*Crime Coverage Town Officials

BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved: $250,000 for public employee dishonesty; $100,000 for forgery and alterations; excess crime coverage for the Supervisor at $450,000, the Town Clerk at $115,000 and the Town Court at $5,000.

*Lieu of Annual Financial Report

BE IT RESOLVED in lieu of the annual financial report required by Town Law Section 29(10), the Supervisor is hereby authorized to submit to the Town Clerk within 60 days after the close of the fiscal year a copy of his/her annual report to the State Comptroller, and that the Town Clerk shall cause a summary thereof to be published in accordance with the law (Town Law Section 29(10-a)). If the time for filing the annual report is extended 60 days by the State Comptroller, the Supervisor's time for filing a copy of the report with the Town Clerk is extended for a like period.

*Designation Depository

BE IT RESOLVED the Tompkins Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks and institutions as outlined in the Towns investment policy. The Town investment policy shall be reviewed by the Town Board during the year and revised as necessary.

*Annual Audit by Town Board

BE IT RESOLVED that the Town Board of the Town of Ulysses will do the Annual Audit of the books for each department on February 4, 2011.

*Procurement Policy (revised)

WHEREAS the Town of Ulysses reviewed and revised the Procurement Policy on November 17, 2010, **BE IT RESOLVED** that the Town Procurement policy as adopted on November 17, 2010 is the guidance document for 2011 purchases. The Town Clerk will distribute the Procurement Policy to all department heads and Town Board members.

*Establishment of Appointed Offices and Salaries

BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual salary of $18,406 as set by the Town Board for 2011. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

BE IT RESOLVED that the Town Board has established the Office of Deputy Supervisor, to continue in 2011. The Deputy Supervisor acts for and in place of the Supervisor in her/his absence. The annual salary of the Deputy Supervisor is set at $5,050. In accordance with Town Law, the Supervisor appoints the Deputy Supervisor.

BE IT RESOLVED that the Town Board has established the Office of Deputy Town Clerk, to continue in 2011 at an annual salary of $28,687.

FURTHER RESOLVED Further resolved that the responsibilities of this office are to assist the Town Clerk in carrying out the administrative responsibilities of the office including those related to records management and tax collection, and to act for and in place of the Clerk during her / his absence. Details of the Deputy Clerk job description are set and revised by resolution of the Town Board and are outlined in Section I (Elected Officials and their Appointments) of the Town Manual of Position Descriptions. In accordance with Town Law, the Town Clerk appoints the Deputy Town Clerk. The Town Clerk shall appoint a Deputy Town Clerk by January 10, 2011, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2011.

BE IT RESOLVED that the Town Board has established the office of Deputy Highway Superintendent, to continue in 2011 at an hourly pay rate of $20.47. The Deputy Highway Superintendent acts for and in place of the Highway Superintendent in her/his absence. In accordance with Town Law, the Highway Superintendent appoints the Deputy Highway Superintendent. The Highway Superintendent shall appoint a Deputy Highway Superintendent by January 10, 2011, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2011.

BE IT RESOLVED that the Town Justices are authorized to employ the services of a Court Clerk or Clerks to assist in the administration and bookkeeping, at an annual salary of $31,594 for 2011. If the Town Justices find it necessary to employ more than one Clerk, the total salary paid shall not exceed the annual budgeted amount for Court Clerk. The Town Justices shall appoint a Court Clerk by January 10, 2011, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2011.

BE IT RESOLVED that the Town Board has established the position of Water Distribution and Maintenance Operator, to supervise and carry out all of the activities necessary for the day-to-day operation and maintenance of the Town's Special Improvement Water Districts, as outlined in the Town Manual of Position Descriptions (Section II, Employees and Appointments by the Town Board). The 2011 annual salary for the Water Superintendent is $14,500. The Town Board appoints Doug Austic as Water Superintendent for the 2011 calendar year.

* Establishment of Payroll Periods and Pay Rates for Elected and Appointed Officials and Salaried and Part-time Hourly Employees

BE IT RESOLVED the Town Board hereby establishes the following payroll periods:

Bi-weekly: Highway Superintendent, Town Clerk, Justices, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Supervisor, Highway Department Staff, Bookkeeper, Code Enforcement Officer, Zoning Officer, Planning and Zoning Staff, Court Clerk, Temporary student and other employees, part-time Clerical, Administrative, and Support staff, Water Department staff

Monthly: Councilpersons, Supervisor

Annually: Historian

Voucher: contractual workers and all others not listed above

*Salaries 2011

BE IT RESOLVED that the Town Board hereby establishes the following salaries for 2011:

Position	budgeted salary	hourly rate if applicable
Supervisor	$15,302	
Councilperson	$ 4,036	
Highway Superintendent	$56,165	
Town Clerk	$59,579	
Town Justice	$15,487	
Bookkeeper	$18,406	
Deputy Supervisor	$ 5,050	
Deputy Town Clerk	$28,687	
Court Clerk	$31,594	
Deputy Highway Superintendent	multiple budget lines	$20.47
Highway Machine Equipment Operators	multiple budget lines	$15.50 - $17.77
Laborer	multiple budget lines	$12.53
Code Enforcement Officer	$28,993	
Zoning Officer	$21,987	
Planning and Zoning Clerk	$ 5,050	$15.92
Code / Fire Enforcement Officer	$6,060	$18.50 - $20.50

Water Distribution & Maintenance Operator	$14,500	
Water District Laborer	$4,254	$14.58 - $18.26
Historian	$ 1,500	

*Hourly Employees/Time Cards

BE IT RESOLVED all hourly employees shall turn in a time card by the end of the last day of the pay period. Salaried employees shall report time used for vacation, sick time, holiday or other time off on a time card to maintain accurate records of benefit time used. No pay will be issued without a signed time card.

*Town Board and Liaison Appointments

The Supervisor proposes the following Town Board liaison appointments:

Highway Department	Dave Kerness
Trumansburg Village Board of Trustees	Liz Thomas
Personnel	Lucia Tyler
Health Insurance Consortium Board	Lucia Tyler
Planning Board and BZA	David Kerness
Fire Department	Kevin Romer
County and other Emergency Management	Kevin Romer
Town Court	Dave Kerness
Trumansburg Ulysses Youth Commission	Liz Thomas/Roxanne Marino
Ag & Farmland Protection Comm.	Liz Thomas

Resolution 21: BE IT RESOLVED that the Town Board makes the following appointments:

A. Code Enforcement Officer	Alex Rachun
B. Code / Fire Enforcement Officer	William Baker
C. Planning Board Chairperson	Ken Zeserson
D. Planning Board Member - 2011 to 2018 term	Peter Fry
E. Board of Zoning Appeals Chairperson	George Tselekis
F. Board of Zoning Appeals Member - 2011 to 2016 term	B. Bristow*? (checking, term ended)*
G. Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
H. Board of Assessment Review	Dick Coogan, David Means
I. TC Environmental Management Council (EMC)	Lucia Tyler
J. TC Water Resources Council	*No municipal position open 2011*
K. Tompkins County Stormwater Coalition	Sue Poelvoorde
L. County Youth Bureau Representative	vacant

M.	Trumansburg Ulysses Youth Commission Reps	Deb Austic Michel Vonderweidt *(checking)*
N.	Recreation Partnership representative	vacant
O.	Tompkins County Youth Services Board	vacant
P.	Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde
Q.	Ithaca/Tompkins County Transportation Council Policy Committee	Sue Poelvoorde (for Supervisor)
R.	TC Fire, Disaster, and EMS Advisory Board	Kevin Romer
S.	TC Council of Governments	R. Marino/ L. Thomas alternate
T.	Tompkins County Area Development	Dave Kerness
U.	Fair Board liaison	Kevin Romer
V.	Historian	Nancy Dean
W.	Agriculture and Farmland Protection Plan Committee Chairperson	John Wertis
X.	Lakeshore Zoning Committee Chairperson	Don Smith
Y.	Water District Advisory Board Chairperson	Diane Hillman
Z.	Tompkins Co. Animal Control	Roxanne Marino

*Contracts

BE IT RESOLVED that the Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009, and

FURTHER RESOLVED that the 2011 Addendum to Retainer Agreement which sets hourly fees for billing at $165 (Attorney) and $105 (Paralegals) is adopted. All other provisions of the 2009 Retainer Agreement shall remain in full force and effect.

*General Procedures and Policies

BE IT RESOLVED that the Town of Ulysses has adopted policies for a Code of Ethics, Personnel and Benefits, Procurement, Claims, Meeting Rules and Procedures, Investment, Alcohol and Controlled Substance Testing, Planning Board and Zoning Board Attendance and Training, and Emergency Preparedness. The Town Clerk shall provide to each newly elected official and to any other elected or appointed official or employee these policies, and any other planning documents or local laws upon request.
BE IT RESOLVED any member of the public wishing to have a topic on the agenda of a Regular Town Board Meeting advise the Supervisor of that intent at least one week prior to the scheduled meeting, if at all possible.

BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advise the Town Clerk of the special requirements at least one week prior to the meeting. (ADA)

*Resolution Index System

BE IT RESOLVED that the Town Clerk will continue with the Resolution/Motion Index System initiated in 2009, identifying the Resolution/Motion number, date approved, and Title.

* Prohibition against gifts by municipalities

BE IT RESOLVED that in accordance with the New York State Constitutional prohibition against gifts by municipalities as described in Article III, Section 1, the Town of Ulysses will not give bonuses, donations, or other gifts of recognition for service (retirement, annual appreciation, or otherwise) to any organizations, volunteers, or other individuals in the employment of the Town or otherwise providing service to the Town or the community. The Town may, however, hold recognition events and provide refreshments.

*Organizational Resolutions subject to Amendment

BE IT RESOLVED that any and all of these Organizational Resolutions be and remain subject to amendment throughout the year by the Town Board.

*Shared Highway Services Agreement

WHEREAS, Highway Law #142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law #283 to enter into agreements for shared services and equipment with other municipalities and authorize, within existing budget constraints, the Town's Highway Superintendent pursuant to Highway Law #284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

*Surplus Computer Equipment Disposal

Resolution to dispose of Town computer equipment of no value or not useable

BE IT RESOLVED that the computer and printer equipment items belonging to the Town of Ulysses and listed in the table below are no longer of any use and have no retail value, and as such can be disposed of. BE IT FURTHER RESOLVED that the Town's information technology consultant Jeff Burns is authorized to dispose of these items in as environmentally responsible way as the availability of local options allows for.

TOU Number	Type of unit	Brand name	Description	Model	Serial No or Service Code	AGE as of 9-1-10	Projected replacement Years	Replacement Cost	Location	Conditions	Life Expectancy Gone	Worth of Equipment	Notes
TOU1	Computer Desktop	Dell	1.2, Ghz, 20 gig HD,	Dimensions 2100	8MNB811	9.00	6	$ 1,000.00	Safe Room	INOPERATIVE	150.00%	$ -	request for surplus 12-14-10
TOU29	Monitor	Dell	14 inc BROKEN	N/A	MX-08R339-47605-2B1-ATZR	7.00	4	$ 200.00	Safe Room	Inoperative	175.00%	$ -	request for surplus 12-14-10
TOU54	Printer	Hewlett Packard	printer, Scanner, Fax	all in one J5780	CN76ECF21C Q8244A-002 RH-01	3.00	5	$ 150.00	Copy Room	Poor	60.00%	$ -	request for surplus 12-14-10
TOU59	Printer	Hewlett Packard	printer, Scanner, Fax	HP Officejet Pro 8500 (CB022A)	MY93G221Q2	2.00	5	$ 300.00	Clerk Office - Marsha	INOPERATIVE	40.00%	$ -	request for surplus 12-14-10
TOU64	Router	Linksys	8 port BROKEN	BEFSR81	R221702435	11.00	5	$ 120.00	Safe Room	INOPERATIVE	220.00%	$ -	request for surplus 12-14-10
TOU71	ups	APC	1500 POWER BACKUP	Smart UPS 1500	N/A	5.00	3	$ 200.00	Safe Room	Poor	166.67%	$ -	request for surplus 12-14-10

*Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses go into Executive Session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

JANUARY 11, 2011

*Approval of Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers #526 through #560 in the amount of $44,079.24 for 2010 and voucher # 1 through 16 in the amount of $8,095.58 for 2011.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Public Hearing dated 12/14/2010 and the Regular Town Board meeting of 12/14/2010 as corrected.

******

*Agreement for the Expenditure of Highway Moneys

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the "Agreement for the Expenditure of Highway Moneys" presented by Highway Superintendent James Meeker.

******

*2010 Year-end Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2010 Year-end budget modifications:

A Fund

Appropriation line	1010.1	Town Board PS	increase	$ 2.00
Appropriation line	1010.4	Town Board CE	increase	$ 165.66
Appropriation line	1110.1	Justice PS	increase	$ 0.02
Appropriation line	1111.1	Justice PS	increase	$ 0.02
Appropriation line	1221.1	Deputy Supervisor PS	increase	$ 214.60
Appropriation line	1410.1	Town Clerk PS	increase	$ 0.08
Appropriation line	1620.4	Buildings CE	increase	$ 2,544.50
Appropriation line	1650.4	Central Comm. CE	increase	$ 799.20
Appropriation line	1670.4	Central Print /Mail	increase	$ 1,824.65
Appropriation line	5010.1	Highway Super PS	increase	$ 0.46
Appropriation line	5132.4	Garage CE	increase	$ 637.02
Appropriation line	9055.8	Disability Insurance	increase	$ 183.00
Appropriation line	8810.4	Cemeteries CE	decrease	$ 800.00
Appropriation line	9010.8	State Retirement	decrease	$ 3,910.68
Appropriation line	3510.4	Dog Control CE	decrease	$ 917.97

Appropriation line	9030.8	Social Security	decrease	$ 400.61
Appropriation line	5132.2	Town Barn Capital	decrease	$ 341.95

B Fund

Appropriation line	3620.1	Safety Inspection PS	increase	$ 0.08
Appropriation line	8020.4	Planning CE	increase	$ 1,038.83
Appropriation line	9055.8	Disability Insurance	increase	$ 1.80
Appropriation line	8010.1	Zoning PS	increase	$ 0.02
Appropriation line	9030.8	Social Security	decrease	$ 1,040.73

DA Fund

Appropriation line	5130.1	Machinery PS	increase	$ 804.40
Appropriation line	9055.8	Disability Insurance	increase	$ 20.90
Appropriation line	9040.8	Workers Comp	decrease	$ 825.30

DB Fund

Appropriation line	5110.4	General Repairs CE	increase	$ 9,072.60
Appropriation line	9040.8	Workers Comp	decrease	$ 1,757.00
Appropriation line	9060.8	Medical Insurance	decrease	$ 2859.35
Appropriation line	5110.1	General Repairs PS	decrease	$ 440.10
Appropriation line	9010.8	State Retirement	decrease	$ 0.89
Appropriation line	9030.8	Social Security	decrease	$ 0.19
Appropriation line	9055.8	Disability Insurance	decrease	$ 25.30
Revenue line	DB599	App. Fund Balance	increase	$3,989.77

SW3

Appropriation line	8340.4	Trans / Distrib CE	increase	$ 965.97
Appropriation line	8310.1	Admin PS	decrease	$ 0.07
Appropriation line	8310.4	Admin CE	decrease	$ 67.43
Appropriation line	8311.1	Water Clerk PS	decrease	$ 0.68
Appropriation line	8340.1	Trans / Distrib PS	decrease	$ 62.64
Appropriation line	8340.2	Trans / Distrib EQ	decrease	$ 289.59
Appropriation line	9030.8	Social Security	decrease	$ 30.87
Appropriation line	9040.8	Workers Comp	decrease	$ 200.00
Revenue line SW3	599	App. Fund Balance	increase	$ 314.64

SW4

Appropriation line	8310.1	Admin PS	increase	$ 0.21
Appropriation line	9030.8	Social Security	increase	$ 0.22
Appropriation line	8310.4	Admin CE	decrease	$ 0.43

*Request for Re-zoning Merits Further Consideration

BE IT RESOLVED that the request for re-zoning merits further consideration and the Town Board is directing the applicant to proceed with a Sketch Plan Conference and then proceed with a full Site Plan review with the Planning Board.
******

*Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses go into Executive Session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.
******

Special Town Board January 25, 2011

*Authorize Supervisor Marino To Sign the 2011 Fire/EMS Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to sign the 2011 Fire/EMS Contract with the Village of Trumansburg in the amount of $378,938.53.
******

*Re-appoint Barbara Bristow Zoning Board of Appeals

BE IT RESOLVED that the Town Board of the Town of Ulysses re-appoint Barbara Bristow to serve another five (5) year term on the Zoning Board of Appeals.
******

*Timeline Revisions of the 2007 Zoning Law

BE IT RESOLVED that the Town Board of the Town of Ulysses accept the proposed timeline to use as a work plan to move forward with the revisions of the 2007 Zoning Law as follows:

Proposed timeline for revisions of 2007 Zoning Law

RM 1-24-11

Top and bottom of task boxes indicate approximate dates for start and completion, respectively

Phase 1 Comprehensive

Krums corners and SE area of Town

- Improve definitions for light industry to include environmental parameters; revise design standards as needed
- Add definition of heavy industry to include environmental parameters; consider explicit ban on these activities Town-wide
- Revise procedures in Article III
- Revise zoning map in this area to comply with CP Land Use map; create Office & Technology district if feasible (includes Business and Light Industry uses)

Process Request for Rezoning of parcel at 1520 Trumansburg Rd

Business to Light Industry

Phase 2 Comprehensive

Steep Slopes and Lakeshore

- Add Conservation Zone
- Add Lakeshore Zone
- Revise zoning map & all needed standards

Phase 3 Comprehensive

Agricultural priority areas Town-wide

- Revise zoning map & all needed standards
- Revise definitions and Agricultural Priority Zone parameters in accordance with Ulysses Ag & Farmland Protection Plan and Comprehensive Plan
- Revise any administrative procedures or design standards identified as priorities (any area of the Zoning Law) as needed
- Work in tandem on tools beyond zoning to put in place to promote agriculture and the preservation of agricultural land

2011

January

March

April

June

July

September

October

2012

December

January

March

April

June

July

September

October

2013

This timeline is fairly optimistic and assumes that the Town Board agrees on a work plan early in 2011 and as such commits to engage in all necessary edits and associated meetings for each Phase within the time frame indicated. It also assumes that the Town engages professional planning help ASAP in 2011 to assist in developing the necessary language, standards, and maps needed for Phases 1 & 2 and the parallel re-zoning request.

*"Professional Services", Jonathan Kanter, AICP

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to enter into an agreement for "Professional Services", as outlined in Draft

agreement provided by Jonathan Kanter, AICP, dated 1/19/2011, with Jonathan Kanter, and

Further Resolved that the term of this Agreement shall be from January 31, 2011, through December 31, 2011, and the pay for the services rendered at a rate of $25.00 per hour and not to exceed $2,000 unless otherwise authorized by the Town of Ulysses Town Board.
******

*Planning Board- Site Plan-1520 Trumansburg Road

BE IT RESOLVED that the Town Board directs the Planning Board to review the Site Plan provided by the applicant as part of the request for re-zoning of the parcel at 1520 Trumansburg Road from Business to Light Industry, and make a recommendation to the Town Board that includes specific reasons in support of the recommendation. In reviewing the Site Plan, the Planning Board shall consider how the proposed project fits with Article 1.1 of the Town of Ulysses Zoning Law (Purpose) as well as any review criteria under Article 3.4.5 as they deem appropriate and necessary to make a recommendation on the re-zoning request.

FURTHER RESOLVED that the Town Board will make a decision on whether or not to approve the re-zoning request after reviewing the recommendation from the Planning Board. If the request for re-zoning is approved, the Planning Board would next complete all aspects of a Site Plan Review as per the Town of Ulysses Zoning Law Article III.
******

*Resolutions for the NYS Association of Towns annual meeting in February.

BE IT RESOLVED that the Town Board of the Town of Ulysses instruct our delegate Ms. Tyler to cast a vote of yes for resolutions 1 through 10 and abstain on resolution #11.
******

*Insurance-only billing

WHEREAS, the Town of Ulysses has received two legal opinions from their Attorney dated October 11, 2010 and November 09, 2010 on the advisability of insurance only billing,

THEREFORE BE IT RESOLVED the Town of Ulysses Town Board does not support any plan involving insurance-only billing at this time.
******

*Revise the Cleaning Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses revise the Cleaning Contract by:

- Add under Task #1 that the bathrooms be cleaned twice a week; once on the weekend and an additional time on the Wednesday following court.
- Add that the time spent cleaning shall be approximately 8 hours per week.

******

Regular Town Board February 8, 2011

*Year End 2010 Budget Modification

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following YE 2010 Budget Modification:

A Fund

1111.1	Justice PS	increase	$ .02
1460.4	Records Management	increase	$ 1,314.34
1920.4	Municipal Dues	increase	$ 250.00
9060.8	Medical Ins.	increase	$ 5,112.95
7550.4	Celebrations	increase	$ 1,167.67
1220.4	Supervisor CE	decrease	$ 4,284.77
1450.4	Elections CE	decrease	$ 2,392.54
1110.4	Justices CE	decrease	$1,167.67

B Fund

9060.8	Medical Ins.	increase	$ 1,372.92
8010.1	Zoning CE	increase	$ 236.61
8011.1	Deputy Zoning PS	decrease	$ 1,619.53

DA Fund

9060.8	Medical Ins.	increase	$ 1,162.81
5142.4	Snow Removal	decrease	$ 1,162.81

DB Fund

9060.8 Medical Ins	increase	$ 4,020.15
Revenue DB 599	decrease	$ 4,020.15

******

*Approve the 2010 vouchers

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the 2010 vouchers in the amount of $4,700 and voucher #'s 16 through 71 in the amount of $38,052.50 (2011).
******

*Approve Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve minutes for the Organizational Meeting 1/7/2011, Regular TB Meeting 1/11/2011, Special TB Meeting 2/25/2011, and the Public Hearing 2/25/2011 as edited and corrected.
******

*Appointment of Sarah Adams to the Ulysses Planning Board

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the appointment of Sarah Adams to the Ulysses Planning Board.
******

*Draft "Ulysses Ag and Farmlands Protection Plan"

BE IT RESOLVED that the Town Board of the Town of Ulysses submits the February 3, 2011 draft "Ulysses Ag and Farmlands Protection Plan" to the Tompkins County Agricultural and Farmland Protection Board for their review and comments.
******

*Procedure Review and Audit of the Monthly Claims

Whereas on January 7, 2011, the Town Board approved the attached procedure (Resolution 2 of 2011) for review and audit of the monthly claims before presentation for Board approval at the regular monthly meeting, to begin in February 2011, and

Whereas the above procedure needs small modifications for clarity,

BE IT RESOLVED that step #1 be modified to add the following: "The Clerk will attach a printed coversheet to each claim, with spaces delineated for the account number to be charged, all of the required initials, and additional detail as may be necessary (see #2, #4)."

BE IT FURTHER RESOLVED that step #9 of the procedure be modified to the following: "Files by vendor will be created and maintained by the Clerk's office."
******

*Urging New York State to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases Before Imposing a Property Tax Cap

WHEREAS, New York property taxes are nearly eighty percent (80%) above the national average, and

WHEREAS, New York municipal leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local property tax burden for decades, and

WHEREAS, Governor Cuomo and many State Legislators support a cap on local property tax levies of two percent (2%) or the rate of inflation, whichever is less, but the current property tax cap proposals do not reduce or eliminate current State mandates on local governments or prevent new mandates which often result in increased expenses to local governments, and

WHEREAS, the State government is imposing the *property* tax cap, however the State government runs primarily on *income* tax collections, not *property* tax, and an *income* tax cap is not being proposed. It is local governments that rely in large part on *property* tax, yet the ultimate mandate of a *property* tax cap is being proposed at the state level where their budget will feel little impact from the cap, and

WHEREAS, a simple property tax cap will leave in place the inequities of New York's system, which relies on the regressive property tax to pay for public schools, health care for the poor, and other safety net programs rather than fund these program through income taxes, and

WHEREAS, arbitrarily capping property taxes would cripple local governments within a few short years, because all non-mandated spending such as for recreation, youth development, programs for the aging, libraries, etc. would slowly be eliminated to meet the cap, and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up local property tax levels for decades, and

WHEREAS, capping property taxes without mandate relief will affect county and school budgets more significantly than town or village budgets but county programs

and school districts service local municipalities and those services are likely to be seriously eroded without mandate relief, and

WHEREAS, counties have no choice over how to spend most of their locally raised revenues, as mandates from Albany and state-determined pension costs make up as much as ninety percent (90%) of a typical county budget, and

WHEREAS, in addition to State Mandated pensions the major cost drivers of local property taxes are other unfunded and underfunded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense, along with numerous other programs, such as storm water regulations and code enforcement, and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including for example:

- County payments by all local governments to the New York State Retirement System are expected to rise forty percent (40%) in 2011 and by a similar amount in 2012, and have grown by over one-thousand percent (1,000%) since the year 2000, due to generous benefit expansions determined and mandated by the State Legislature and Governor.
- Since 2005, the local share of Medicaid costs has increased at least three percent (3%) each year and sometimes by double-digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-2010 and 2010-2011 State budgets by more than $400 million in human service delivery alone, and

WHEREAS, school districts are facing cuts in state foundation aid as well as a cap in the amount of local revenue that can be raised to fill the gaps created by those cuts. As proposed the tax cap will destroy the ability of many districts to meet the needs of children, and

WHEREAS, school district budgets are passed by public referendum of those who reside within its boundaries, a powerful tool for local citizens that would be greatly diminished by an artificial cap imposed by another government body, and

WHEREAS, the cap will leave in place the inequities among school districts because it does nothing to level the playing field between wealthy and poorer districts, and because the wealthier districts will be more likely to override the cap. The property tax cap, especially coupled with state aid cuts, will disproportionately hurt lower-income New Yorkers and widen the gap between rich and poor in New York State, and

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State services that local municipalities must pay for and implement

at the local level; in fact a property tax cap preserves the unjust system of taxation, where local taxes pay for state programs, and

WHEREAS, the Governor's property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State, now therefore be it

RESOLVED, That the Tompkins County Council of Governments (TCCOG), which includes all municipalities in Tompkins County, urges New York State to take fiscal responsibility for services over which it has decision-making authority, rather than require local governments to pay for its decisions; this will in turn reduce the property tax burden and not preserve the status quo,

RESOLVED, that the Town of Ulysses is opposed to the property tax cap without mandate relief,

RESOLVED, further, that the Town of Ulysses stands with the Tompkins County Council of Governments to urge the Governor and State Legislature not to impose a local property tax cap unless and until it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases, or development of aid formulas and Home Rule Legislation authority to ease the burdens borne by local governments

RESOLVED, further, that copies of this resolution be sent to Governor Cuomo, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, State Senate Leader Dean Skelos, Senate Minority Leader John Sampson, State Senators Thomas O'Mara, James Seward, Michael Nozzolio, and Jeffrey Klein, Assemblywoman Barbara Lifton, the New York Association of Counties, the New York State Association of Towns, and the New York State Conference of Mayors.
******

*Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses go into Executive Session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.
******

Special Town Board 3/1/2011

*Planning Board request to review the High Impact Industrial (HII) and Office, Technology and Mixed Use (OTM) Zoning Law

Whereas the Planning Board is an integral part of the town's zoning reviews and,

Whereas the Planning Board has actively developed zoning laws and,

Whereas the Planning Board has the experience and expertise,

Be it resolved the Planning Board be requested to review the recommended "High Impact Industrial (HII) and Office, Technology and Mixed Use (OTM) Zoning Law" and

Complete a detail review by individual sections (4.2, 14, 17.11, and 22), recommended vs. existing zoning laws and;

Identify ads and deletes for the recommended document, with a brief rational for the changes and complete by 3/21/2011.

Also, be it resolved the Town Board members prepare questions (if they have any) and provide them to Ken Zeserson by 3/14/2011.
******

Regular Town Board 3/08/2011

*Monthly Vouchers/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves voucher # 72 through 122 in the amount of $42,863.73.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the edited minutes of February 8, 2011, for the Regular Town Board meeting.
******

*REQUESTING NEW YORK STATE TO MAINTAIN FUNDING STREAMS FOR YOUTH BUREAU AND FURTHER URGING ELIMINATION OF COMPETITIVE BID FUNDING

WHEREAS, Governor Cuomo has submitted his proposed 2011-2012 Executive Budget recommending the development of a Primary Prevention Incentive Program (PPIP), and

WHEREAS, this proposal actually slashes the current allocation of funding for Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SDPP), and Runaway and Homeless Youth Act (RHYA), by 50%, and

WHEREAS, this proposal eliminates these funding streams and offers the distribution of funds on a competitive basis to counties, resulting in the

elimination of funding to many rural counties, thereby promoting inequities in prevention and positive youth development services across New York State, and

WHEREAS, the proposed competitive bidding process will also result in a loss of local planning and control, and

WHEREAS, the aforementioned proposal will dismantle the current youth bureau system, structure and funding streams, and will be especially detrimental to all municipal youth bureaus, and

WHEREAS, current youth development and prevention services are provided through a fair and equitable formula-driven allocation through the New York State Office of Children and Family Services, and

WHEREAS, the current funding through youth bureaus structures ensure appropriate local monitoring, evaluation and accountability, and

WHEREAS, youth development, prevention and intervention are essential for critical services to children and youth, and

WHEREAS, if adopted, this portion of the Executive Budget would result in the minimal loss of over $200,000 of youth services dollars for Tompkins County, and

WHEREAS, if adopted, New York State will be abandoning its long-time national leadership and partnership in youth prevention, intervention and development services, as articulated in Article 19-A of the Executive Law, and

WHEREAS, the Town of Ulysses believes that providing services and programs for children and youth is an investment, not only in delinquency prevention, but also in the development of all our young people, in all ways thus enriching our society and nation as a whole, and

RESOLVED, on recommendation of the Health and Human Services Committee, the Town of Ulysses hereby requests Governor Cuomo and the New York State Legislature maintain the current youth bureau funding streams, albeit with proportionate reductions, and eliminate the concept of competitive bid funding,

RESOLVED, further, That Governor Cuomo and the New York State Legislature be directed to uphold Article 19-A of the Executive Law and to maintain the current youth bureau system and structure which is in the best interest of the 26,000 children and youth of Tompkins County and of the children and youth of New York State as a whole,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Cuomo, Assembly Speaker Silver, Senate Majority Leader Skelos, Chair Senate Children and Families Committee Senator Savino, Chair Assembly Children and Families Committee Assembly Member Paulin, Senator O'Mara, Senator Nozzolio, Assembly Member Lifton, and the New York State Association of Counties.

SEQR ACTION: TYPE II-20
****

Special Town Board 3/16/2011

*Potential Conflict of Interest of Some Members of the Planning Board

In light of the ongoing research by the Town Attorney on the question of potential conflict of interest of some members of the Planning Board as related to Phase 1 zoning changes as outlined in the Town Board resolution adopted Jan. 25, 2011;

The Town Board hereby instructs the Planning Board not to review or discuss any portion of the Community Environmental Defense Council document presented to the Town Board on February 8, 2011, beyond page 20, or that addresses any aspect of high-impact industrial zoning.

This action amends the Town Board resolution adopted March 1, 2011, entitled "Planning Board request to review high-impact industrial and office technology & mixed-use zoning law".
******

Special Town Board 3/22/2011

*Potential Conflict of Interest of Some Members of the Planning Board

In light of the ongoing research by the Town Attorney on the question of potential conflict of interest of some members of the Planning Board as related to phase 1 zoning changes as outlined in the Town Board resolution adopted Jan. 25, 2011;

The Town Board hereby instructs the Planning Board not to review or discuss any portion of the CEDC document presented to the Town Board on Feb. 8, 2011, beyond page 20, or that addresses any aspect of high impact industrial zoning.

This action amends the Town Board resolution adopted March 1, 2011 entitled "Planning Board request to review high impact industrial and office technology & mixed use zoning law".
******

*Resolution to Set High Impact Industrial (HII) And Mixed Use Office and Technology (MUOT) Zoning Law Changes as a Top Priority

WHEREAS at the January 25th meeting, the Ulysses Town Board passed a resolution titled *Time Line for Revisions of the 2007 Zoning Law* which outlines a three-phase plan for considering the many proposed changes to the Town's current zoning laws in order to bring them in line with the 2009 Town of Ulysses Comprehensive Plan (see adopted outline below), and

WHEREAS the first phase includes improving definitions of light and heavy industry to include environmental parameters and consider an explicit ban of heavy industrial activities Town-wide as well as other activities that dovetail with these zoning changes, and

WHEREAS the Town Board voted in supermajority to "accept the proposed timeline to use as a work plan to move forward with the revisions of the 2007 Zoning Law".

THEREFORE BE IT RESOLVED that the Town Board reaffirms that the zoning changes as outlined in Phase I are the highest priority and the Town Board will work to the best of its ability to amend the Ulysses Zoning Law to include definitions of High Impact Industrial Use and Mixed Use Office and Technology in the time frame outlined in the Resolution of January 25, 2011 titled *Time Line for Revisions of the 2007 Zoning Law.*

BE IT ALSO RESOLVED that the Town Board acknowledges it must simultaneously adhere to its duties as spelled out in applicable New York State laws and address topics of concern to the Town or Town residents as the law prescribes and in a timely manner.
******

*Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses go into Executive Session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

*Introduced Local Law #1 for 2011 entitled "A Local Law to Establish the Position of Second Deputy Supervisor"

BE IT RESOLVED that the Town Board of the Town of Ulysses introduced Local Law #1 for 2011 entitled "A Local Law to Establish the Position of Second Deputy Supervisor" and set a public hearing for April 12, 2011, at 6:45 p.m.

******

Regular Town Board Meeting 4/12/2011

*Vouchers/ Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers #123 through 146 and #148 through 180 in the amount of $45,407.85.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Regular Town Board meeting of March 8, 2011, the Special Town Board meetings of March 16th and the 22nd, 2011.

******

*Second Deputy Supervisor

WHEREAS, the Town of Ulysses currently has one position of Deputy Supervisor, which was established pursuant to §42 of the Town Law; and

WHEREAS, it would be in the best interest of the Town to create a second Deputy Supervisor position to assist the Supervisor and the Town Board in managing the work load of the Town; and

WHEREAS, the Town Board has the authority, pursuant to the Municipal Home Rule Law, to supersede §42 of the Town Law and create a second Deputy Supervisor position by local law; and

NOW, THEREFORE, be it RESOLVED that the Town Board hereby adopts Local Law # 1 of 2011 to create the position of Second Deputy Supervisor.

Local Law #1 2011

A Local Law to Establish the Position of Second

Deputy Supervisor Be it enacted by the Town Board

of the Town of Ulysses as follows:

SECTION 1.

Town Law §42 authorizes the Town Board to establish one deputy supervisor position. The Town Board has concluded that it would be in the best interest of the Town to establish a second Deputy Supervisor position. The Town has the authority pursuant to the Municipal Home Rule Law to supersede Town Law §42 and establish a second Deputy Supervisor position in the Town.

SECTION 2.

The Town hereby establishes a second deputy supervisor position in the Town. This position shall be known as "Second Deputy Supervisor".

SECTION 3.

Except as otherwise provided in this Local Law, the provisions of Town Law §42 shall apply to the position of Second Deputy Supervisor.

SECTION 4.

During the absence or inability of the Supervisor to act, or while the office of Supervisor is vacant, the order in which the Deputy Supervisor and Second Deputy Supervisor shall act shall be governed by Public Officers Law §9.

SECTION 5.

This local law shall take effect upon filing with the Secretary of State, but the filing shall not occur until at least forty-five (45) days after its adoption.

*Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following budget modifications:

A Fund

A1110.4	Justice CE (JCP grant Received)	increase	$13,910.
A1220.12	Deputy Supervisor (2nd) (salary for 20 hrs.pw At $22 hr. mid April through mid-August	increase	7,040.
A1011.1	Administrative Asst.	decrease	7,040.
Revenue			
5031	Inter-fund transfer	increase	100.
3089(new)	Other Government Aid		13,910.

SW#3
Revenue

SW3 5031	Inter-fund Transfer	increase	100.
SW#4			
8310.1	Admin. Super PS	decrease	150.
9030.8	Social Security	decrease	19.
8310.11	Admin Clerk	decrease	100.
9901 (new)	Transfer to Other Funds		269.

******

*Adjourn to a Closed Session

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to adjourn to a closed session to speak with the attorney about legal matters.
****

Special Town Board Meeting 4/27/2011

*Bid from LaBella Associates

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the April 8, 2011, bid from LaBella Associates to provide implementation to assist the Town of Ulysses in a Pavement Management System using the Road Surface Maintenance System program.
******

*Certify the final adoption of Local Law #1 2011

BE IT RESOLVED that the Town Board of the Town of Ulysses designates Supervisor Marino to certify the final adoption of Local Law #1 2011 and forward it on to the Secretary of State.

Regular Town Board Meeting 5/10/2011

*Vouchers/ Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves vouchers #'s 181 through 229 in the amount of $30,253.28.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes as corrected for the Regular Town Board meeting of April 12, 2011and Special Town Board meeting of March 1, 2011.
******

*Job description for the Environmental Planner

BE IT RESOLVED that the Town Board of the Town of Ulysses adopts the job description for the Environmental Planner E13.doc which modifies the Tompkins County job description adding the Town of Ulysses.

Whereas the Town of Ulysses will be seeking a professional planner in the near future at the 0.75 FTE level, and

Whereas, the Town Personnel Committee is in the middle of a major revision of the personnel policy,

Be it resolved that the following temporary change be made to the personnel policy, in order for the position to attract a talented applicant pool.

Employees who are working 0.75 of a full-time equivalent, or 0.75 FTE, up to but not including 1.00 FTE will be eligible to receive a 0.75 pro-rated health insurance benefit for either single or family coverage from the Town.

******

*Confidentiality and Joint Protection agreement

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Marino to sign the Confidentiality and Joint Protection agreement.

******

*Resolution Asking the New York State Department of Environmental Conservation to Establish a Minimum 90-Day Comment Period for the Supplemental Generic Environmental Impact Statement on Oil, Gas, and Solution Mining Regulations for Shale Gas Drilling

Whereas according to the Executive Order No. 41 (*Requiring Further Environmental Review*), signed by Governor David A. Paterson on December 13, 2010, the Department of Environmental Conservation was ordered to publish a Revised Draft Supplemental Generic Environmental Impact Statement (sGEIS) on or about June 1, 2011 and

Whereas that Executive Order also called for the Department to accept public comments on the Revised Draft for at least thirty (30) days, and

Whereas we understand the tremendous effort required by the NYS DEC to address the complex technical and regulatory concepts that must be included in the Revised Draft sGEIS, and

Whereas due to the extent of the complexity of the Revised Draft sGEIS, we are concerned with the time and effort it will take for the public and for agencies to review the revised document upon its release, and

Whereas the public is entitled to have adequate time to review this important document. Therefore

Be it resolved we are requesting that the NYS DEC establish a minimum ninety day public comment period following the promulgation of the Revised Draft sGEIS.

Be it also resolved this resolution be sent by U.S. mail to Commissioner Joe Martens; Governor Andrew Cuomo; NYS Senators Dean Skelos, Brian Kolb, Thomas O'Mara, James Seward, and Michael Nozzolio; Speaker Sheldon Silver; Assemblywoman Barbara Lifton; Chair of Senate Committee on Environmental Conservation Mark Grisanti; Chair of Assembly Committee on Environmental Conservation Robert Sweeney; Attorney General Erik Schneiderman; U.S. Senators Charles Schumer and Kirsten Gillibrand; Representatives Diane DeGette, Secretary of the Interior Ken Salazar, Representative Richard Hanna and Representative Maurice Hinchey; EPA Administrator Lisa Jackson, EPA Region 2 Administrator Judith Enck; New York State Association of Counties; New York State Association of County Health Officials (NYASCHO); the Tompkins County Board of Health; Tompkins County Legislature; Town Supervisors and Clerks within Tompkins County and NYS Association of Towns.
******

Special Town Board Meeting 5/18/2011

*Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approved the edited minutes for the Public Hearing of April 12, 2011 and the Special Town Board meeting of April 27, 2011.

*Modifies the 2011 budget/ Stream Research

BE IT RESOLVED that the Town Board of the Town of Ulysses modifies the 2011 budget to increase line A8030.4 Stream Research by $2,500, which is the original requested amount of $5,000 for water quality monitoring in Taughannock and Trumansburg creek watersheds using volunteers.

FURTHER RESOLVED that CSI hold a community education forum on their work sometime in 2011.

*Modify/ Salary for the Baseball Director

BE IT RESOLVED that the Town Board of the Town of Ulysses modify line item A7310.4 to increase by $1,250 which is half of the salary for the Baseball Director to be paid to the Village of Trumansburg.

Special Town Board Meeting 5/24/2011

No Resolutions passed

Regular Town Board Meeting 6/14/2011

*Vouchers/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers # 230 through 277 in the amount of $31,131.25.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes for the Regular Town Board meeting of May 10, 2011 and the Special Town Board meetings of May 18 and May 24, 2011

******

*RESOLUTION OF THE ULYSSES TOWN BOARD FOR A PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2011, AMENDING THE TOWN OF ULYSSES ZONING LAW

WHEREAS, Local Law No. 2, which amends the Zoning Law of the Town of Ulysses ("the Zoning Law"), is under consideration by the Ulysses Town Board ("the Town Board"); and

WHEREAS, a local law amending the Zoning Law requires a public hearing; and

WHEREAS, the proposed local law requires review by the Tompkins County Planning Department pursuant to §§239-l and 239-m of the General Municipal Law

NOW, THEREFORE, be it RESOLVED that a public hearing be held on June 29, 2011 at 7:00 p.m. at the Trumansburg Elementary School on the proposed adoption of Local Law No. 2 of 2011; and be it further

RESOLVED that the Zoning Officer forward the proposed Local Law and all other required materials to the Tompkins County Planning Department for review pursuant to §§239-l and 239-m of the General Municipal Law.

******

*Three (3) minute limitation for public comments

BE IT RESOLVED that the Town Board of the Town of Ulysses sets a three (3) minute limitation for public comments at the Public Hearing on June 29, 2011.
******

Regular Town Board Meeting 7/12/2011

*Voucher/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher #278 through 316 in the amount of $19,340.05.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of June 14, 2011 of the Regular Town Board meeting.
******

*Supervisor Roxanne Marino manage and complete hiring procedures for the position of Environmental Planner

BE IT RESOLVED that the Town Board of the Town of Ulysses hereby authorizes Supervisor Roxanne Marino to manage and complete all aspects of the hiring procedures for the position of Environmental Planner based on the recommendations for a candidate from the majority of the members of the interview committee and according to the salary and benefits parameters set by Board resolution on 5/10/201.
******

*Retirement Alex Rachun

WHEREAS the Town Board of the Town of Ulysses is in receipt of a letter of retirement from Alex Rachun from his employment as the Zoning Officer and Code Enforcement Officer, stating that he retired effective June 30, 2011,
THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses accepts Alex Rachun's retirement effective June 30, 2011.
******

*Appoints Alex Rachun to perform the duties of building inspector as an Enforcement Officer

WHEREAS the Town of Ulysses is required to conduct building and fire code inspections, and
WHEREAS the Town of Ulysses is currently without a Code Enforcement Officer due to the retirement of Alex Rachun,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Alex Rachun to perform the duties of building inspector as an Enforcement Officer effective July 13, 2011, on a part-time basis not to exceed 20 hours per week for a salary not to exceed the 2011 Budget allocation.

******

*Executive Session

BE IT RESOLVED that the Town Board adjourn for Executive Session on a personnel matter.

******

*Termination notice/Cleaning Contract

WHEREAS cleaning services outlined in the cleaning contract for 2011 have not been performed per the contract since June 16, and,

WHEREAS the Town Hall is used heavily in the summer season requiring someone to perform cleaning duties on a weekly basis.

THEREFORE BE IT RESOLVED that the current cleaning contract be terminated by a notice from the Town Clerk who has been designated by the current contract as the supervisor; and

RESOLVED the termination notice will be in writing effective 30 days from the date of receipt using the U.S. Postal Service Delivery Receipt date; and

RESOLVED that the Town Clerk put out a request for bids to contract for cleaning using the same specifications in the current contract; and

RESOLVED that the Town Clerk find a temporary replacement for cleaning services during this interim period.

****

Special Town Board Meeting 7/26/2011

Re-accepting Alex Rachun's Retirement and Re-appointing Part-time Enforcement Officer

BE IT RESOLVED that the Town Board of the Town of Ulysses rescinds the resolutions passed July 12, 2011, to accept Alex Rachun's retirement and to appoint an Enforcement Officer.

WHEREAS the Town Board of the Town of Ulysses is in receipt of a letter of retirement from Alex Rachun from his employment as the Zoning Officer and Code Enforcement Officer, stating that he retired effective July 29, 2011,
THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses accepts Alex Rachun's retirement effective July 29, 2011.

WHEREAS the Town of Ulysses is required to conduct building and fire code inspections, and

WHEREAS the Town of Ulysses is currently without an Enforcement Officer due to the retirement of Alex Rachun,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Alex Rachun to perform the duties of building inspector as an Enforcement Officer effective August 1, 2011, on a part-time basis not to exceed 20 hours per week for a salary not to exceed the 2011 Budget allocation.

****

Letter to Commissioner NYSDEC –Joe Martens

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following letter to Commissioner Joe Martens of NYSDEC on the High-Volume Hydraulic Fracturing Advisory Panel and authorize Supervisor Marino to sign on behalf of the Town Board.
Mr. Joe Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010
Reference: High-Volume Hydraulic Fracturing Advisory Panel
Dear Commissioner Martens:

This letter is in regards to the newly created High-Volume Hydraulic Fracturing Advisory Panel that will be charged with:

- developing recommendations to ensure DEC and other agencies are enabled to properly oversee, monitor and enforce high-volume hydraulic fracturing activities;
- developing recommendations to avoid and mitigate impacts to local governments and communities; and
- evaluating the current fee structure and other revenue streams to fund government oversight and infrastructure related to high-volume hydraulic fracturing.

We are pleased that the New York State Department of Environmental Conservation has created this panel, as we are concerned about impacts to local governments and County Health Departments from high volume hydraulic fracturing. Among other impacts, we are concerned about the costs this activity will impose on local governments and County Health Departments for oversight and infrastructure. However, reviewing the list of initial members of this panel, it is noteworthy that there is not a single member from a local government or a County Health

Department included on the panel. Since the panel is charged with developing recommendations to avoid and mitigate impacts to local governments and communities, it is important that local government and County Health Department representatives should be included on the panel. We strongly urge you to appoint additional members to the panel from these groups, especially local governments and County Health Departments in the Finger Lakes and Southern Tier, which will be directly affected by high volume hydraulic fracturing.

Minutes Regular Town Board Meeting 7/12/2011

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of July 12, 2011 as edited.

Regular Town Board Meeting 8/10/21

*Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2011 budget modifications:

B Fund

B1420.4	Attorney CE	increase	$5000
B1990.4	Contingency	decrease	$5000

*Approval of Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves voucher #'s 321 through 359 in the amount of $15,567.95 for payment.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes for the Special Town Board meeting of July 26, 2011 as edited.

*SEQR For Zoning Law Amendment

SEQR: Proposed Local Law No. 2 of 2011 to Amend the Zoning Law of the Town of Ulysses to Clarify that Natural Gas and/or Petroleum Exploration; Extraction; Support Activities; and the Storage, Transfer, Treatment or Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes is Prohibited in the Town of Ulysses.

WHEREAS, this action is the enactment of a Local Law amending the Town of Ulysses Zoning Law, a copy which is which is attached below; and

WHEREAS, this is an Unlisted Action for which the Town of Ulysses Town Board is utilizing Type I procedures and acting as Lead Agency in an environmental review with respect to the enactment of this local law; and

WHEREAS, the Town Board, at a regular meeting held on June 14, 2011, directed that the Long Environmental Assessment Form, Parts I and II for this action, (hereafter referred to as "the LEAF") prepared by Town Planning staff, be sent to the Tompkins County Planning Department for review pursuant to sections 239 l and m of the General Municipal Law; and

WHEREAS, the Town Board of the Town of Ulysses has reviewed the LEAF;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Ulysses Town Board hereby accepts the LEAF as adequate; and it is further

RESOLVED, that the Town of Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review, for the above referenced action as proposed, based on the information in the EAF Part I and for the reasons set forth in the EAF Part II, and, therefore, a Draft Environmental Impact Statement will not be required.

TOWN OF ULYSSES, NEW YORK
LOCAL LAW NO. 2 OF THE YEAR 2011

A Local Law to Amend the Zoning Law of the Town of Ulysses

Be it enacted by the Town of Ulysses as follows:

SECTION 1.
The definition of "Extractive industry" in Article IV of the Zoning Law, Section 4.2 ("Definitions") shall be amended by the addition of the italicized words:
"The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes used for the extraction or removal of minerals from their original location and the preparation such as washing, cleaning, crushing, stockpiling or other process at the mine location that makes a mineral suitable for commercial, industrial or construction use, *but does not include operations extracting natural gas and / or petroleum.* For the purpose of this Zoning Law, borrow pits (excavations for removing material for filling operations) which exceed 2,000 tons in a one (1)-year period are considered extractive industry."

SECTION 2.
The following definitions shall be added to Article IV of the Zoning Law, Section 4.2, and "Definitions":

Natural Gas and /or Petroleum Exploration: Geologic or geophysical activities related to the search for natural gas, petroleum, or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas and/or Petroleum Extraction: The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other hydrocarbons.

Natural Gas and / or Petroleum Support Activities: The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

Natural gas: Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas and/or Petroleum Exploration and Production Wastes shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

SECTION 3.
The following provisions shall be added to "Article XXI - General Provisions" of the Zoning Law:

21.15. Natural Gas and/or Petroleum Exploration, Natural Gas and/or Petroleum Extraction, Natural Gas and/or Petroleum Support Activities, Natural Gas and/or Petroleum Exploration and Production Wastes

21.15.1 The provisions of this section are in further clarification of section 2.1, of this Zoning Law, which provides in part: "Any use not specifically set forth as a permitted use in any zoning district shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zoning district shall not be permitted in another zoning district unless it is specifically set forth as a permitted use in such district."

21.15.2 The following uses are not permitted in any zoning district:

21.15.2.1 Natural Gas and / or Petroleum Exploration

21.15.2.2 Natural Gas and / or Petroleum Extraction

21.15.2.3 Natural Gas and / or Petroleum Support Activities

21.15.2.4 the transfer, storage, treatment, or disposal of natural gas and/or petroleum exploration or production wastes, or the application of such wastes to land or roadways;

21.15.2.5 erection of any derrick, building or other structure or placement of any machinery or equipment for the purposes outlined in paragraphs 21.15.2.1, 21.15.2.2, 21.15.2.3, or 21.15.2.4 above;

21.15.3 No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this section shall be deemed valid within the Town of Ulysses.

SECTION 4.
This local law shall take effect upon filing with the Secretary of State, at which point this local law shall apply to any and all prohibited activities in the Town of Ulysses regardless of the date of any applicable New York State Department of Environmental Conservation permits.

SECTION 5.
The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 6.
This local law shall supersede or repeal any prior inconsistent Local Law or local law in the Town of Ulysses purporting to allow natural gas exploration, natural gas extraction or the transport, storage, treatment or disposal of natural gas exploration or extraction waste.

*Zoning Law Amendment Related To Gas Drilling

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2011, CLARIFYING THAT NATURAL GAS AND/OR PETROLEUM EXPLORATION; EXTRACTION; SUPPORT ACTIVITIES; AND THE STORAGE, TRANSFER, TREATMENT OR DISPOSAL OF

NATURAL GAS AND/OR PETROLEUM EXPLORATION AND PRODUCTION WASTES IS PROHIBITED IN THE TOWN OF ULYSSES

WHEREAS, the Town has the authority to adopt the Local Law referred to above (hereafter "the Local Law") pursuant to Article 9, §1 of the New York State Constitution and §10 of the New York State Municipal Home Rule Law; and

WHEREAS, the New York Court of Appeals has held that a town "is not obligated to permit the exploitation of any and all natural resources within the town as a permitted use if limiting that use is a reasonable exercise of its police powers to prevent damage to the rights of others and to promote the interests of the community as a whole" *[Gernatt Asphalt Products, Inc. v. Town of Sardinia, 87 N.Y.2d 668, 642 N.Y.S.2d 164 (1996).]*; and

WHEREAS, the power to regulate land use through the zoning powers is expressly delegated to towns in the New York State Statute of Local Governments § 10(6) and New York State Town Law §261; and

WHEREAS the Local Law is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. This Local Law addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the Town of Ulysses and the enhancement of its physical environment and is intended to only incidentally impact the state law set forth in New York State Environmental Conservation Law Article 23; and

WHEREAS, pursuant to page 1 of Article 1 of the Ulysses Zoning Law of 2007, the purpose of the Zoning Law of the Town of Ulysses is, in part, to promote the health, safety, and general welfare of the community, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overuse of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, parks and to restrict and regulate the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes in order to preserve, foster and enhance the native beauty and rural character of one of the most picturesque and charming communities in the Finger Lakes region of New York State and further states "Ulysses is a community well known for its fine vistas of farmland, hills and Cayuga Lake"; and

WHEREAS, Town of Ulysses Zoning Law provides that "the regulations, restrictions and boundaries set forth in this Zoning Law may be amended, supplemented, changed or repealed by the Town Board pursuant to local law." (Town of Ulysses Zoning Law, Article II/Section 2.11); and

WHEREAS, the Zoning Law of the Town of Ulysses, Section 2.1, provides in part: "Any use not specifically set forth as a permitted use in any zoning district shall be expressly prohibited in that zone. A use specifically set forth as a permitted use in one zoning district

shall not be permitted in another zoning district unless it is specifically set forth as a permitted use in such district."; and

WHEREAS, the exploration for natural gas and/or petroleum; the extraction of natural gas and/or petroleum; and the storage, transfer, treatment or disposal of natural gas and/or petroleum exploration and production wastes is not specifically set forth as a permitted use in any zoning district and is therefore prohibited in the Town of Ulysses; and

WHEREAS, the definition of "Extractive Industry" in the Zoning Law, read together with the Standards for the Extractive Industry in section 17.11, clearly apply to removal of minerals such as sand, gravel and clay. The Standards refer to removal of more than five hundred tons or three hundred and fifty cubic yards, whichever is less, or a mineral from the earth, which is a measurement for sand, gravel and clay, not the extraction of gas and oil. This amendment to the Zoning Law removes any possibly ambiguity in the term "Extractive Industry"; and

WHEREAS, it is the intent of the Town Board by this amendment to the Town of Ulysses Zoning Law to clarify that natural gas and/or petroleum exploration and extraction and the associated uses of land for heavy industrial uses involved with exploration or extraction of natural gas and/or petroleum have not been and are not permitted uses of land under the Town of Ulysses Zoning Law. In addition, the absence of these activities from the list of permitted uses is a reasonable exercise of the Town's police powers to prevent damage to the rights of citizens who would otherwise be negatively affected by such uses and to promote the interests of the community as a whole; and

WHEREAS, the Local Law is enacted to protect and promote the health, safety and general welfare of present and future residents of the Town of Ulysses. The Local Law is an exercise of the Town's police power, its power to prohibit public nuisance and a land use regulation designed to protect the Town and its residents from adverse effects and impacts that would result if natural gas and/or petroleum exploration and extraction and/or the storage, transfer, treatment, application or disposal of natural gas and/or petroleum exploration and production wastes were allowed within the Town. As set forth more fully in the Appendix attached hereto and incorporated herein by reference, there is mounting evidence that widespread negative environmental impacts have resulted from, or are reasonably expected to result from natural gas and/or petroleum exploration, extraction and related operations in other areas of the country, including negative impacts on groundwater quality, surface water quality, air quality, traffic, scenic and natural resources, neighborhood and community character, vegetation and habitats; and

WHEREAS, the Local Law is in conformance with the Town of Ulysses Comprehensive Plan, most recently amended in 2009, as set forth more fully in the Appendix; and

WHEREAS, the Local Law enhances protection of Unique Natural Areas (UNA's), as set forth more fully in the Appendix; and

WHEREAS, notice of a public hearing on the Local Law was duly advertised in the Ithaca Journal for June 29, 2011 at 7:00 p.m. at the Trumansburg Elementary School Auditorium; and

WHEREAS, said public hearing duly held on said date, time and place and all parties in attendance were permitted an opportunity to speak in favor of or in opposition to the Local Law, or any part thereof; and

WHEREAS, the Town of Ulysses provided an opportunity for members of the public to submit comments in writing in favor of or in opposition to the Local Law, or any part thereof for a period of 21 days from June 14 until July 6, 2011; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act ("SEQRA") 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 as lead agency in an environmental review with respect to adoption of the Local Law and utilizing Type I procedures, has on August 10, 2011 made a negative determination of environmental significance, after having reviewed and accepted as adequate the Long Environmental Assessment Form Parts I and II prepared by the Town's Planning staff; and

WHEREAS, the Town Board agrees it is important to make these clarifications to the Town of Ulysses Zoning Law because the exploration for natural gas and/or petroleum, the extraction of natural gas and/or petroleum, and related operations in the Town of Ulysses would pose a significant threat to its residents' health, safety, and general welfare;

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Ulysses hereby adopts said Local Law No.2 of the Year 2011 to amend the Zoning Law of the Town of Ulysses, a copy of which is attached hereto and made a part of this resolution; and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to file said Local Law with the Secretary of State as required by law.

APPENDIX TO RESOLUTION ADOPTIN LOCAL LAW NO. 2 OF 2011

The Town Board of the Town of Ulysses hereby makes and adopts the following findings:

1. **The Local Law is in accordance with the 2009 Comprehensive Plan of the Town of Ulysses (hereafter "the Comprehensive Plan") for reasons including, but not limited to, the following**:

a. The Vision Statement set forth in the Comprehensive Plan articulates what aspects of the Town are most important to residents, and reflects the quality of life and character desired by the residents. The Vision Statement reads: "*Ulysses is a rural community in the Finger Lakes region that takes great pride in its agricultural heritage and community character, natural resources, and small-town atmosphere. Significant community features, including our farms and lakeshore, make Ulysses a desirable location for residents and visitors alike. We will continue to celebrate and protect our unique resources by promoting efforts that support agricultural sustainability, open space conservation, a balanced approach to economic development, and revitalization of village and hamlet centers. We will strive to effectively balance future growth with the consideration of key community assets through proactive planning in a manner that benefits all residents, both today and in the future." Town of Ulysses Comprehensive Plan, p. 17.*

b. The introduction of the 2009 Comprehensive Plan states: *". . . The Town has retained its rural, small-town character even as growth has begun to transform other agricultural communities around the City of Ithaca. [...] The wrong type and scale of future development could lead to the loss of existing agricultural businesses, changes to the character of rural roadways as they see increased traffic, and the loss of open space and scenic views…."* (Comprehensive Plan, Introduction, p. 3).

c. The Comprehensive Plan specifies as an action step that "the Future Land Use Plan [should be used] to guide officials' decision-making as it relates to future development." (Comprehensive Plan, Action Step #2.1.A, p. 22).

d. Policy Area #1 of the 2009 Comprehensive Plan titled *Environment and Natural Resources* states: *"The Town of Ulysses is defined by a rich diversity of natural features and open spaces. The abundance of fields, woodlands, wetlands, gorges, and lakeshore contribute greatly to the quality of life here, and serve as important habitat for plants and wildlife. Residents have expressed a strong desire to preserve the quality of these natural features and resources. To do so, the Town will strive to employ sound development practices, proper zoning guidelines, and community stewardship to reduce or eliminate the degradation of these valuable resources."* (Comprehensive Plan, p. 19).

e. Policy Area #2 of the Comprehensive Plan entitled *Sustainable Land Use and Development* states: "*Sustainable growth and development shall be encouraged through the implementation of sound land use planning principles. The rural landscape is an important attribute of the community; the preservation of the landscape must be balanced by thoughtful residential and commercial growth that is focused around targeted development nodes. The Town will support development patterns that conserve its unique natural resources, reduce energy*

consumption, and strive to enhance land values within the Town." (Comprehensive Plan, p. 22).

f. Policy Area #3 of the 2009 Comprehensive Plan titled *Local Economy* states: "... *We shall promote a diversified economy that builds on established local industries, including agricultural production, tourism, and small-business development.* […]" (Comprehensive Plan, p. 27).

g. Policy Area #4 of the Comprehensive Plan titled *Community Services* states: "*Community programming seeks to provide safe, healthy, and enjoyable ways for residents of the Town to enjoy natural, cultural, and historic resources, which contribute to the overall landscape of the Town. We shall seek to identify and provide appropriate opportunities for all age groups to actively participate in the local community. Municipal and public services shall be provided in a planned and orderly fashion that seeks to enhance the rural character of Ulysses."* (Comprehensive Plan, p. 29).

h. Policy Area #5 of the Comprehensive Plan entitled *Community Identity* states: "*Town residents are proud of the established community identity of Ulysses as a desirable place to live and recreate in the Finger Lakes region. We recognize that the Town of Ulysses and the Village of Trumansburg offer unique opportunities for small business owners, residents, and visitors. The Town seeks to honor its agricultural heritage and rural settlement patterns and celebrate its natural beauty and resources."* (Comprehensive Plan, p. 33).

i. The Comprehensive Plan includes as an Objective that the Town should "*provide a high quality of life for all residents through proactive planning that supports the goals of the local community, complements the existing rural character of the Town, and protects the value of natural and environmental resources.*" (Comprehensive Plan, Objective #2.1, p. 22).

j. The Comprehensive Plan includes as an Objective that the Town should *"protect existing water resources and maintain water quality" (Comprehensive Plan, Objective #1.2, p. 20), and to further that Objective, the Comprehensive Plan specifies as an Action step that the Town "identify and enact measures to protect the quantity and quality of groundwater for Town residents, including the protection of open space and prohibiting over-withdrawal of groundwater resources, and limiting potential negative impacts associated with septic systems, agricultural practices and commercial containments."* (Comprehensive Plan, Action Step #1.2.G, p. 20).

k. The Comprehensive Plan includes as an Objective that the Town should "protect existing air resources and maintain the air quality for the health and safety of Town residents" (Comprehensive Plan, Objective #1.3, Action Step C., p. 21).

l. The Comprehensive Plan includes as an Objective that the Town should *"preserve and protect the Town's rural characteristics and agricultural lands" (Comprehensive Plan, Objective #2.6, p. 26), and to further that Objective, the Comprehensive Plan specifies as an Action step that the Town ". . . develop specific strategies for protecting and maintaining high quality agricultural lands for agricultural uses, and for preserving the rural landscape."* (Comprehensive Plan, Action Step #2.6.A, p. 26).

m. The Comprehensive Plan includes as an Objective that the Town should *"diversify the local economy and promote economic growth by supporting and promoting tourism-based opportunities" (Comprehensive Plan, Objective 3.2, p. 28), and to further that Objective, the Comprehensive Plan specifies as Action steps that the Town should: "Encourage small tourism-based businesses within the Town… [and] promote tourism in the Town and develop partnerships for future tourism-based initiatives."* (Comprehensive Plan, Action Steps 3.2.A, 3.2.B, p. 28).

n. The Future Land Use Plan described in the Comprehensive Plan is intended to represent and demonstrate how the community believes the Town should look in the future (Comprehensive Plan, p. 27). The Future Land Use Plan does not contemplate as permitted uses high-impact industrial uses such as those used in exploration and extraction of natural gas and petroleum.

o. Survey results in the Town of Ulysses Comprehensive Plan show that residents of the Town rated as "very important" the following community characteristics: 71.8% conservation, 69% protection of open space, 62.9% clean lake water, and 66.6% protection of groundwater. Allowing oil or gas extraction industries into the Town of Ulysses contradicts these desirable qualities and goes against the wishes of its residents (Comprehensive Plan, Summary of Community Survey Results 5.a. pg. 74).

p. The protection of residents, neighborhoods, and the natural environment constitutes the highest and best use of the police and land use powers that the Town possesses. Such land use powers are an important and necessary tool in implementing the goals of a municipal Comprehensive Plan.

2. Unique natural areas (UNA's)

a. In its 1990 inventory and 2000 revision thereof, the Tompkins County Environmental Management Council identified 10 areas in the Town of Ulysses that are designated Unique Natural Areas (UNA) that harbor rare or endangered flora and fauna, unique geologic features or contain excellent examples of ecosystems or biotic communities.

b. The Town of Ulysses officially acknowledged the value and need to protect its approximately 1,540 acres of Unique Natural Areas (UNAs) by passing a

resolution on January 12, 2010 officially accepting the designation of UNAs as outlined by the Tompkins County Environmental Management Council as shown on the map dated 1999 (seen at http://www.tompkins-co.org/gis/maps/pdfs/UNACountyWide-E.pdf).

c. Designation of a Unique Natural Area in and of itself does not afford any tangible protections of the area.

d. The Town of Ulysses Planning Board and Town Board are in the process of defining and adopting amendments to the Town Zoning Law that would protect a significant portion of the Town in environmentally sensitive areas adjacent to Cayuga Lake by designating a Conservation Zone and Lake Shore Zone.

3. State and Federal Regulation and Oversight; concerns include but are not limited to:

a. Federal EPA expressed serious reservations about the scope, accuracy and viability of the 2009 draft sGEIS, the New York State document that will guide regulation of natural gas extraction (www.toxicstargeting.com/sites/default/files/Marcellus_dSGEIS_Comment_Letter_plus_Enclosure.pdf).

b. The EPA is currently studying the association of high volume, slick water hydraulic fracturing with water contamination in a national effort not expected to culminate until 2012.

c. The United States House of Representatives Committee on Energy and Commerce released a report in April 2011 titled *Chemicals Used in Hydraulic Fracturing* which states, "Yet questions about the safety of hydraulic fracturing persist, which are compounded by the secrecy surrounding the chemicals used in hydraulic fracturing fluids."

d. Studies or analyses of both the long-term and cumulative impacts of high volume slick water hydraulic fracturing (*HVSWHF*) operations on a community's water, air, health and economy have not been completed, and no analysis of these type of impacts are included by the DEC in the Preliminary Revised Draft SGEIS (July 2011).

e. A report authored by University of Oneonta Professor Ronald Bishop and others in November 2009 for former Congressman Michael Arcuri, states that "proceeding with any new projects to extract methane from unconventional reservoirs by current practices in New York State is highly likely to degrade air, surface water and ground-water quality, to harm humans, and to negatively impact aquatic and forest ecosystems. Mitigation measures can partially reduce, but not eliminate, the anticipated harm." (http://www.sustainableotsego.org/Risk%20Assessment%20Natural%20Gas%20Extraction-1.htm).

A summary and analyses of the U.S. data and record of experiences with shale gas and oil extraction included in a recent study by the European Union indicates that these technologies have had a significant impact on health and the environment**.** (Impacts of Shale Gas and Shale Oil Extraction on the Environment and on Human Health, European Parliament 2011.) http://www.europarl.europa.eu/activities/committees/studies/download.do?language=fr&file=41771)

4. General concerns related to drilling for natural gas on the health, safety and welfare of the Town of Ulysses and its residents include but are not limited to:

a. Drilling for natural gas by its very nature has the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to drilling operations. Many of these are unavoidable, due to the large land occupation and density of well drilling required and the relatively high risk of accidents. Such negative community impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, increased demand on emergency services, increased costs to residents, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas, and scenic views, decreased recreational opportunities, and damage to the tourism industry.

b. Natural gas exploration or extraction or the storage, transfer, treatment, application to land or roadways, or disposal of natural gas exploration and production wastes occurring within the Town is likely to endanger the health, safety and welfare of Town residents through the deposit of toxins and radioactive substances into the air, soil, water, environment, and the bodies of residents within the Town. Irreparable harm to the Town's drinking water supplies may occur. Methane contamination of groundwater in severe cases can result in safety hazards such as explosions in residences and businesses using well water. Town and residents property could be damaged by the corrosive nature of these wastes.

c. Air, soil, and water contamination may occur during the different stages of natural gas exploration and extraction operations and the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and such contamination could have adverse impacts on plant, human and animal health and environmental quality. Such impacts, many already documented in other areas, will directly affect the quality of life and livelihoods of residents of the Town of Ulysses.

5. Risks to water include but are not limited to:

a. The hydraulic fracturing process used in natural gas extraction is exempt from the federal Safe Drinking Water Act which would otherwise offer some protection to drinking water sources. Further, chemicals used in the hydraulic fracturing process are not yet required to be of public record due to trade secret protection, making it difficult to impossible to evaluate risks that might be associated with this process.

b. The Town of Ulysses is committed to protecting the quality of its water resources including the approximately 38 acres of wetlands designated by the New York State Department of Environmental Conservation and its approximately 580 acres of federally designated wetlands based on the National Wetlands Inventory, 1,060,483 feet of streams, 2,437 acres of Cayuga Lake and 40,327 feet of shoreline along Cayuga Lake.

c. The United States Geological Survey map titled *Unconsolidated Aquifers of Tompkins County* shows that a large portion of the northwest section of the Town of Ulysses is underlain by the Taughannock Creek Valley aquifer which is a confined aquifer characterized by sand and gravel and susceptible to contamination from drilling for natural gas.

d. All residents of Town of Ulysses depend on the purity of lake or groundwater for their primary drinking water source, either from private wells (the majority of households), the Trumansburg Village municipal water well located just outside the Town, directly from Cayuga Lake, or indirectly from Cayuga Lake through the Southern Cayuga Lake Inter-municipal Water Commission via a municipal water system. A report based on a 2009 survey of Town of Ulysses residents emphasizes the fragile nature and limited capacity of the groundwater sources for private wells in many areas of the Town. (http://www.ulysses.ny.us/tou-water_needs_report.pdf).

e. Protection of the Town of Ulysses water sources from potential contamination is an important goal of the Town of Ulysses.

f. Surface spills and underground migration of liquid wastes that originate from the exploration, drilling and extraction of natural gas (whether onsite or during the transportation of these products to treatment and/or disposal facilities) can occur, and such products may come into contact with and contaminate and pollute groundwater and/or soil. Experience from states in which hydraulic fracturing is active indicates that contamination of drinking water and streams is not uncommon whether it be due to poorly constructed well casings, cracked well casings, surface spills, leaking containment ponds, migration of contamination through abandoned wells, or for other undocumented or unexplained reasons (Fractured Communities: Case Studies of the Environmental Impacts of Industrial Gas Drilling. Michaels et al. 2010. http://riverkeeper.org /Fractured-Communities-FINAL-September-2010.pdf).

g. Water contamination has been documented in a peer reviewed paper in the Proceedings of the National Academy of Sciences by Dr. Stephen Osborn and others from Duke University titled *Methane Contamination of Drinking Water Accompanying Gas-Well Drilling and Hydraulic Fracturing* which looked at 68 water wells across Pennsylvania. The research showed levels of methane with the chemical profile of shale-gas in groundwater were 17 times higher on average in water wells located within a kilometer of active hydraulic fracturing than water wells where there was no hydraulic fracturing, and were very often above the

federal safety standard for explosions (Proceedings of the National Academy of Sciences, 2011. www.pnas.org/cg1/doi/10.1073/pnas.1100682108)

h. The presence of methane gas in water wells demonstrates the likelihood of other gaseous pollutants associated with natural gas development, such as radon. While no studies are yet available on other such gases as yet, radon is a radioactive substance that is well documented to pose significant health risks, including cancer.

i. State University of New York at Buffalo researchers led by Tracy Bank reported that the Marcellus Shale is naturally enriched in uranium and has enhanced solubility and mobility due to water-rock interactions over millions of years and hence produced water secondary to the fracking process contains unacceptably high levels of radioactivity (http://gsa.confex.com/gsa/2010AM/finalprogram/abstract_181465.htm; http://www.buffalo.edu/news/11885).

j. An analysis on wastewater from the gas and oil industry treated at a brine treatment facility in Pennsylvania by Dr. Conrad Volz and others from the Center for Healthy Environments and Communities at the University of Pittsburgh shows levels of barium, strontium, bromide, benzene, 2-butoxyethanol and other contaminants in the effluent entering a local creek well in excess of EPA standards for protection of human health and aquatic life. The report cites concern for those who drink the water from municipal authorities downstream as well as those who recreate in the area and are exposed to chemicals emanating from the creek either through skin absorption, inhalation of volatile compounds, or ingestion of fish taken from the creek (http://www.marcellus-shale.us/pdf/Wastewater_Josephine_3-25-11.pdf).

k. Experience in Pennsylvania where hydraulic fracturing is allowed shows produced water and flow back fluid disposal techniques and regulations at the State level are inadequate or non-existent and that standard waste water treatment techniques are not effective when treating these toxic fluids (February 27, March 2, March 4, 2011 articles and supporting documentation by Ian Urbina, http://www.nytimes.com/interactive/us/DRILLING_DOWN_SERIES.html; Letter from U.S. EPA Region 3 Regional Director Shawn Garvin to PA Department of Environmental Protection, March 7, 2011).

l. Roughly 1,150 acres in the Town of Ulysses are highly erodible slopes greater than 15 degrees leading to the gorges and streams that feed Lake Cayuga. These slopes are susceptible to stormwater runoff problems if drilling for natural gas were allowed on these lands.

6. Risks to air quality include but are not limited to:

a. Significant venting and leakage of natural gas to the atmosphere occurs during shale gas development (summarized in Howarth et al. 2010, *Climatic Change Letters*, doi 10.1007/s10584-011-0061-5, which relied on 2010 EPA and GAO reports).

b. A variety of air pollutants are included in the gaseous releases associated with several point sources in gas drilling process and with leakage from storage and transmission infrastructures. Pollutants include benzene, formaldehyde, and other aromatic hydrocarbons and hydrogen sulfide, carbon disulfide and other sulfur gases in addition to radon. Development of the Barnett Shale gas in Texas has led to high levels of air pollution, including benzene concentrations of up to 15,000 ppb in air. These concentrations are high enough to cause acute toxicity (Texas Commission on Environmental Quality 2010. http://www.tceq.state.tx.us/assets/public/implementation/barnett_shale/2010.01.27-BarnettShaleMonitoringReport.pdf; Town of Dish, Texas 2009. http://www.townofdish.com/objects/DISH_-_final_report_revised.pdf; Impacts of Shale Gas and Shale Oil Extraction on the Environment and on Human Health, European Parliament 2011. http://www.europarl.europa.eu/activities/committees/studies/download.do?language=fr&file=41771).

c. In the Marcellus Shale region, only limited air quality monitoring has occurred to date, and the highest concentrations of benzene found are far lower than those found in Texas for the Barnett Shale, only 758 ppb (Pennsylvania Department of Environmental Protection 2010. Southwestern Pennsylvania Marcellus Shale Short-Term Ambient Air Sampling Report. http://www.dep.state.pa.us/dep/deputate/airwaste/aq/aqm/docs/Marcellus_SW_11-01-10.pdf). Still, exposure to levels of chemicals such as benzene at these lower levels can pose a significant cancer risk. A recent peer-reviewed study suggests a strong link between low-level chronic benzene exposure and risk of leukemia (Talbott et al. 2011. Risk of leukemia as a result of community exposure to gasoline vapors: A follow-up study. *Environmental Research* 111: 597-602).

d. Emissions from internal combustion engines, primarily using diesel fuel, are a significant and damaging source of air pollution associated with extraction of natural gas and petroleum, as these processes rely heavily on such engines for many aspects of the overall process (such well drilling and fracking and a high frequency of heavy truck trips to and from the sites). A study in 2009 by Dr. A. Armendariz of Southern Methodist University (now Director for EPA Region 6) found high levels of smog-forming compounds (nitrogen oxides and volatile organic compounds, or VOC's) in air associated with oil and gas production in the Barnett Shale region of Texas, in addition to greenhouse gases and air-borne toxic chemicals (www.edf.org/documents/9235_Barnett_Shale_Report.pdf). VOC's react in the atmosphere to produce fine particulate matter and ground-level ozone, both of which are known to cause lung damage and a variety of respiratory conditions including asthma, chronic bronchitis, and can lead to premature death (http://www.citizensforhealthydevelopment.org/home/harmful-effects-of-diesel-exhaust-1).

7. Health risks include but are not limited to:

a. The health risks associated with the development of natural gas from shale formations has received very little study. Two recent reviews highlight the potential for major health risks and urge precaution. (M. Finkel and A. Law 2011. The rush to drill for natural gas: A public health precautionary tale. *American Journal of Public Health*. Published on line in advance of print on March 17, 2011. doi 10.2105/AJPH.2010.300089; B. Schwartz and C. Parker. 2011. Public health concerns of shale gas production, pgs. 11-15 in Will Natural Gas Fuel America in the 21st Century? http://postcarbon.org/naturalgas)

b. Mounting evidence and analyses of hydraulic fracturing for gas extraction since its inception in the U.S. indicates a variety of environmental and health impacts are associated with this industry. (Impacts of Shale Gas and Shale Oil Extraction on the Environment and on Human Health, European Parliament 2011. http://www.europarl.europa.eu/activities/committees/studies/download.do?language=fr&file=41771)

c. Concerns over the potential harm to human health from natural gas drilling and the lack of scientifically established cause and effect relationships have led the Medical Society of the State of New York and several County medical societies throughout New York State, including Tompkins County to call for a statewide moratorium on natural gas extraction using high volume hydraulic fracturing until valid information is available to evaluate the potential effects on human health and the environment. (http://gdacc.wordpress.com/2010/12/10/new-york-state-medical-societies-call-for-moratorium/)

d. The process of high volume slick water hydraulic fracturing has been linked to chronic diseases such as respiratory ailments, neurologic impairments and the high likelihood that exposure to fracking chemicals many of which are highly toxic can cause cancer. .(http://earthworksaction.org/oil_and_gas.cfm http://www.huffingtonpost.com/2011/03/08/wyoming-ait-pollution-gas-drilling_n_833027.html, http://www.circleofblue.org/waternews/2010/world/north-america/epa-launches-national-study-of-hydraulic-fracturing/).

8. Community impact findings include but are not limited to:

a. Agriculture and tourism are particularly important activities to promote and sustain in the Town of Ulysses, according to the 2009 Comprehensive Plan and nearly completed Town of Ulysses Agriculture and Farmland Protection Plan. A study by the Southern Tier Central Regional Planning & Development Board indicates that activities associated with gas drilling "will change the pristine and rural character of the region to a gritty and industrial one" and that such shift in local land use could substantially damage the future of the tourism and agriculture industries. Information from other states where drilling is occurring indicates potentially serious economic consequences for agriculture & tourism. (http://www.stcplanning.org/).

b. Based on the experience of municipalities in Pennsylvania currently in the midst of the active drilling region, traffic and truck traffic has increased significantly

resulting in an increase in accidents, traffic violations, traffic congestion and a need for increased police patrols.

c. According to preliminary results of an economic study conducted by Susan Christopherson at Cornell University (http://www.greenchoices.cornell.edu/downloads/development/Marcellus/Marcellus_Prelim_Results.pdf):

   i. An average of 890-1,340 truck trips per well site cause a high potential for road degradation. Without clear direction from the New York State Legislature, taxpayers from the Town of Ulysses and Tompkins County are likely to be financially responsible for resulting road repair.

   ii. Bradford County, Pennsylvania saw an increase in demand on health, educational, administrative, emergency response, and environmental monitoring services and an increase in public safety costs.

   iii. Annual production from a shale gas well declines by about 50 percent in the first year, leaving royalty revenues to drop and does not constitute a long-term strategy for economic development in rural areas.

   iv. While gas drilling regions in Pennsylvania do show job gains, a vast number of high paying jobs are not within the state and the long-term economic gain is often not positive at the pace and scale of development seen in Pennsylvania.

   v. A rapid increase in activity can be expected once permitting begins based on experience from Pennsylvania, where 71 permits were granted in 2007 compared with 1,984 in 2009, which qualifies the pace of development as a boom and subject to bust.

d. According to County Commissioner Mark Smith of Bradford County, speaking in December 2010, there has been an increase in traffic accidents, traffic violations, crime, homelessness, cost of housing, and use of the County Courthouse in Bradford County as a result of gas exploration and extraction causing an increase in the County budget at the tax payer's expense.

e. The State of New York's system of taxation is outdated and based on a form of gas extraction that has a steady rate of production over a long time rather than a large initial peak of production followed by a precipitous decline. Unless New York State addresses these taxation inadequacies, additional municipal expenses associated with natural gas extraction will not be offset.

f. Information gathered by the Tompkins County Council of Governments Task Force on Gas Drilling's Land Value and Assessment Workgroup indicates mortgage lending is often compromised under the conditions stipulated in many gas leases resulting in a decrease in property value and an inability to sell

property. (http://www.tompkins-o.org/tccog/Gas_Drilling/Focus_Groups/LandValues_Assessment.html).

*Resolution on Water Issue With Town of Ithaca

AGREEMENT ON WATER BILLING AND WATER LOSS WITH THE TOWN OF ITHACA

WHEREAS the Town Board of the Town of Ithaca and the Town Board of the Town of Ulysses entered into an agreement to share water service for Ulysses Water District Number 3 and Town of Ithaca residences in the Woolf Lane area on October 30, 2003 and

WHEREAS there has been disagreement since 2003 over the exact amount of water used in each municipality and

WHEREAS there has been disagreement with the Town of Ithaca since 2004 over billings for water delivered to the Town of Ulysses and

WHEREAS the Town of Ithaca Director of Public Works, previous Budget Officer and Supervisor investigated the matter thoroughly and exhausted the supply of information relative to the matter, as did the Town of Ulysses Supervisor, Bookkeeper and Water Maintenance and Distribution Operator, and

WHEREAS the Town Board has reviewed the background information summarizing the situation and options (document written by Supervisor Marino, attached)

NOW THEREFORE BE IT

RESOLVED that the Town of Ulysses agrees to pay the Town of Ithaca $21,254.46 in full payment for any unpaid water billing balance since 2004 and

FURTHER RESOLVED that upon payment of $21,254.46 the Town of Ulysses agrees in principle with amending the 2003 water agreement such that the Town of Ithaca will pay for water loss in the Woolf Lane area of the Town of Ithaca associated with routine operation of the distribution system, with the specific cost methodology to be negotiated by a subcommittee consisting of the Supervisors and other Town Board, staff or advisory committee members as designated by the Supervisors, and appointed as soon as possible after this and the Town of Ithaca resolutions are adopted and

FURTHER RESOLVED that with the agreements on past billing and water loss as detailed in the Resolved sections above, the Town of Ulysses hereby rescinds intentions to construct a two-way water meter in collaboration with the Town of Ithaca.

Special Town Board Meeting 8/25/2011

*Approval of Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of August 10, 2011, as corrected.

*2011 MS4 Annual Report for Stormwater

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the 2011 MS4 Annual Report for Stormwater.

* Approve the Cleaning Contract to hire Melanie Steverson

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the contract to hire Melanie Steverson-Jarvis for the cleaning position at a price of $643 monthly.

Further Resolve that the Town Clerk's office will be the liaison for the cleaning person.

Special Town Board Meeting 9/08/2011

*Approve the Purchase of the 2000 Volvo

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the purchase of the 2000 Volvo single-action truck with plow equipment, dump box/spreader unit from the Town of Ithaca in the amount of $20,000.

*Resolution To Resolve Provision Of Emergency Management Services With The Village Of Trumansburg For The Year 2012

RESOLUTION TO RESOLVE PROVISION OF EMERGENCY MANAGEMENT SERVICES WITH THE VILLAGE OF TRUMANSBURG FOR THE YEAR 2012

WHEREAS the Village of Trumansburg severed the ambulance service from the Fire Protection District (FPD) as of as of April 11, 2011 and created the new Trumansburg Emergency Medical Services Department (TEMSD); and

WHEREAS on June 13, 2011 the Village of Trumansburg adopted an EMS Billing Policy requiring all patients within the Village limits to be billed for emergency medical services in order to reduce the amount of municipal funding needed to run the TEMSD; and

WHEREAS the above changes to the Village of Trumansburg EMS service and the timing of the above actions and subsequent availability of information necessary to form an Ambulance District under the procedures of Town Law did not allow the Town of Ulysses the option of creating an Ambulance District with an ad valorem tax levy to pay for an EMS contract in 2012, and

WHEREAS this leaves the Town of Ulysses with the following, limited options for EMS service in the 2012 budget year:

a) Contract with the Village (TEMSD) for Town-wide service which by NYS law must include the Village, and would require the following:
   - The Town to accept the current policies and charges with no official way to amend them as all agree will be necessary over the coming 1 – 2 years,
   - OR the Village to agree formally to work with the Town in a cooperative and meaningful way to develop a shared decision-making structure to review and amend the policies and charges, which the two municipalities have thus far not been able to negotiate, and
   - A change from 2011 in distribution of financing of the EMS with taxes such that the total tax rate to Town residents (outside the Village) residents would increase by ~11 % for 2012. Funds for a Town-wide contract can only be raised in the General Fund, resulting in a large overall increase in the town-wide tax levy. This would require a local Town law to override the newly enacted NYS tax cap law.
b) Request that the Village structure provision of EMS in two ways for 2012, and provide an ambulance service as part of the Fire District Protection District in addition to the TEMSD, as proposed by the TEMSD attorney Brad Pinsky (8/29/11 meeting) as feasible. The Town (outside the Village) could then contract for both EMS and fire protection in 2012 as part of the Fire Protection District, as is currently done. With this option:
   - Taxes for Town (outside the Village) residents would stay relatively level for 2012, as the cost would be raised with an ad valorem FPD tax as in 2011.
   - Patients receiving ambulance service originating in the Village would be billed for ambulance service by the TEMSD in 2012; patients receiving service originating in the Town of Ulysses would not.
c) Take no action, with the following consequences:
   - There would be no contract for EMS services in the Town (outside the Village), and as such no taxes raised for EMS in 2012.
   - Residents would still call 911 in emergencies, and the closest available in-service ambulance would be dispatched; all patients would be charged for the service at the billing rates of the provider.
   - Service in the northern part of Ulysses will likely be negatively affected, due to longer response times.
   - The Village (and any other Towns contracting with the TEMSD) would need to pay more for EMS in 2012 and the long-term sustainability of the TEMSD could be jeopardized, as the Town of Ulysses contract currently supports 48% of the EMS budget.

- Town taxes would go down for 2012, but then jump up in 2013 if an Ambulance District is formed, or if option (a) above is enacted.

And WHEREAS the Ulysses Town Board believes strongly that it is in the best interest of the residents of the Town including the Village to negotiate and enter into agreements for municipal cooperation and provision of shared services to maintain the quality and availability of services within the property tax cap constraints and as resources available to municipalities shrink in times of financial stress, and

WHEREAS New York State government encourages such inter-municipal cooperation and provides specific mechanisms in General Municipal Law for municipalities to adopt agreements to share services, resources, and the associated costs,

BE IT THEREFORE RESOLVED that the Ulysses Town Board finds that the most feasible and best overall option for providing ambulance service to town residents for 2012 is (b) above, in conjunction with establishing an Intermunicipal Managing Cooperative and working toward implementation of a billing policy to offset future costs to taxpayers.

As such, the TOWN OF ULYSSES REQUESTS THAT the Village of Trumansburg work with the TEMSD attorney to provide a draft contract and cost to the Town for combined ambulance and fire protection services in the Fire Protection District for FY 2012.

Due to NYS legal requirements and the timing constraints of the Town budgeting process, the Town Board needs the contract and cost information by September 27th at the latest for inclusion into the Tentative budget, and by October 17th for consideration of inclusion in the preliminary and final budgets.

BE IT FURTHER RESOLVED THAT the Ulysses Town Board requests that the Village of Trumansburg amend its Inter-Municipal Managing Cooperative Policy for TEMSD (adopted by the Village Board 8/15/2011) for contracting municipalities to the text stated below or other mutually agreed upon language that incorporates the intent of shared responsibility and decision-making, and that the Village inform the Town of their decision in this matter at the time of presentation of a 2012 contract for consideration.

An inter-municipal managing cooperative as proposed below will ensure that the voices of all of the population who fund and are served by this service are heard and will share the municipal burdens of maintaining this valuable community service. Further, it is a strong starting point towards a broader inter-municipal cooperation and cost-sharing agreement for provision of emergency services that will benefit the residents of the Town of Ulysses / Village of Trumansburg into the future.

For 2013, the Town is committed to exploring options and details for forming an inter-municipal shared services agreement for EMS with the Village of Trumansburg that might include a town-wide contract or the establishment of an Ambulance District. Further, the Town commits to establishing a billing procedure for funding a portion of the EMS services and that meets NYS legal requirements.

++

INTER-MUNICIPAL MANAGING COOPERATIVE FOR BILLING POLICIES & GUIDELINES FOR THE TRUMANSBURG EMERGENCY MANAGEMENT SERVICES DEPARTMENT.

The Inter-Municipal Managing Cooperative (hereafter "IMMC") shall be an inter-municipal committee charged with reviewing and making recommendations on the billing policy, accounting policy, charity policies, fee schedules, and annual budget of the Trumansburg Emergency Management Services Department (TEMSD). Daily operational decisions and oversight of TEMSD performance will be maintained by the Village of Trumansburg.

The IMMC will consist of representatives from each municipality as they contract with Trumansburg Emergency Management Service Department for service. Representation shall be determined by each municipality's level of use of the Trumansburg TEMSD. The voting members of the IMMC (assuming continued participation of all 2011 municipalities) shall be: two members from the Village of Trumansburg Board, two members from the Town of Ulysses Board, and one member each from the Towns of Covert and Hector Boards, with advisory positions of the TEMSD Manager, Trumansburg Fire Company EMS Volunteer, and TEMSD Compliance Officer.

All of the discussions and recommendations of the IMMC that address TEMSD policies and finances shall be open to the public. Discussions pertaining to individual patients or EMS staff will be confidential. Meetings will be recorded and minutes including decisions and a brief summary of IMMC discussions taken and maintained by the Village as a record. Recommendations to the Village Board will be made by majority vote of a quorum of the seated IMMC members. The rules of procedure of the Committee and the Committee Chair shall be decided by majority vote of the Committee. IMMC meetings will be held every 4 months, and additionally as determined by the IMMC as necessary.

Duly passed recommendations of the IMMC will be adopted by the Village Board as policy unless overturned by a supermajority (4/5) vote of such Board, accompanied by a short statement of findings in support of the decision.

Members serving on this IMMC have a serious role in determining the policies governing billing, fee schedules and charity policies of emergency services and as such will commit to reading and understanding all information and communications to adequately address issues surrounding emergency medical services as they arise.

Regular Town Board Meeting 9/11/2011

*Approval of Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers numbered 361 through 411 in the amount of $69,348.34.

*Resolution Supporting A County-Wide Survey Of Residents About Broadband Internet

RESOLUTION SUPPORTING A COUNTY-WIDE SURVEY OF RESIDENTS ABOUT BROADBAND INTERNET

WHEREAS many residents of the Town of Ulysses have broadband access due to the proximity of Finger Lakes Technology Group, there are still areas in the southern portion of our town without an affordable high-speed connection to the internet; and

WHEREAS not only is this a disadvantage to residents but also dampens the economic potential of small businesses located throughout our rural areas; and

WHEREAS without finding a way to provide high-speed internet to all our residents, there will continue to be a digital divide within our communities.

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulysses supports a survey of town residents and businesses to determine the level of need for better internet accessibility options including the type of service currently available to residents, how well this service meets their needs, and what quality of service would be necessary for them to take advantage of technology features provided by the internet.

*Introduction of: A Local Law To Override Tax Levy Limit Established In General Municipal Law §3-C

LOCAL LAW # 3 OF 2011
TOWN OF ULYSSES, COUNTY OF TOMPKINS

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Ulysses to adopt a budget for the fiscal year commencing 2012 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 a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

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 commencing 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.

Special Town Board Meeting 9/15/2011

*Presentation of Lakeshore Zoning

Public Hearing 9/27/2011

Special Town Board Meeting 9/27/2011

* A Local Law # 3 Of 2011 To Override The Tax Levy Limit Established In General Municipal Law §3-C

LOCAL LAW # 3 OF 2011
TOWN OF ULYSSES, COUNTY OF TOMPKINS
A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Ulysses to adopt a budget for the fiscal year commencing 2012 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 a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

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 commencing 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.

*Employees Contributing To Dental Insurance %50

BE IT RESOLVED that the Town Board of the Town of Ulysses approves that the employees and retirees of the Town of Ulysses will contribute 50% towards their dental/vision coverage.

*Employees Contributing To Health Insurance 5%

BE IT RESOLVED that the Town Board of the Town of Ulysses approves that the employees and retirees of the Town of Ulysses will contribute 5% towards their health insurance coverage.

*No Pay Increases For Elected Officials

BE IT RESOLVED that the Town Board of the Town of Ulysses approves that there will be no pay increases for elected officials in the 2012 budget.

SPECIAL TOWN BOARD MEETING OCTOBER 3, 2011

*Pay Increases

BE IT RESOLVED that the Town Board of the Town of Ulysses give elected officials 1% pay increase and non-elected officials 2% pay increase.

REGULAR TOWN BOARD MEETING OCTOBER 10, 2011

*Budget Modifications 2011 Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following budget modifications for 2011:

- Increase A9055.8 Disability Insurance $300.00
- Decrease A1910.4 Unallocated Insurance 300.00
- Increase A7310.1 Youth Program PS 300.00
- Decrease A7410.4 Library 300.00
- Increase DA5130.2 Machinery EQ 10,000.00
- Increase DA 599 App. Fund Balance 10,000.00

*Claims / Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers #'s 412 through 451 in the amount of $14,575.81.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Public Hearing of 9/27/2011, the Special Town Board meetings of 8/25/2011, 9/8/2011, 9/15/2011 and 9/27/2011 and the Regular Town Board meeting of 9/13/2011.

*Contribution TCCOG sponsored DEC hearing

BE IT RESOLVED that the Town Board of the Town of Ulysses contribute $300 to help defray costs of the TCCOG sponsored DEC hearing to hear comments for the Environmental Impact study.

*Pay Increases/lump sum payment towards insurance

BE IT RESOLVED that the Town Board of the Town of Ulysses give a 1% pay increase across the board and a lump sum payment of $150 to all insured employees.

*Tentative Budget to Preliminary Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses moves the 2012 tentative budget to preliminary as amended in the previous resolution.

*Resolution to Retract Drilling Regulations

RESOLUTION TO ASK THE NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR NEW YORK STATE LEGISLATURE TO DELAY THE RELEASE OF HYDROFRACTURING REGULATIONS UNTIL AFTER THE REVISED DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT IS FINALIZED.

WHEREAS the revised draft supplemental Generic Environmental Impact Statement (sGEIS) is currently under review; and

WHEREAS the Department of Environmental Conservation concurrently released the proposed regulations that will govern high volume hydraulic fracturing for natural gas; and

WHEREAS Towns, Villages, Cities, and Counties were unaware that both documents would be released at once and are taxed with the enormity of reviewing the 1000+-page sGEIS alone much less two lengthy and complex documents; and

WHEREAS the Town Board of the Town of Ulysses feels it imperative that the revised sGEIS be properly finalized PRIOR to drafting regulations **as the sGEIS should impact how the regulations are written.**

WHEREAS small rural municipalities in the center of the Utica and Marcellus Shale gas deposits are staffed sparingly and have little to no support to help them address the additional work required for these types of reviews.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses requests that either the DEC Commissioner or the New York State Legislature require the DEC to release the draft regulations governing high volume hydraulic fracturing AFTER the sGEIS is finalized in order to allow time for municipalities to properly absorb the vast amounts of information and respond accordingly.

SPECIAL TOWN BOARD MEETING OCTOBER 25. 2011

*Alter 2012 Budget Cayuga Lake Scenic Byway

BE IT RESOLVED that the Town Board of the Town of Ulysses alter the 2012 budget to make a new expenditure line of $500 to include the Cayuga Lake Scenic Byway Geocache Trail.

FURTHER RESOLVE that this expense be funded from the contingency account being reduced by $500.

*Executive session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to Executive Session to discuss a legal matter with Attorney Geldenhuys.

*Engage firm for Amicus Brief

BE IT RESOLVED that the Town Board of the Town of Ulysses engage the firm of Whiteman, Osterman & Hanna LLP to prepare an amicus brief for submission in Anschutz Exploration Corporation vs Town of Dryden lawsuit, working in cooperation and consultation with the Town of Ulysses's attorney. The Board approves payment of a retainer of $1,000 and hourly fees in excess of that amount as needed to prepare and submit the brief.

SPECIAL TOWN BOARD MEETING NOVEMBER 3, 2011

*Adoption of 2012 Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses adopts the Preliminary Budget version 2 as presented at the November 3, 2011 meeting as the 2012 Town of Ulysses Budget (attached with these minutes).

SPECIAL TOWN BOARD MEETING NOVEMBER 8, 2011

*Amicus Curiae Brief

RESOLUTION AUTHORIZING (1) AN APPLICATION TO REQUEST AMICUS CURIAE STATUS IN THE MATTER OF COOPERSTOWN HOLSTEIN

CORPORATION V. TOWN OF MIDDLEFIELD AND (2) ENTERING INTO A RETAINER AGREEMENT FOR THIS PURPOSE WITH LEGAL COUNSEL

WHEREAS, the Town Board of the Town of Ulysses (hereafter "Town Board") retained the law firm of Whiteman, Osterman and Hanna to prepare and submit an amicus curiae brief in the matter of *Anschutz Exploration Corp. v. Town of Dryden*; and

WHEREAS, a motion for summary judgment has been filed in the matter of *Cooperstown Holstein Corporation v. Town of Middlefield* (Otsego County Index No. 20110930) and is returnable on November 18, 2011; and

WHEREAS, the outcome of the Middlefield case is important to the Town of Ulysses, in light of its adoption of Local Law no. ___ of 2011, which clarifies that natural gas exploration, natural gas extraction and the storage, transfer, treatment or disposal of natural gas exploration and production wastes is prohibited in the Town of Ulysses;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board will seek amicus curiae status in the matter of *Holstein Corporation v. Town of Middlefield* and seek consent of the court to submit an amicus curiae brief*;* and be it further

RESOLVED that the Town Board will retain Whiteman, Osterman and Hanna to provide legal services to the Town in connection with the preparation and submission of the amicus curiae brief; and be it further

RESOLVED that the Supervisor or a Deputy Supervisor is hereby authorized to sign the retainer letter with Whiteman, Osterman and Hanna for such legal representation and services.

REGULAR TOWN BOARD MEETING NOVEMBER 16, 2011

*Budget Modifications for 2011

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following budget modifications for 2011.

*Claims / Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve payment of vouchers #452 to #502 for a total of $86,240.45.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of 10/03/11 Budget Meeting and the 10/11/11 Regular Meeting as written by Ms. Georgia and edited by Ms. Poelvoorde.

*Appointment to EMC

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Lucia Tyler to the EMC for 2012.

*Winterfest Contribution

BE IT RESOLVED that the Town Board of the Town of Ulysses approves allocation of $3,000 for the 2011 Winterfest event.

*Executive Session

Ms. Marino moved, seconded by Mr. Romer to adjourn to Executive Session. Board voted unanimously to adjoin at 9:50 p.m.

SPECIAL TOWN BOARD MEETING DECEMBER 5, 2011

*Holiday Gathering

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to pay for sandwiches and dinners for the employee's at the Holiday Party.

*Reject EMS Service from Village of Trumansburg

BE IT RESOLVED that the Town Board of the Town of Ulysses rejects the contract for Emergency Management Services as presented by the Village of Trumansburg dated 12/02/11.

REGULAR TOWN BOARD MEETING DECEMBER 13, 2011

**2011 Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2011 Budget modifications.

A Fund

1220.12	Dep Supervisor PS	increase	$	1,800.00
1420.4	Attorney CE	increase	$	14,000.00
1620.4	Town Hall EQ	increase	$	500.00
1650.4	Central Comm CE	increase	$	1,000.00
7310.1	Youth Prog PS	increase	$	20.00
			$	17,320.00

1220.4	Supervisor CE	decrease	$	4,000.00
1101.1	Admin Asst PS	decrease	$	5,000.00
9010.8	NYS Retirement	decrease	$	1,985.00
			$	10,985.00
Revenue line				
599	Approp Fund Balance	increase	$	6,335.00
			$	17,320.00

B Fund

B3620.1	Safety Insp PS	increase	$ 4,500.00
B1420.4	Attorney CE	increase	$ 13,000.00
			$ 17,500.00
B8020.1	Planner PS	decrease	$ 10,500.00
B8021.4	Planner CE	decrease	$ 1,000.00
B3620.2	Dep Safety Insp PS	decrease	$ 3,000.00
B9010.8	NYS Retirement	decrease	$ 3,000.00
			$ 17,500.00

DB Fund

9010	NYS Retirement	increase	$ 1,675.00
5110.4	Highway Maint CE	decrease	$ 1,675.00

Water Funds

SW3 9030.83	Social Security	increase	$ 200.00
SW3 8340.2	WD3 Trans/Dist EQ	decrease	$ 200.00

**Approving Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previously examined vouchers numbered 507 through 550 in the amount of $31,315.87.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Special Town Board Meetings of October 25, 2011 and November 8, 2011 as edited.

**EMS / Fire Agreement 2012

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the Agreement with the Village of Trumansburg for Fire and Ambulance service for 2012 with clarification on section 7. and move to present the agreement at a Public Hearing on December 19 2011.

**Town of Ithaca Water Agreement Amendment

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the agreement with the Town of Ithaca, with corrections, to equitably distribute the cost of water loss in the lines serving the Town of Ulysses District 3.

TOWN OF ULYSSES FOR ULYSSES WATER DISTRICT NUMBER 3

WHEREAS the Town Board of the Town of Ithaca and the Town Board of the Town of Ulysses entered into an agreement to share water service for Ulysses Water District Number 3 and Town of Ithaca residences in the Woolf Lane area on October 30, 2003 and

WHEREAS there was disagreement since 2003 over the exact amount of water used in each municipality and 2004 over billings for water delivered to the Town of Ulysses and

WHEREAS when all water use and billing issues were resolved in August, 2011 it was mutually agreed that the two towns would determine a formula for calculating water loss in the Woolf Lane area of the Town of Ithaca for reimbursing the Town of Ulysses for such loss

NOW THEREFORE BE IT

RESOLVED that both towns agree that the formula for water loss developed by the American Water Works Association as follows is mutually acceptable:
L=SD(P).5/133,200

L – allowable leakage, in gallons per hour
S – length of pipe, in feet
D – nominal diameter of the pipe, in inches
P – average operating pressure of 100 PSI in Ulysses and 115 PSI in Ithaca

and

FURTHER RESOLVED that using the American Water Works Association formula results in current percentages of water lost: 83 will be the responsibility of Ulysses and 17 the responsibility for Ithaca and

FURTHER RESOLVED that Section 6 of the Water Service Agreement of 2003 is amended by adding the following:
"Not withstanding the preceding the Town of Ithaca agrees to reimburse the Town of Ulysses annually an amount equal to 16.3 percent of the unaccounted for water loss based on the American Water Works Association formula as follows
L=SD(P).5/133,200

L – allowable leakage, in gallons per hour
S – length of pipe, in feet
D – nominal diameter of the pipe, in inches
P – average operating pressure of 100 PSI in Ulysses and 115 PSI in Ithaca

with adjustments made on a yearly basis should any calculation component change."

As an example the 2011 calculations are:

TOU L = 45,990 x 10 x (100).5 / 133,200
L = 34.53 gal/hr (multiply by 24 hrs/day x 90 days/qtr)
Loss = 74585 gallons/qtr

TOI L = 9,100 x 10 x (115).5 / 133,200
L = 7.33 gal/hr
Loss = 15,824 gal/qtr

Total loss = 361636 gal/yr

Water loss (also termed "unaccounted for water") will be calculated as the difference between the total metered water volume billed to the Town of Ulysses by the Town of Ithaca and the total of Ulysses metered usage (including all authorized sales to users outside water district 3 and a metered volume of water from hydrant flushing required to address water quality in dead end lines, water main breaks and meter failures). The Town of Ulysses will provide the quarterly billing totals for all metered use in Ulysses to the Town of Ithaca in a spreadsheet report, along with a confirmation of the total metered volume billed to the Town of Ulysses by the Town of Ithaca and a calculation of the quarterly water loss. Quarterly tracking of the water loss will help alert both municipalities to potential problems that may need attention.

The Town of Ulysses will send the Town of Ithaca an invoice once per year for the total amount due from the Town of Ithaca for the previous four billing quarters, in January.

Each town also agrees to conduct an annual check of its system to find any leaks or other causes of lost water and to report the results to the other town.

PUBLIC HEARING / SPECIAL TOWN BOARD MEETING DECEMBER 19, 2011

**Fire & Rescue Squad Protection agreement with Village of Trumansburg

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the Fire and Rescue Squad Protection contract between the Town of Ulysses and the Village of Trumansburg as presented at this meeting.

***Comments/Cover letter on HVHF Regulations

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the cover letter and comments on HVHF regulations as presented on December 19, 2011 by Ms. Thomas.

** Comments/Cover letter on SGEIS

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the cover letter and the dSGEIS comments on the impact of oil, gas and solution mining as presented on December 19, 2011 by Ms. Thomas.

**Excepting quotes for Insurance

BE IT RESOLVED that the Town Board of the Town of Ulysses approves accepting the quote from E.C. Cooper for insurance coverage for 2012.

**Solar Lease Program

Whereas the Buffalo, NY-based vendor and lessor Solar Liberty is offering a 15 year Municipal Solar Lease Program to install and maintain solar electric systems on qualified buildings owned by New York State Municipalities, and

Whereas the terms of said lease guaranty that the energy savings achieved by the Town with the solar panel systems on the Town Hall roof and the Town Barn roof will cover or exceed the cost of the annual lease, and

Whereas the projected net energy cost savings to the Town after payment of $2676 per year for the two leases is estimated at $1900 per year, or $28500 over the 15 year lease, and

Whereas Tompkins County has also researched and considered this opportunity and has decided to enter into al ease agreement with Solar Liberty, and the County has shared their findings and positive recommendations with Ulysses, and

Whereas this solar panel investment opportunity will save the Town taxpayers money and supports the Town's goal of reducing greenhouse gas emissions from fossil fuels and promotes the use of cleaner, renewable sources of energy,

Be it Resolved that the Ulysses Town Board hereby authorizes Supervisor Roxanne Marino to sign all the necessary documents to enter into a 15 year lease with Solar Liberty for a 24.4 kW solar panel system on the Town Barn and an 18.5 kW solar panel system on the Town Hall, pending final acceptance of the contract details by the Supervisor in consultation with the town's attorney.

***Appointments Planning Board/Zoning Board

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the reappointment of Mr. Andy Glasner to the Board of Zoning Appeals and Mr. Stan Beames to the Planning Board.

***Pre-tax Medical Benefits Package (125 Plan)

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Mary Bouchard, Town Bookkeeper, to establish a Pre-tax Medical Benefits Package (125 Plan) according to the IRS guidelines.

INDEX OF 2012 RESOLUTIONS

Contents

INDEX OF 2012 RESOLUTIONS 1
ORGANIZATIONAL MEETING JANUARY 6, 2012 7
**Resolution 1: Town Board Monthly Meetings 7
**Resolution 2: Claim Procedure 7
**Resolution 3: Designated News Media 8
**Resolution 4: Distribution of Town Board Minutes 9
**Resolution 5: Mileage Reimbursement 9
**Resolution 6: Town Clerk's Petty Cash 9
**Resolution 7: Crime Coverage 9
**Resolution 8: Annual Supervisor's Financial Report filing 9
**Resolution 9: Tompkins Trust Company designated depository 9
**Resolution 10: Annual Town Board Audit 10
**Resolution 11: Procurement Policy 10
**Resolution 12: Bookkeeper Appointment 10
**Resolution 13: Appointment 1st & 2nd Deputy Supervisor's 10
**Resolution 14: Establishing Office of Deputy Town Clerk 10
**Resolution 15: Establishing Office of Deputy Highway Superintendent 10
**Resolution 16: Establishing Office of Court Clerk 11
**Resolution 17: Establishes Position & Appointment of Water Distribution and Maintenance Operator 11
**Resolution (not numbered) Authorizing Supervisor to sign Cleaning Contract 11
**Resolution 18: Establishing Payroll Periods 11
**Resolution 19: Establishing Pay Rates Employees/Elected Officials 11
**Resolution 20: Time Cards 12

**Resolution (not numbered) Town Clerk/Highway Superintendent be removed from resolution 19 & 20 15
**Resolution 21: Town Board Appointments 15
**Resolution 22: Town Attorney Appointment 17
**Resolution 23: Adopted Policies 17
**Resolution 24: Public adding agenda items 17
**Resolution 25: Individuals/special needs 17
**Resolutions 26: Resolution Index 17
**Resolution 27: Prohibition about gifts from Municipalities 17
**Resolution 28: Organizational Resolutions subject to amendment 18
**Resolution 29: Shared Highway Services Agreement 18
REGULAR TOWN BOARD MEETING JANUARY 10, 2012 18
**Resolution 30: 2011 Budget Modifications 18
**Resolution 31: Approval of Claims 19
**Resolution 32: Approval of Minutes 19
**Resolution 33: Premium-Only Plan 19
**Resolution 34: Crime Coverage (Resolution 7 Organizational Meeting) 19
**Resolution 35: Attorney Appointment (Resolution 22 Organizational Meeting) 20
**Resolution 36: Employee Time and Leave Reporting (Resolution 20 Organizational Meeting) 20
**Resolution 37: Cleaning Contract 20
SPECIAL TOWN BOARD MEETING - JANUARY 23, 2012 20
**Resolution 38: Short-term Disability Benefit Policy 20
**Resolution 39: EPA Funding for NY Rural Water Association 21
**Resolution 40: EMS – Initiating process to form Ambulance District 21
Resolution 41: Approval of Minutes 1/10/2012 21
REGULAR TOWN BOARD MEETING - FEBRUARY 14, 2012 21
**Resolution 42: Claims/Minutes 21
**Resolution 43: Delegate to NYS Association meeting 21
**Resolution 44: Illicit Discharge Law 22
**Resolution 45: Appointment to Recreation Partnership 22
SPECIAL TOWN BOARD MEETING - FEBRUARY 28, 2012 22
**Resolution 46: SEQR for Storm Sewer System and Surface Waters Protection 22

**Resolution 47: Local Law 1 – Storm Sewer System And Surface Waters Protection 23
REGULAR TOWN BOARD MEETING – MARCH 13, 2012 24
**Resolution 48 – Agenda Approval/Budget Modifications/Claims/Minutes 24
**Resolution 49 – Renovation of Town Historical Markers 25
**Resolution 50 – Additional Funds for Temporary Court Clerk 25
**Resolution 51 – Open Meeting wording in Town Procedures 25
**Resolution 52 – Presenter of Power Point for EMS have final approval 25
**Resolution 53 – Town Hall Maintenance Contract 25
**Resolution 54 – FAILED – Highway Shared Services 25
**Resolution 55 – Employee Bus Pass Benefit 26
**Resolution 56 – Rifle Hunting 27
SPECIAL TOWN BOARD MEETING - MARCH 27, 2012 27
**Resolution 57 – Vouchers 27
**Resolution 58 – Appointment of Cheryl Thompson "Local Assessment Review" 28
**Resolution 59 – Fair Housing Law 28
REGULAR TOWN BOARD MEETING – APRIL 10, 2012 28
**Resolution 60 - Agenda/Claims/Minutes 28
**Resolution 61 - Superintendent James Meeker to attend the municipal action 29
**Resolution 62 - Rules and Procedure **note this was re-voted on 5/8/2012 29
**Resolution 63 - Computer Security 29
**Resolution 64 - Cayuga Lake Triathlon 32
**Resolution 65 - TC Health Care Consortium Join Committee Plan Structure/Design 32
** Resolution 66 - Taxation of Natural Gas 33
**Resolution 67 - Time Warner Cable Negotiations with TCCOG 34
SPECIAL TOWN BOARD MEETING APRIL 17, 2012 35
**Resolution 68 - Joint Meeting Town & Village for EMS Discussion 35
REGULAR TOWN BOARD MEETING MAY 8, 2012 36
*Resolution 69 – Agenda/Budget Modifications/Claims/Minutes 36
**Resolution 70 – Assign Funds for Legal Expenses 36
**Resolution 71 – Rules and Procedures 36
**Resolution 72 – Hazardous Waste 41
SPECIAL JOINT TOWN BOARD/VILLAGE BOARD MEETING MAY 15, 2012 42

**Resolution - NO RESOLUTIONS 42
SPECIAL TOWN BOARD MEETING MAY 22, 2012 42
**Resolution 73 – Vouchers 42
REGULAR TOWN BOARD MEETING JUNE 12, 2011 42
**Resolution 74 – Agenda/Budget Modifications/Claims/Minutes 42
**Resolution 75 – Roof Contract - $15,800 for a new roof on the Town Hall 43
**Resolution 76 – Recreation Partnership Agreement 43
**Resolution 77 – Revised Retainer Agreement With Whiteman Osterman & Hanna For Work On Amicus Briefs. 44
**Resolution 78 – Change on Agenda 44
**Resolution 79 – Ems - Resolution Outlining Emergency Medical Service Options For The Town Of Ulysses In 2013 And 2014. 44
Resolution 80 - Resolution to State Requesting Permission to Regulate Docks, Moorings and Boathouses 49
SPECIAL TOWN BOARD MEETING JUNE 26, 2012 50
** Resolution 81 - Board of Zoning Appeals & Planning Board Attendance & Training Policy 50
REGULAR TOWN BOARD MEETIN JULY 7, 2012 51
**Resolution 82 – Agenda/Budget Modifications/ Claims/ Minutes 51
**Resolution 83 – Appointment of Barbara Bristol 52
**Resolution 84 – Black Diamond Trail – NYS Consolidated Funding Application 52
**Resolution 85 – News Letter Information 52
**Resolution 86 – Purchase Hot Water Heater 52
**Resolution 87 – Executive Session 53
WORKING SESSION JULY 24, 2012 53
**Resolution 88 – Vouchers 53
**Resolution 89 – Executive Session 53
REGULAR TOWN BOARD MEETING AUSGUST 14, 2012 53
**Resolution 90 – Agenda/Claims Minutes 53
**Resolution 91 – Land Purchase – for Seneca Road Bridge Project 53
**Resolution 93 – Purchase Hot Water Heater 53
** Resolution 94 – Contract HSC Install Balancing Dampers 53
WORKING MEETING AUGUST 28, 2012 54

**No resolutions 54
REGULAR TOWN BOARD MEETING SEPTEMBER 11, 2012 54
**Resolution 95 - Agenda/Claims/Minutes/Corrected Minutes 54
**Resolution 96 - Community Foundation for Youth Employment 54
**Resolution 97 - ZBA Appointment Carl Mann 54
**Resolution 98 - Extension on Ag Land Protection Contract 54
**Resolution 99 - Local Law to Override Tax Cap 54
**Resolution 100 - Public Hearing Date set for Local Law 55
**Resolution 101 - Adjourn Executive Session 55
**Resolution 102 - Broadband Grant Participation 55
**Resolution 103 - Approve Non-Elected Performance Review Form 56
WORKING TOWN BOARD MEETING SEPTEMBER 25, 2012 56
**Resolution 104 – Executive Session 56
WORKING TOWN BOARD MEETING 2013 BUDGET OCTOBER 3, 2012 56
**No Resolutions 56
PUBLIC HEARING OCTOBER 9, 2013 – LOCAL LAW 2 -2012 TAX LEVY LIMIT 56
REGULAR TOWN BOARD MEETING OCTOBER 9, 2012 56
**Resolution 105 – Agenda/Budget Modifications/Claims/Minutes 56
**Resolution 106 – Local Law 2 – 2012 A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C 57
**Resolution 107 – Executive Session 58
SPECIAL TOWN BOARD MEETING OCTOBER 10, 2013 58
**No Resolutions – Presentation of Draft Lakeshore Zoning and Conservation Zone to TB 58
WORKING TOWN BOARD MEETING OCTOBER 12, 2012 58
**Resolution 108 – Tentative Budget to Preliminary Budget 58
**Resolution 109 – Set Date for Public Hearing on 2013 Budget 58
PUBLIC HEARING OCTOBER 23, 2012 – 2013 BUDGET 58
TOWN BOARD WORKING MEETING OCTOBER 23, 2012 58
**No Resolutions 58
PUBLIC INFORMATIONAL MEETING OCTOBER 24, 2012 – LAKESHORE / CONSERVATION ZONE 58
**No Resolutions 58
SPECIAL TOWN BOARD MEETING OCTOBER 24, 2012 58

**Resolution 110 - REQUESTS FOR EMERGENCY MEDICAL SERVICES AND FIRE PROTECTION INFORMATION FROM THE VILLAGE OF TRUMANSBURG NEEDED TO EVALUATE CONTRACT DECISIONS FOR THE TOWN OF ULYSSES IN 2013. 58

REGULAR TOWN BOARD MEETING NOVEMBER 13, 2012 60

**Resolution 110 – Agenda/Budget Modifications/Claims/Minutes 60

**Resolution 111 – Steps to follow EMS and Fire Issues 61

**Resolution 112 – Establishing Ad Hoc Committee for Lakeshore Zoning 62

**Resolution 113 – Ideal Self-storage Expansion Request 62

**Resolution 114 – Contract for Purchase Property Seneca Road Bridge 63

**Resolution 115 – 2013 Budget to Preliminary 63

**Resolution 116 – Ulysses Youth Commission AT-large member Appointment 63

SPECIAL TOWN BOARD MEETING – NOVEMBER 16, 2012 63

**Resolution 117 – Court Audit 63

**Resolution 118 – Approval of Final Draft Agriculture and Farmland Protection Plan 63

WORKING MEETING TOWN BOARD – NOVEMBER 27, 2012 63

**Resolution 119 – Minutes/Budget Modifications 63

**Resolution 120 – Ulysses Water Tower Monitor – Contract with Phoenix Sentry 64

**Resolution 121 – Water Rate Increase for 2013 64

REGULAR TOWN BOARD MEETING DECEMBER 11, 2012 65

Resolution # 122 – Budget Modifications 65

Resolution #123 – Claims/Minutes 66

Resolution #124 –Support for T of Lansing joining TC Health Care Consortium 66

Resolution # 125 – Recommends appointment of Thys VanCort to Ad Hoc Committee 66

Resolution #126 – Rescind Resolution to Recommend appointment of Thys VanCort 66

Resolution # 127 – Thys VanCort to Ad Hoc Committee – RESOLUTION FAILED 66

Resolution #128 – Table re-applying to NYS for Dock Regulations 66

Resolution #129 – Set Date for Public Hearing/Public Information Meeting for Ulysses Agriculture and Farmland Protection Plan 67

Resolution # 130 – Emergency Radio Upgrades Purchase 67

Resolution #131 – Requesting Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing 67

Resolution #132 – Adjourn to Executive Session 68

SPECIAL TOWN BOARD MEETING DECEMBER 20, 2012 68
Resolution #133 – Adjourn to Executive Session 68
Resolution #134 – Approval of Fire & EMS Contract 68
Resolution #135 – Approval of Letter to Village's Attorney 69
Resolution #136 –Accepts Insurance proposal from NYMIR 69
Resolution #137 – Authorization to Sign Fire & Ems Contract to Deputy Supervisor Thomas 69
Resolution #138 - Authorizes Councilman Romer to purchase five (5) portable radios 69
Resolution #139 – Lakeshore Ad Hoc Committee 69
Resolution #140 - 70

ORGANIZATIONAL MEETING JANUARY 6, 2012

**Resolution 1: Town Board Monthly Meetings

Resolution 1: BE IT RESOLVED, the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:00 p.m. at the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. A monthly working meeting will be held on the 4th Tuesday of each month at 7:00 p.m.

**Resolution 2: Claim Procedure

Resolution 2: BE IT RESOLVED, the Town Board will use the following procedure for review and audit of the monthly claims before presentation for Board approval at the Regular Monthly Meeting of the Ulysses Town Board:

1. Invoices are received in the Town Clerk's Office, through the mail, electronically, or personally delivered.

2. Town Clerk obtains approval of the expense, which is evidenced on the invoice with the initials or signature of the department head or person who gave rise to the claim. The Town Clerk or the department head also indicates on the invoice the general ledger account that should be charged for the expense and checks to see that each invoice is properly itemized, mathematically accurate, and contains sufficient detail to ensure that the Board members auditing the claim can determine whether the proposed payment is proper and just.

3. Town Clerk gives invoices to the Bookkeeper who inputs the invoices into the accounting software and produces a listing of all vouchers (Abstract of Vouchers) for Town Board approval at the Regular Monthly meeting. The Bookkeeper keeps an updated file of claims to be audited before the meeting, which the Town Board members can access. All claims to be submitted for

approval by Board vote at the Regular Meeting shall if at all possible be processed and in the file of claims by the end of the day on the Monday before the Regular Meeting.

4. In addition to the Supervisor, a sub-committee of 2 Town Board members will audit the vouchers on behalf of the full Board. Any other Town Board members who wish to audit the claims are welcome to do so as well. The sub-committee will rotate membership every 6 months (January to June, July to December) as appointed by the Supervisor. Each sub-committee member will initial each invoice after review is complete. Any questions should be brought to the attention of the Town Supervisor or Bookkeeper.

5. Audit by the Town Board does not have to happen all at once. Invoices will be entered throughout the month and can be approved periodically throughout the month. All claims shall be audited as in (4) above by 9:00 a.m. on the day of the Regular Board meeting.

6. The Bookkeeper produces a final Abstract of Vouchers the day of the Town Board meeting, after audit of claims is completed. The Town Clerk will review the Abstract of Vouchers for accuracy against the claims, and initial it as such before presentation to the Town Board at the Regular meeting.

7. After Town Board votes to approve payment of the claims, the Town Clerk signs the Abstract of Vouchers and the Bookkeeper cuts checks.

8. Supervisor signs checks.

9. Invoices are then filed by vendor, most recent payment in front of the file.

All claims must be approved for payment by the Town Board except for: (1) fixed salaries or compensation for services of offices or employees regularly engaged at agreed wages by the hour, day, week, or year; (2) principal or interest on indebtedness; (3) amounts becoming due on lawful contracts for periods exceeding one year; (4) certain welfare payments (Town Law 125 & Social Services Law 86); (5) payments made pursuant to a court order; (6) mandatory payments to the State Comptroller for retirement.

FURTHER RESOLVED that the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage, and approved contractual agreements which if delayed may result in loss of discounts, the accrual of service charges, or cancellation of service. All such claims shall be presented at the next regular meeting, as per Town Law section 118.

**Resolution 3: Designated News Media

Resolution 3: BE IT RESOLVED the designated news media is advised of the foregoing schedule and meeting notices will be posted, in accordance with the Open Meetings Law, on the Town Clerk's bulletin board and the Town Website.

FURTHER RESOLVED the Ithaca Journal, a newspaper regularly published and having general circulation in the Town, is hereby designated as the official newspaper of Town of Ulysses.

**Resolution 4: Distribution of Town Board Minutes

Resolution 4: BE IT RESOLVED, copies of the official minutes of the Town Board, prepared and distributed by the Town Clerk, shall be distributed electronically unless otherwise requested to each Town Board member, Town Justices, Highway Superintendent, Building Inspector/Code Enforcement Officer, Environmental Planner/Zoning Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Town Clerk's Bulletin Board and on the Town of Ulysses Website within 4 days of approval by the Town Board. In accordance with the Open Meetings Law, draft meeting minutes, clearly labeled with the date and "DRAFT, not yet approved" will be available through the Town Clerk's Office and distributed to Town Board members for review within 14 days of the date of the meeting.

**Resolution 5: Mileage Reimbursement

Resolution 5: BE IT RESOLVED mileage at a rate of $0.555 cents per mile shall be paid to Town Officials and employees for use of their personal vehicles for Town Business and that such mileage shall be reported on the form provided by the Town Clerk.

**Resolution 6: Town Clerk's Petty Cash

Resolution 6: BE IT RESOLVED that the Town Clerk's petty cash fund of $150 is extended for the year 2012.

**Resolution 7: Crime Coverage

BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved:

Money inside premises $100,000 ($1,000 deductible)
Money outside premises $100,000 ($1,000 deductible)
Forgery and alteration $250,000 ($2,500 deductible)
Public Employee Dishonesty $500,000 ($2,500 deductible)
Public Employee Faithful Performance of Duty $500,000 ($2,500 deductible)
Total premium for 2012: $2,100

**Resolution 8: Annual Supervisor's Financial Report filing

Resolution 8: BE IT RESOLVED in lieu of the annual financial report required by Town Law Section 29(10), the Supervisor is hereby authorized to submit to the Town Clerk within 60 days after the close of the fiscal year a copy of his/her annual report to the State Comptroller, and that the Town Clerk shall cause a summary thereof to be published in accordance with the law (Town Law Section 29(10-a)). If the time for filing the annual report is extended 60 days by the State Comptroller, the Supervisor's time for filing a copy of the report with the Town Clerk is extended for a like period.

**Resolution 9: Tompkins Trust Company designated depository

Resolution 9: BE IT RESOLVED the Tompkins Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks and institutions as outlined in the Towns investment policy. The Town investment policy shall be reviewed by the Town Board during the year and revised as necessary.

**Resolution 10: Annual Town Board Audit

Resolution 10: BE IT RESOLVED that the Town Board of the Town of Ulysses will do the Annual Audit of the books for each department on Friday February 10, 2012 at 8:30am

**Resolution 11: Procurement Policy

Resolution 11: BE IT RESOLVED that the Town Procurement policy as adopted on November 17, 2010 is the guidance document for 2012 purchases. The Town Clerk will direct all department heads and Town Board members to review the Procurement Policy on the internal side of the Town website at http://ulysses.ny.us/pages/intranet/.

**Resolution 12: Bookkeeper Appointment

Resolution 12: BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual budgeted salary as set by the Town Board. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

**Resolution 13: Appointment 1st & 2nd Deputy Supervisor's

Resolution 13: BE IT RESOLVED that the Town Board has established the Office of first Deputy Supervisor and second Deputy Supervisor in 2012. The first Deputy Supervisor acts for and in place of the Supervisor in her/his absence. The annual budgeted salary of the first Deputy Supervisor and the second Deputy Supervisor is set by the Town Board. In accordance with Town Law, the Supervisor appoints Sue Poelvoorde and Elizabeth Thomas as the Deputy Supervisors.

**Resolution 14: Establishing Office of Deputy Town Clerk

Resolution 14: BE IT RESOLVED that the Town Board has established the Office of Deputy Town Clerk, to continue in 2012 at an annual budgeted salary as set by the Town Board.

FURTHER RESOLVED Further resolved that the responsibilities of this office are to assist the Town Clerk in carrying out the administrative responsibilities of the office including those related to records management and tax collection, and to act for and in place of the Clerk during her / his absence. Details of the Deputy Clerk job description are set and revised by resolution of the Town Board and are outlined in Section I (Elected Officials and their Appointments) of the Town Manual of Position Descriptions. In accordance with Town Law, the Town Clerk appoints the Deputy Town Clerk. The Town Clerk shall appoint a Deputy Town Clerk by January 9, 2012, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2012.

**Resolution 15: Establishing Office of Deputy Highway Superintendent

Resolution 15: BE IT RESOLVED that the Town Board has established the office of Deputy Highway Superintendent, to continue in 2012. The Deputy Highway Superintendent acts for and in place of the Highway Superintendent in her/his absence. In accordance with Town Law, the Highway Superintendent appoints the Deputy Highway Superintendent. The Highway Superintendent shall appoint a Deputy

Highway Superintendent by January9, 2012, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2012.

**Resolution 16: Establishing Office of Court Clerk

Resolution 16: BE IT RESOLVED that the Town Justices are authorized to employ the services of a Court Clerk or Clerks to assist in the administration and bookkeeping, at an annual budgeted salary as set by the Town Board. If the Town Justices find it necessary to employ more than one Clerk, the total salary paid shall not exceed the annual budgeted amount for Court Clerk. The Town Justices shall appoint a Court Clerk by January 9, 2012, and notify the Supervisor as such, in order for the appointment to be reflected in the first payroll of 2012.

**Resolution 17: Establishes Position & Appointment of Water Distribution and Maintenance Operator

Resolution 17: BE IT RESOLVED that the Town Board has established the position of Water Distribution and Maintenance Operator, to supervise and carry out all of the activities necessary for the day-to-day operation and maintenance of the Town's Special Improvement Water Districts, as outlined in the Town Manual of Position Descriptions (Section II, Employees and Appointments by the Town Board). The Town Board appoints Doug Austic as Water Superintendent with a salary as set by the Town Board for the 2012 calendar year.

**Resolution (not numbered) Authorizing Supervisor to sign Cleaning Contract

BE IT RESOLVED that the Town Board authorizes Ms. Marino to sign the cleaning contract at the rate of $643/month with Melanie Steverson-Jarvis.

**Resolution 18: Establishing Payroll Periods

Resolution 18: BE IT RESOLVED the Town Board hereby establishes the following payroll periods:

Bi-weekly: Highway Superintendent, Town Clerk, Justices, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Supervisor, Highway Department Staff, Bookkeeper, Code Enforcement Officer, Zoning Officer, Planning and Zoning Staff, Court Clerk, Temporary student and other employees, part-time Clerical, Administrative, and Support staff, Water Department staff

Monthly: Councilpersons, Supervisor

Annually: Historian

Voucher: contractual workers and all others not listed above

**Resolution 19: Establishing Pay Rates Employees/Elected Officials

Resolution 19: BE IT RESOLVED that the Town Board hereby establishes the following pay rates for employees and elected officials in 2012. If necessary to appoint a new employee or replace an elected official during the year of 2012, the Town Board will establish a salary commensurate with the experience and availability of funds:

Position	2012 Budgeted Appropriation	hourly rate if applicable
Supervisor	$15,302	
Deputy Supervisor	$22,880	$22/hr.
Town Board Administrative Assistant	$10,300	$22/hr.
Bookkeeper	$18,406	
Councilperson	$4,035.50	
Town Clerk	$60,175	
Deputy Town Clerk	$29,261	
Town Justice	$15,642 each	
Court Clerk	$32,226	
Enforcement Officer for Building Code	$29,283	
Deputy Enforcement Officer	$10,400	$18.80
Zoning Officer	$26,000	
Planner	$26,000	
Planning and Zoning Clerk	$6,120	$15.91
Highway Superintendent	$56,727	
Deputy Highway Superintendent	multiple budget lines	$20.86
Highway Machine Equipment Operators Laborer	multiple budget lines multiple budget lines	$16.30 - $18.30 $12.78
Water Distribution & Maintenance Operator	$14,790	
Water District Laborer	$4,339	$18.44

**Resolution 20: Time Cards

Resolution 20: BE IT RESOLVED all hourly employees shall turn in a Town of Ulysses time card by the end of the last day of the pay period. Salaried employees shall report time used for vacation, sick time,

holiday or other time off on a Town of Ulysses time card to maintain accurate records of benefit time used. No pay will be issued without a time card that has been signed by the employee and employee's supervisor and submitted to the Bookkeeper. If the employee is submitting electronically to the Bookkeeper, the Department Head / Employee Supervisor must give electronic approval as part of the time card submission. Salaried and hourly workers and full-time elected officials should use this time card to submit sick, vacation, holiday and personal time off. It is the responsibility of the employee's supervisor to assure the time card is accurate.

FURTHER RESOLVED that to maintain accountability of all employees who work for the town and to clarify supervisory roles, the following listing specifies employee supervisors. Each employee supervisor is responsible for maintaining and submitting time cards (if required), vacation, personal, and sick days used by each employee. Time off for each employee must be reported to Bookkeeper who will maintain records. The Employee Supervisor approves employee reporting of time off.

Employee	**Employee Supervisor**
Deputy Supervisor	*Roxanne Marino, Town Supervisor*
Town Board Administrative Assistant	*Roxanne Marino, Town Supervisor*
Bookkeeper	*Roxanne Marino, Town Supervisor*
Town Clerk	*
Deputy Town Clerk	*Marsha Georgia, Town Clerk*
Court Clerk	*Thomas Schlee or Mark Dresser, Town Justices*
Enforcement Officer	*Roxanne Marino, Town Supervisor*
Deputy Enforcement Officer	*Alex Rachun, Enforcement Officer*
Zoning Officer/Planner	*Alex Rachun, Enforcement Officer*
Planning and Zoning Clerk	*Darby Kiley, Zoning Officer/Planner*
Highway Superintendent	*
Deputy Highway Superintendent	*Highway Superintendent*
Highway Machine Equipment Operators *Laborer*	*Highway Superintendent*
Water District Laborer	*Water Distribution and Maintenance Operator*

*these elected officials will submit their sick and vacation time take to the bookkeeper each pay period who will forward that information to the Town Board monthly.

**Resolution (not numbered) Town Clerk/Highway Superintendent be removed from resolution 19 & 20

BE IT RESOLVED that the Town Clerk and Highway Supervisor positions be removed from the information in Resolution 19 and Resolution 20 of the Organizational meeting.

**Resolution 21: Town Board Appointments

Resolution 21: BE IT RESOLVED that the Town Board makes the following appointments and request that each appointee a report to the Town Board at least annually:

A.	Planning Board Chairperson	Ken Zeserson
B.	Board of Zoning Appeals Chairperson	George Tselekis
C.	Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
D.	Board of Assessment Review	vacant, David Means
E.	Tompkins County Environmental Management Council (EMC)	Lucia Tyler
F.	Tompkins County Water Resources Council (WRC)	Bill George & Darby Kiley
G.	Tompkins County Stormwater Coalition	Darby Kiley
H.	Trumansburg Ulysses Youth Commission Reps	vacant
I.	Recreation Partnership representative	vacant
J.	Tompkins County Youth Services Board	vacant
K.	Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde
L.	Ithaca/Tompkins County Transportation Council Policy Committee	Sue Poelvoorde (for Supervisor)
M.	Tompkins County Council of Governments	R. Marino/ L. Thomas alternate
N.	Tompkins County Area Development	Dave Kerness
O.	Fair Board liaison	Kevin Romer
P.	Historian	Nancy Dean
Q.	Lakeshore Zoning Committee Chairperson	Don Smith

R.	Water District Advisory Board Chairperson	Diane Hillman
S.	Tompkins County Animal Control	Roxanne Marino
T.	Planning Board Chairperson	Ken Zeserson
U.	Board of Zoning Appeals Chairperson	George Tselekis
V.	Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
W.	Board of Assessment Review	vacant, David Means
X.	Tompkins County Environmental Management Council (EMC)	Lucia Tyler
Y.	Tompkins County Water Resources Council (WRC)	Bill George & Darby Kiley
Z.	Tompkins County Stormwater Coalition	Darby Kiley
AA.	Trumansburg Ulysses Youth Commission Reps	vacant
BB.	Recreation Partnership representative	vacant
CC.	Tompkins County Youth Services Board	vacant
DD.	Ithaca/Tompkins County Transportation Council Planning Committee	Sue Poelvoorde
EE.	Ithaca/Tompkins County Transportation Council Policy Committee	Sue Poelvoorde (for Supervisor)
FF.	Tompkins County Council of Governments	R. Marino/ L. Thomas alternate
GG.	Tompkins County Area Development	Dave Kerness
HH.	Fair Board liaison	Kevin Romer
II.	Historian	Nancy Dean
JJ.	Lakeshore Zoning Committee Chairperson	Don Smith
KK.	Water District Advisory Board Chairperson	Diane Hillman

LL. Tompkins County Animal Control Roxanne Marino

**Resolution 22: Town Attorney Appointment

BE IT RESOLVED that the Town Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009 and

Further Resolved that the 2011 Addendum to Retainer Agreement which sets hourly fees for billing at $170 (Attorney) and $110, (Paralegals) is adopted. All other provisions for the 2009 Retainer Agreement shall remain in full force and effect subject to revision.

**Resolution 23: Adopted Policies

Resolution 23: BE IT RESOLVED that the Town of Ulysses has adopted policies for a Code of Ethics, Personnel and Benefits, Procurement, Claims, Meeting Rules and Procedures, Investment, Alcohol and Controlled Substance Testing, Planning Board and Zoning Board Attendance and Training, and Emergency Preparedness. The Town Clerk shall provide to each newly elected official and to any other elected or appointed official or employee these policies, and any other planning documents or local laws upon request and these documents shall be also be maintained on the internal part of the town website. Each employee or elected official shall sign the Code of Ethics form documenting that they have reviewed and understand the policy.

**Resolution 24: Public adding agenda items

Resolution 24: BE IT RESOLVED any member of the public wishing to add a topic to the agenda of a Regular Town Board Meeting advise the Supervisor of that request at least one week prior to the scheduled meeting, if at all possible.

**Resolution 25: Individuals/special needs

Resolution 25: BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advise the Town Clerk of the special requirements at least one week prior to the meeting (ADA).

**Resolutions 26: Resolution Index

Resolution 26: BE IT RESOLVED that the Town Clerk will continue with the Resolution/Motion Index System initiated in 2009, identifying the Resolution/Motion number, date approved, and Title.

FURTHER RESOLVED that the Town Clerk will send a final electronic version of each certified resolution to the Town Board and place the final version on the Town's file sharing network.

**Resolution 27: Prohibition about gifts from Municipalities

Resolution 27: BE IT RESOLVED that in accordance with the New York State Constitutional prohibition against gifts by municipalities as described in Article III, Section 1, the Town of Ulysses will not give bonuses, donations, or other gifts of recognition for service (retirement, annual appreciation, or otherwise) to any organizations, volunteers, or other individuals in the employment of the Town or

otherwise providing service to the Town or the community. The Town may, however, hold recognition events and provide refreshments.

**Resolution 28: Organizational Resolutions subject to amendment

Resolution 28: BE IT RESOLVED that any and all of these Organizational Resolutions be and remain subject to amendment throughout the year by the Town Board.

**Resolution 29: Shared Highway Services Agreement

Resolution 29: WHEREAS, Highway Law 142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law 283 to enter into agreements for shared services and equipment with other municipalities and authorize, within existing budget constraints, the Town's Highway Superintendent pursuant to Highway Law 284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

REGULAR TOWN BOARD MEETING JANUARY 10, 2012

**Resolution 30: 2011 Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2011 Budget modifications:

A Fund

1220.12	Dep. Supervisor PS	increase	$ 882.53
1620.4	Town Hall CE	increase	$ 766.96
1650.4	Central Comm CE	increase	$ 395.93
1670.4	Printing & Mailing	increase	$ 2,745.44
1920.4	Municipal Dues	increase	$ 9.00
3510.4	Dog Control CE	increase	$ 1,318.72
			$ 6,118.58

1220.4	Supervisor CE	decrease	$ 799.14
1101.1	Admin Asst PS	decrease	$ 1,476.40
1010.4	Town Board CE	decrease	$ 2,131.08
1410.4	Town Clerk CE	decrease	$ 1,711.96
			$ 6,118.58

DA Fund

5124.4	Snow Removal CE	increase	$	3,247.85
5120.4	Bridge Maintenance PS	decrease	$	793.30
5148.4	Snow Removal OG – CE	decrease	$	2,454.55
			$	3,247.85

B Fund

B8010.1	Zoning PS	increase	$	2,156.96
B8020.4	Planning CE	decrease	$	2,156.96

Water Funds

9030.83	Social Security	increase	$	21.24
8340.1	Laborer PS	decrease	$	21.24

**Resolution 31: Approval of Claims

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previously examined vouchers numbered 551 to 589 in the amount of $42,188.13 charged to the 2011 Budget and vouchers 1 to 10 in the amount of $3,269.79 charged to the 2012 Budget.

**Resolution 32: Approval of Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Regular Town Board meeting of November 16, 2011, as edited by Ms. Poelvoorde.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Special Town Board meeting of December 5, 2011, as edited by Ms. Poelvoorde, edits submitted by Ms. Marino, the addition of times related to the Executive Session and meeting adjournment and the correction of the date in the header.

**Resolution 33: Premium-Only Plan

BE IT RESOLVED that the Town Board of the Town of Ulysses adopts an IRC Section 125 Premium-only plan and authorize Supervisor Roxanne Marino to sign all necessary documents.

**Resolution 34: Crime Coverage (Resolution 7 Organizational Meeting)

BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved:

Money inside premises $100,000 ($1,000 deductible)
Money outside premises $100,000 ($1,000 deductible)
Forgery and alteration $250,000 ($2,500 deductible)
Public Employee Dishonesty $500,000 ($2,500 deductible)
Public Employee Faithful Performance of Duty $500,000 ($2,500 deductible)
Total premium for 2012: $2,100

**Resolution 35: Attorney Appointment (Resolution 22 Organizational Meeting)

BE IT RESOLVED that the Town Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009, and

FURTHER RESOLVED that the 2012 Addendum to Retainer Agreement, which sets hourly fees for billing at $170 (Attorney) and $110, (Paralegals), is adopted. All other provisions for the 2009 Retainer Agreement shall remain in full force and effect subject to revision.

**Resolution 36: Employee Time and Leave Reporting (Resolution 20 Organizational Meeting)

BE IT RESOLVED that the Town Clerk and Highway Superintendent positions be removed from the table in Resolution 20 of the Organizational Meeting record.

**Resolution 37: Cleaning Contract

BE IT RESOLVED that the Town of Ulysses contracts with Melanie Steverson-Jarvis for the purpose of cleaning the Town of Ulysses Town Hall on a weekly basis for the amount of $643 per month for the period of January 1 to December 31, 2012.

SPECIAL TOWN BOARD MEETING - JANUARY 23, 2012

**Resolution 38: Short-term Disability Benefit Policy

BE IT RESOLVED that the Town Board of the Town of Ulysses amends the Personnel Manual to include the following Short-term Disability Benefit Policy.

Short-term Disability Benefit Policy

New York State Disability insurance is available to all non-temporary employees that have been employed for at least 28 calendar days by the Town or within 28 calendar days with a covered employer. There is no employee contribution.

<u>Town of Ulysses Short-term Disability Benefit</u>

Short-term disability benefits are paid-for absences due to non-work related injuries or illnesses. The Town of Ulysses short-term disability benefits are available to all full-time and part-time employees who meet the above stated criteria for New York State Disability insurance coverage. Elected officials or appointed board members are not eligible for Town of Ulysses disability benefits*. Upon the submission of claims for benefit application, short-term disability benefits will be paid after a 7 calendar day waiting period. Accrued sick, vacation or personal time may be used during the waiting period. No sick, vacation or personal time will be accrued while on disability.

Disability benefits are paid at 50% of the average of the employee's last eight weeks of pay for up to 26 weeks. Employees may elect to supplement the pay benefit up to an amount equivalent to their full pay (as determined above) with accrued sick, personal, or vacation time. An employee's supervisor cannot deny the use of sick or vacation time during disability leave.

The payment from the NYS disability insurance carrier will be made directly to the Town. If the employee receives a check from the disability carrier, he/she will forward it to the Town of Ulysses Bookkeeper immediately.

A physician's statement authorizing a return to work is required. The Town reserves the option to require a second physician's opinion after the initial 3 months of disability. If the employee does not return to work after a physician's release, the Town considers this a resignation.

*Note: As per NYS law, reduction of elected official's salary is not permitted without a referendum. Elected officials should still submit the NYS disability insurance application form in order to allow the Town to collect NYS disability insurance payments.

**Resolution 39: EPA Funding for NY Rural Water Association

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Ms. Marino to sign a letter of support to continue EPA funding for the New York Rural Water Association.

**Resolution 40: EMS – Initiating process to form Ambulance District

BE IT RESOLVED that the Town Board of the Town of Ulysses approves initiating the process as required by Article 12 and 12A to form an ambulance district for the Town outside the Village of Trumansburg.

Resolution 41: Approval of Minutes 1/10/2012

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes for January 10, 2012, Regular Town Board meeting as amended.

REGULAR TOWN BOARD MEETING - FEBRUARY 14, 2012

**Resolution 42: Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previously examined vouchers numbered 590 through 595 for 2011 and 11 to 62 for 2012 in the amount of $53,539.41.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of December 13, 2011 Regular Town Board Meeting as edited by Ms. Poelvoorde and Ms. Thomas.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of December 19, 2011 Special Town Board Meeting as edited by Ms. Poelvoorde and Ms. Thomas.

BE IT RESOLVED that the Town Board of the Town of Ulysses approved the minutes of January 10, 2012 Regular Town Board Meeting as edited by Ms. Poelvoorde, with an additional correction changing the word "depend" to "defend" in the paragraph discussing Concerned Citizens of Ulysses doing fundraising to defend the amicus brief.

**Resolution 43: Delegate to NYS Association meeting

BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Ms. Thomas to serve as the Town Delegate and vote accordingly at the Annual Meeting for the Association of Towns.

**Resolution 44: Illicit Discharge Law

WHEREAS, in 2003 the Town of Ulysses signed a Notice of Intent for Coverage Under a SPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems; and

WHEREAS, one of the minimal control measures of the Notice of Intent is to adopt a local law with the intention to protect water quality by establishing regulations on non-stormwater discharges into the municipal separate storm sewer system and surface waters for the purpose of controlling the introduction of pollutants, and to prohibit certain activities and connections to the storm sewer system and surface waters that could cause the introduction of pollutants; and

WHEREAS, the proposed local law has been drafted to include the elements required by New York State, to reflect the research and experience of other Towns;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing will be held on

February 28, 2012 at 7:00 p.m. at the Ulysses Town Hall on the proposed adoption of a Local Law for Storm Sewer System and Surface Waters Protection.

**Resolution 45: Appointment to Recreation Partnership

WHEREAS, the Town Board of the Town of Ulysses appoints Durand Van Doren as the Town of Ulysses' representative to the Recreation Partnership.

SPECIAL TOWN BOARD MEETING - FEBRUARY 28, 2012

**Resolution 46: SEQR for Storm Sewer System and Surface Waters Protection

WHEREAS, this action is the enactment of a local law for Storm Sewer System and Surface Waters Protection; and

WHEREAS, said proposed local law is intended to protect water quality by establishing regulations on non-stormwater discharges into the municipal storm sewer system and surface waters for the purpose of controlling the introduction of pollutants, and by prohibiting certain activities and connections to the stormwater sewer system and surface waters that could cause the introduction of pollutants; and

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

WHEREAS, the Town Board, at a public hearing held on February 28, 2012, has reviewed and accepted as adequate the Short Environmental Assessment Form, Parts I and II for this action, prepared by Town staff;

NOW THEREFORE BE IT RESOLVED that the Town of Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed and, therefore,

neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required.

**Resolution 47: Local Law 1 – Storm Sewer System And Surface Waters Protection

WHEREAS, it is in the public interest, and will minimize threats to the environment and to public health and safety, for the Town to regulate discharges into the municipal storm sewer system and surface waters that are not composed entirely of stormwater in order to control the introduction of pollutants, and to prohibit certain activities and connections to the stormwater sewer system and surface waters that could cause the introduction of pollutants; and

WHEREAS, the Town of Ulysses is required to enact regulations that prohibit the discharge of pollutants into the municipal stormwater sewer system in compliance with U.S. Environmental Protection Agency and New York State Department of Environmental Conservation requirements; and

WHEREAS, the Town staff and the Attorney for the Town have worked to develop a local law to accomplish the above objectives and meet the federal and state requirements; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Ulysses for a public hearing to be held by said Town on February 28, 2012 at 7:00 p.m. to hear all interested parties on the proposed local law for STORM SEWER SYSTEM AND SURFACE WATERS PROTECTION; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on said date and time at the Town Hall of the Town of Ulysses 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 the New York State Environmental Quality Review Act ("SEQRA") 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 as lead agency in an environmental review with respect to adoption of this local law, has on February 28, 2012 made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts I and II prepared by the Town staff; and

WHEREAS, the Attorney for the Town, in a memorandum dated February 28, 2012, certified that this law is equivalent to the Model Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System provided by the New York State Department of Environmental Conservation;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses hereby adopts said local law for STORM SEWER SYSTEM AND SURFACE WATERS PROTECTION; a copy of which is attached hereto and made a part of this resolution; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to file said local law with the Secretary of State as required by law.

REGULAR TOWN BOARD MEETING – MARCH 13, 2012

**Resolution 48 – Agenda Approval/Budget Modifications/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the agenda with additions for the meeting 03/13/12.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the budget modifications as presented.

A Fund

Appropriation line	1110.4	Town Justice CE	increase	$	11,847.00
Appropriation line	1011.1	Admin Asst PS	increase	$	2,176.00
Appropriation line	1220.11	Deputy Supervisor PS	increase	$	2,176.00
Appropriation line	1910.4	Unallocated Insurance	increase	$	325.00
Appropriation line	7310.1	Youth Prog PS	increase	$	2,175.00
			$ 18,699.00		
Revenue line	0599	Approp Fund Balance	*increase*	*$*	*11,847.00*
			increase	*$*	*2,175.00*
			increase	*$*	*325.00*
	0599	**Approp FB total increase**		***$***	**14,347.00**
Revenue line (new)	2680	Insurance Recovery	increase	$	4,352.00
				$	18,699.00

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the vouchers numbered 63 to 120 for a total of $44544.88 for 2012.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of 01-23-12, 02-14-12 and 02-28-12 with the edits.

**Resolution 49 – Renovation of Town Historical Markers

BE IT RESOLVED that the Town Board of the Town of Ulysses approve renovation of the Town Historical markers, the highway department will assist as needed and the Town will cover the cost of supplies.

**Resolution 50 – Additional Funds for Temporary Court Clerk

BE IT RESOLVED that the Town Board of the Town of Ulysses approve additional funds to compensate the temporary Court Clerk as requested by the Town Justices.

**Resolution 51 – Open Meeting wording in Town Procedures

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Open Meeting wording as outlined above be incorporated into the Town procedures.

**Resolution 52 – Presenter of Power Point for EMS have final approval

BE IT RESOLVED that the Town Board of the Town of Ulysses approve allowing the presenter of the PowerPoint presentation for EMS services final approval of content.

**Resolution 53 – Town Hall Maintenance Contract

WHEREAS occasionally the Town Hall is in need of maintenance and repairs, and

WHEREAS said repairs should be done in a safe and professional manner by contractors who are skilled in their trade and are properly insured, and

WHEREAS the Town has requested and reviewed bids from qualified professionals.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the proposed maintenance contract from Mainstay Builders for maintenance and repairs to the Town Hall that are beyond what can be reasonably done by Town Hall staff with the exception of those to the heating and air conditioning system.

BE IT ALSO RESOLVED that the contract with Mainstay Builders be amended to have a termination date of 12/31/2012 and a provision for a 60-day payment period,

BE IT ALSO RESOLVED that the Town Board authorizes Supervisor Marino to sign the contract with Mainstay Builders.

BE IT ALSO RESOLVED that any heating, air conditioning, plumbing and electrical work be done by a person properly certified in that field as approved by the Town Supervisor on the recommendation of the Code Enforcement Officer.

**Resolution 54 – FAILED – Highway Shared Services

WHEREAS, the New York State Department of State has available funds for the 2011-2012 Local Government Efficiency Grant Program, and

WHEREAS, this grant program can assist the Town of Ulysses in identifying opportunities to cooperate with other local governments in the area to reduce the cost of providing services, and

WHEREAS, the cost to maintain local roadways and bridges represents a large share of all municipal and county budgets and property tax levies, and

WHEREAS, at a time when the cost to maintain highway infrastructure is growing rapidly and local budgets are tightly constrained, it is increasingly difficult to maintain basic highway infrastructure at a cost that can be supported by local budgets, and

WHEREAS, the Town of Ulysses and its Local Municipal Highway Department would benefit from reducing the cost of adequately repairing and maintaining these roadways, and

WHEREAS, a study to evaluate the County and Local Road System and identify areas where inter-municipal cooperation, shared services, or redistributions of responsibilities could result in a more efficient system of providing quality highway services and lower costs for the repair and maintenance of existing roads, and

WHEREAS, the Town of Ulysses on behalf of its citizens, supports this effort and grant application for approximately $100,000, with a required local cash match of 10% that shall be allocated among the participating municipalities.

RESOLVED, that the Town of Ulysses supports the County and Local Road Local Government Efficiency Grant Program application, and

FURTHER RESOLVED, that the Town of Ulysses agrees, if awarded, to participate and assist in all phases of the County and Local Road Shared Service Local Government Efficiency Grant Study.

**Resolution 55 – Employee Bus Pass Benefit

WHEREAS, the Town of Ulysses seeks to encourage the use of the Tompkins County Area Transit (TCAT) system to help reduce traffic, petroleum use, air pollution and greenhouse gases, and

WHEREAS, due to recent funding cuts, TCAT was required to increase its fares which provides a disincentive for users to ride the bus, and

WHEREAS, a subsidized bus pass employee benefit provides an incentive to encourage increased use of the TCAT system,

THEREFORE BE IT RESOLVED that the Town of Ulysses offers a Bus Pass Benefit to its employees as follows:

A Bus Pass Benefit is available to all Town of Ulysses who travel to and from work at any town office (town hall or highway barn) primarily during the regularly scheduled hours of the TCAT bus service.

The value of the benefit paid shall not exceed the 50% of an annual Zone 2 bus pass.

Employees not using the bus service on a regular basis are encouraged to purchase

15-ride cards as needed rather than an annual bus pass. The town will reimburse employees 50% for ride cards and will purchase the annual pass for the employee. A written request for the Bus Pass Benefit needs to be made to the Supervisor's Office.

BE IT FURTHER RESOLVED that the Town Clerk update the Town of Ulysses Personnel Policy with the Bus Pass Benefit language from this resolution and provide a copy to all employees.

**Resolution 56 – Rifle Hunting

WHEREAS the Tompkins County Legislature has been asked to request from the State permission for hunters to use rifles to hunt big game within the County and

WHEREAS rifles have the capability to shoot bullets that can travel miles in distance compared to the shorter distance of the currently allowed shotguns and

WHEREAS shotguns have the advantage of requiring closer contact with the intended target, thus improving better identification of the target and what is behind it and

WHEREAS for decades hunters have successfully used shotguns for killing big game and

WHEREAS there is no compelling need to introduce longer-shooting rifles for big game and

WHEREAS the Town of Ulysses, while relatively rural, has residential properties in close proximity to hunting areas which creates a safety issue from the possibility of people and property being affected by stray bullets and

WHEREAS the use of rifles may prompt some property owners to deny access to their land for hunting thereby potentially leading to an increase in already high deer populations.

Now therefore be it

RESOLVED that the Town Board of the Town of Ulysses expresses its opposition to permitting big game hunting with rifles in Tompkins County and

FURTHER RESOLVED that the Town Board recommends to the County Legislature that it not request permission from the State to allow big game hunting with rifles and

FURTHER RESOLVED that this resolution be immediately conveyed by the Town Clerk to the Tompkins County Legislature.

SPECIAL TOWN BOARD MEETING - MARCH 27, 2012

**Resolution 57 – Vouchers

BE IT RESOLVED that the Town Board of the Town of Ulysses approve voucher's 121 thru 124 in the amount of $1,374.37.

**Resolution 58 – Appointment of Cheryl Thompson "Local Assessment Review"

BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Cheryl Thompson to the Tompkins County Local Assessment Review.

**Resolution 59 – Fair Housing Law

WHEREAS, April 11, 2012, marks the 44th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, sexual orientation, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, Town of Ulysses**,** as well as Ithaca Board of REALTORS®, are committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing.

NOW, THEREFORE BE IT, that the Town of Ulysses, does hereby resolve that April 2012, being Fair Housing Month, begins a year-long commemoration of the U.S. Fair Housing Law in Tompkins County and urges all citizens to wholeheartedly recognize this celebration throughout the year.

REGULAR TOWN BOARD MEETING – APRIL 10, 2012

**Resolution 60 - Agenda/Claims/Minutes

Be It Resolved that the Town Board of the Town of Ulysses approves the agenda for tonight's meeting.

Be It Resolved the Town Board of the Town of Ulysses approve the previous examined vouchers 's 125 through 169 in the amount of $14,125.68.

Be It Resolved that The Town Board of the Town of Ulysses approves the minutes as edited for the Regular Town Board meeting of March 13, 2012.

****Resolution 61 - Superintendent James Meeker to attend the municipal action**

Be It Resolved that the Town Board of the Town of Ulysses authorizes Highway Superintendent James Meeker to attend the municipal action in May to acquire a used backhoe with low hourly use not to exceed $50,000.

****Resolution 62 - Rules and Procedure **note this was re-voted on 5/8/2012**

Be It Resolved that the Town Board of the Town of Ulysses approves the Rules and Procedure as edited.

****Resolution 63 - Computer Security**

WHEREAS, New York State Technology Law Section 208 establishes procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy or local law consistent with these procedures;

NOW, THEREFORE, BE IT

Resolved, that the attached "Town of Ulysses Computer System Security Breach Notification Policy" is hereby approved and adopted as the Town's official policy; and be it

FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

TOWN OF ULYSSES
COMPUTER SYSTEM SECURITY BREACH
NOTIFICATION POLICY

1. **PURPOSE.** This Computer System Security Breach Notification Policy is intended to alert individuals to any potential identity theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach. This Policy is consistent with and adopted pursuant to New York Technology Law Section 208.

2. **DEFINITIONS.** The following terms have the following meanings:

(a) "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factors, among others:

(1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

(2) indications that the information has been downloaded or copied; or

(3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

(a) "Department" means any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town.

(b) "Personal Information" means any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.

(c) "Private information" means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

(1) social security number;

(2) driver's license number or non-driver identification card number; or

(3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from Town records.

(d) "Town" means the Town of Ulysses, County of Tompkins.

3. **DISCLOSURE OF BREACH TO AFFECTED PERSONS.** Any Town Department that owns or licenses computerized data that includes private information must disclose any breach of the security of the system to any individual whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The

disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in paragraph 5 below, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Town shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures.

4. **DISCLOSURE OF BREACH TO OWNER OR LICENSEE.** If the Town maintains computerized data that includes private information which the Town does not own, the Town must notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

5. **PERMITTED DELAY.** Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.

6. **METHOD OF NOTIFICATION.** The required notice must be directly provided to the affected individuals by one of the following methods:

(a) written notice;

(b) electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(c) telephone notification, provided that a log of each telephone notification is kept by the Town; or

(d) substitute notice, if the Town does not have sufficient contact information. Substitute notice must include all of the following:

(1) e-mail notice, when the Town has an e-mail address for the subject persons;

(2) conspicuous posting of the notice on the Town's Website page, if the Town maintains one; and

(3) notification to major statewide media.

7. **INFORMATION REQUIRED.** Regardless of the method by which notice is provided, the notice must include contact information for the Town and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements

of personal information and private information were, or are reasonably believed to have been, acquired.

8. **NOTIFICATION OF AGENCIES.** Whenever any New York State residents are to be notified pursuant to this Policy, the Town must notify the State Attorney General, the Consumer Protection Board and State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

****Resolution 64 - Cayuga Lake Triathlon**

Be It Resolved the Town Board of the Town of Ulysses approves the request by Race Director, Ms. Jane Miller asking for permission for the Cayuga Lake Triathlon to use the Town of Ulysses public roads for the bicycle portion of the Triathlon on August 5, 2012.

Further Resolve the Town Clerk send Ms. Miller a scanned copy of the letter of approval from Supervisor Marino on Town letterhead as follows:

Dear Jane:

I am writing on behalf of the Town of Ulysses to give permission to the Cayuga Lake Triathlon to use public roads in our jurisdiction for the bicycle portion of the race on August 5, 2012. There appears to be a well-conceived detour plan which has worked well in the past. The use of the Town Roads in this plan for detouring traffic has been approved by the Town Highway Superintendent.

The Town wishes you well with the triathlon and hopes that you have another successful event as you have in past years.

Sincerely,
Roxanne M. Marino, Town of Ulysses Supervisor

****Resolution 65 - TC Health Care Consortium Join Committee Plan Structure/Design**

Be It Resolved that the Town Board of the Town of Ulysses appoints Marsha L. Georgia, Town Clerk to serve on the Health Consortium's Joint Committee on Plan Structure and Design.

** Resolution 66 - Taxation of Natural Gas

RESOLUTION URGING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO DEVELOP A BLEND OF REVENUE STREAMS AND OTHER TAXATION OF NATURAL GAS EXTRACTION AND TO ESTABLISH AN ACCURATE, TRANSPARENT, AND VERIFIABLE METHOD OF MEASURING AND REPORTING SHALE GAS PRODUCTION.

Whereas New York State is preparing to permit the process of extracting natural gas from the Marcellus Shale areas in our region in the near future, and

Whereas local governments have already incurred expenses in preparation for the extraction of natural gas and will incur further expenses such as repair of roads, higher social service costs, emergency services, etc., when this industry begins drilling in New York and before any ad valorem revenue is received, and

Whereas the town of Ulysses has already spent funds and many hours of time in general preparation for the advent of drilling as well as passing legislation in order to protect the health, safety and well-being of residents and the natural resources within the town and is considering more legislation in the coming year to protect their residents, roads and infrastructure, and establish boundaries for the impacts of natural gas extraction in this town and surrounding towns, and

Whereas, ad valorem tax on production is the only revenue source for local governments to offset the cost of incorporating the gas extraction industry into its community, and

Whereas, ad valorem tax on production is not a revenue source for a municipality adjacent to one that has gas extraction, yet the adjacent community will also incur impacts and expenses from the gas extraction industry, and

Whereas, the State and local process for levying the ad valorem tax on gas production has a built in delay of a minimum of 3 years (year 1 gas is produced but not reported until year 2 when it is added to assessment role for year 3 when the gas producers are sent tax bills for year 1's production) between the time that the gas is extracted (which is after the well pad is constructed, well drilled and pipelines connected) and the year the local government will receive revenue which means that under the current system, tax payers will need to pay for the impacts of this industry on the local government and community before any revenue is received to offset those costs, and

Whereas, other states that have hosted the gas and oil extraction industry for many years have a blend of fees and several taxes including ad valorem and severance to cover expenses to governments as they are incurred and not saddle the civil society with this burden, and

Whereas the calculation for Unit Production Value (UPV) in determining assessment of natural gas in New York State has not been completed for tight shale gas deposits like the Marcellus so any planning for ad valorem revenue from gas extraction is impossible yet the prospect for impact is imminent, and

Whereas, the yet undetermined UPV is multiplied by self-reported gas production to determine the assessed value of given well, and

Whereas, there is no independent oversight of the gas meters accuracy, it's installation, or its reading of extracted natural gas (self-reporting by the energy companies) which is an affront to the assessment process used for all other taxable properties within our County,

Be it resolved that the Town of Ulysses strongly urges the Governor and the New York State Legislature to develop a blend of revenue streams through fees and other taxation of natural gas extraction to provide funds for state and local governments when expenses are incurred, and

Be It Further resolved, that the Town of Ulysses urges the Governor to direct the Office of Taxation and Finance to establish, through an open and transparent process, the Unit Production Value for assessment of shale natural gas like Marcellus, and

Be It Further resolved that the Town of Ulysses demands that the Governor and the New York State Legislature establish an accurate, transparent, and verifiable method of measuring and reporting shale gas production.

Be It Further resolved that this resolution be sent by the Town Clerk to Governor Andrew Cuomo, N.Y. Senate Majority Leader, Dean Skelos; N.Y. Assembly Speaker, Sheldon Silver; N.Y. Senators Thomas O'Mara and James Seward; U.S. House Representatives Maurice Hinchey and Richard Hanna, N.Y. Assemblywoman, Barbara Lifton; U.S. Senators Kirsten Gillibrand and Charles Schumer; DEC Commissioner Joseph Martens; Tomkins County Council of Governments Chair, Herb Engman, and Tompkins County Legislator Carol Chock.

****Resolution 67 - Time Warner Cable Negotiations with TCCOG**

TO JOIN IN TCCOG NEGOTIATIONS TO RENEW CABLE CONTRACTS

WHEREAS, the Town of Ulysses is provided cable service by Time Warner Cable; and

WHEREAS, the Town of Ulysses recognizes the advantage of cooperation with other municipalities with regard to cable franchise issues; and

WHEREAS, the Town of Ulysses is interested in exploring, through the Tompkins County Council of Governments, the possibility of entering into an agreement with other municipalities to form a Consortium to negotiate, on behalf of the Town of Ulysses, a renewal franchise agreement with Time Warner Cable; and

WHEREAS, the intent would be to form a Consortium with the authority to conduct public hearings, conduct surveys, and engage in all activity, within the limits of applicable State and Federal Law, that is necessary and appropriate to negotiating a renewal franchise agreement for its member municipalities; and

WHEREAS, the Consortium may be charged with analyzing the financial, technical, and legal issues related to cable television regulation to enable the member municipalities to reach sound judgments in exercising their regulatory authority with regard to such matters as cable television rates, franchise fees, and nature and quality of service; and

WHEREAS, all members of the Consortium would individually reserve the right to approve, disapprove, or amend the franchise agreement so negotiated on their behalf; and

NOW THEREFORE, it is

RESOLVED, that the Town of Ulysses does hereby express interest in exploring the possibility of forming a consortium of municipalities to negotiate on its behalf for the renewal of its franchise agreement with Time Warner Cable; and it is further

RESOLVED, that the Town of Ulysses does hereby reserve the right to refrain from joining the consortium should the terms and conditions of joining the consortium prove to be unacceptable to the Board.

RESOLVED, that the Town of Ulysses Clerk send a certified electronic copy of this resolution to all Town Board members and also to the Chair of the Cable Committee, Herb Engman.

SPECIAL TOWN BOARD MEETING APRIL 17, 2012

**Resolution 68 - Joint Meeting Town & Village for EMS Discussion

Be It Resolved that the Town Board of the Town of Ulysses agrees that Supervisor Marino, on behalf of the Board, write a letter to the Village of Trumansburg advising them of the Board's discussion to focus on 2013 EMS options and the Board sees the options of 2a, 7 and 3 as outlined on the flowchart as possible avenues to pursue.

Further Resolved that at this time a strong majority of the Town Board would like to explore option 7 with the Village.

Further Resolved that the Town of Ulysses will provide a facilitator for this meeting (at the Town's expense) and have the municipal attorneys present under a closed session.

REGULAR TOWN BOARD MEETING MAY 8, 2012

*Resolution 69 – Agenda/Budget Modifications/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the agenda presented tonight.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the budget modifications presented by Supervisor Marino as follows:

Add line B9089.8	Other Employee Benefits	$500.
B9040.8	Disability Insurance (increase)	160.
B1990.4	Contingency (decrease)	660.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 160 through 198 in the amount of $23,526.83.

BE IT RESOLVED that the Town Board of the Town of Ulysses approved the edited minutes for the Regular Town Board meeting of April 10, 2012 and the Special Town Board meeting of April 17, 2012.

**Resolution 70 – Assign Funds for Legal Expenses

BE IT RESOLVED that the Town Board of the Town of Ulysses hereby assigns the funds received in 2012 as donations for legal expenses for appellate amicus briefs, in the amount of $14,686.00 to the assigned fund for Legal in General (A) Fund.

**Resolution 71 – Rules and Procedures

BE IT RESOLVED that the Town Board of the Town of Ulysses amend the Rules and Procedures for Town Board meetings of the Town of Ulysses per the changes provided by Supervisor Marino, originally at the April 17 Board meeting and in final form by email on May 1, and as discussed at this meeting.

TOWN OF ULYSSES

RULES and PROCEDURES FOR TOWN BOARD MEETINGS

Be it resolved that all rules listed herein are adopted as the Rules of Order for all meetings and types of meetings of the Ulysses Town Board. Questions of Order beyond these Rules are to be resolved by reference to Robert's Rules of Order. These Rules of Order do not and cannot supersede applicable New York State law.

1. MEETINGS - DEFINED AND CALLED

1.1 Regularly Scheduled Meetings of the Board

The Board will meet for the **monthly Business Meeting** at 7:00 PM on the second Tuesday of each month or as otherwise designated at the organizational meeting in January of each year, unless otherwise decided by the Board at a preceding meeting.

Additionally, a **Working Session** of the Board will convene each month as indicated by the Organizational Meeting or as otherwise designated by the Board at a preceding meeting. This is a venue for introducing new themes but other prior business before the Board may also be considered. An informal Agenda is required stating topics to be discussed. The Board may table business at the Regular Board Meeting and elect to resolve it at a Working Meeting.

Meetings will be conducted in the Town Hall whenever possible. The location of any meetings that will not held at the Town Hall will be included in the public notice for such meeting, or clearly posted at Town Hall as far in advance as possible. The Supervisor shall preside as Chair if present, as per New York State Town Law. In the absence of the Supervisor, a Deputy Supervisor shall preside. In the absence of both the Supervisor and Deputy Supervisor, the Town Board members present, assuming a quorum, shall elect a Chair for the meeting from the Board members present.

1.2 Specially Scheduled Meetings

Special Meetings of the Town Board are all Town Board meetings other than the regular Business Meetings and Working Sessions. A Special Meeting may be called by the Supervisor at any time by giving at least two (2) calendar day written notice to the other members of the Board as to the time and place of the meeting, and shall be called by the Supervisor within 10 days if requested in writing by two members of the Board. Written notice may be by email, text or with written paper notice through the mail or other means. Additionally, the Supervisor shall call an Emergency Special Meeting within five (5) calendar days if requested in writing by two Town Board members, and with the nature of the emergency described in such request. The Supervisor may call an Emergency Special Meeting on less than 2 day notice and business conducted will be valid as long as all Board members received notice of the meeting and attended the meeting, as per NYS Attorney General and Comptroller opinions.

Public Hearings may be called according to the State or Local Law or Ordinance that applies. Notice shall be published in both the Ithaca Journal and the Trumansburg Free Press whenever possible or as otherwise directed by the Board.

2. MEETINGS – CONDUCTING

2.1. Quorum, Majority, and Super Majority

A majority of the Board shall constitute a quorum for the transaction of business and to

adopt any resolution. Majority of the five-member Town Board is three members. There is no proxy voting. A Supermajority shall be four in all cases. The use of 2-way videoconferencing technology as specified by the NYS Open Meetings Law for remote participation by Board members, including voting on public business is allowed.

2.2. Executive Sessions

Executive Sessions shall be held in accordance with the N.Y. Public Officers Law Section 105.11. Executive Sessions may be convened in a Regular or Special Meeting by a majority vote of the Board. The member making a motion shall state the basis for going to Executive Session under the law for Executive Session. Only Board Members and individuals explicitly invited by the Supervisor or a majority of the Board may attend an Executive Session. The motion may also specify what information, if any, will be returned to the regular session. Minutes and records from an Executive Session, if any, will follow applicable law.

2.3. Agendas

An agenda for all meetings shall be adopted by majority vote of the Board at each meeting. For Regular Meetings of the Board, a draft agenda shall be prepared by the Supervisor or her/his designee and distributed to the Board by email or other suitable means by the end of the day on the Friday preceding the meeting. Any Board member or any other elected Town Official may place an item on the draft Agenda by providing a request in writing to the Supervisor at least 6 days before the Regular Meeting.

2.4. Adjournment

A motion to adjourn is not debatable, but the Supervisor may, after such a motion is seconded, describe the nature and consequence of adjourning with any scheduled business left unfinished.

2.5. Questions of Order

The Supervisor may appoint a Parliamentarian to provide advice and guidance to the Supervisor and the Board on matters of procedure. When a Point of Order is raised, the Supervisor may request advice from the Parliamentarian before ruling.

2.6. Seating

Seating at all Board meetings will be as determined by the Chair. In general, it is desirable for Board members to be seated so as to be clearly visible to each other and distinguishable from the public, from other elected and appointed Town officials, and from privileged speakers recognized by the Supervisor. The Board may override the Chair's designated seating by motion, second, and majority vote.

2.7. Public Participation

The back of the agenda shall clearly state an abbreviated version of the meeting guidelines for public participation. An opening statement shall be made in every meeting directing those who are present as to when and how they may participate. All speakers must first be recognized by the Chair. When invited to speak, a member of the public is requested to give their full name and address. In speaking, the public should address the whole Board and not individual public officials or members of the public. Disruptive behavior by anyone in attendance will not be allowed during Board meetings. Such behavior shall include name-calling, swearing, defaming, shouting, or other behaviors found offensive by the Chair, or, by a majority of the Board. Any member of the Board may call the attention of the Chair to a violation of these rules, by calling out "point of order".

In the event of disruptive behavior, a warning shall be given by the Chair. After 2 warnings, the person being disruptive shall be asked to leave. At any time the Chair may address the public on matters having to do with process and decorum. . A statement on appropriate decorum for Town Board meetings shall be posted to the Town's web site.

2.8. Board Process and Decorum

A Board Member wishing to speak shall raise a hand for privilege and shall be recognized by the Chair. Generally a member who has not yet addressed the question shall be given privilege over those who have. Otherwise the Chair shall in general assign order of speaking based on the order in which hands are raised. Members may not speak simultaneously and may not interrupt each other. Unless recognized by the Chair, a Board Member shall not speak, except to raise a point of order, in which case she/he may state "point of order". The Chair may interrupt and stop any member who speaks continuously for more than five (5) minutes. During the discussion of a motion all members of the Board will be allowed up to five (5) minutes per each turn. Board members shall address only the Chair, other Board members, and the privileged speakers without specific authorization from the Chair to address others who are present.

2.9. Participation by other Town Officials and Privileged Speakers

Other elected and appointed Town Officials and Privileged Speakers shall speak only when recognized by the Chair, and only for the period of time set by the Chair. They may raise their hands to indicate a wish to be recognized, but the Chair is under no obligation to recognize them.

3. MOTIONS

3.1. Motions Defined

The business of the board shall be conducted as a series of motions and resolutions. A motion is a formal proposal that the Board take certain action. Since the Ulysses Town Board is a small Board that does not have a committee structure to work through motions before they are brought to the full Board, the ***motion to discuss*** is included here to allow for informal discussion of a proposed action or other topic before it is brought to the floor for formal debate and action. A ***motion to discuss*** requires a second, but is not debatable

and does not require a vote in order to commence discussion. The Chair can call a vote to end discussion of a ***motion to discuss*** at any time. The discussion that occurs during a ***motion to discuss*** may result later in a ***main motion***.

A ***main motion*** brings business before the Board that requires a formal action. For example a ***main motion*** is used to introduce a new law for adoption by the board, to formally make a statement from the board about a particular subject, or to appropriate a sum of money for a specific, non-routine expenditure. A ***main motion*** can also be referred to as a ***resolution.*** A ***main motion*** requires a second in order to be considered by the Board. A Board member may speak any number of times in debate of a ***main motion*** within the time allotted for the discussion of the question. The Board may extend debate on a ***main motion*** by motion, second, and majority vote on the question of extending debate.
Robert's Rules describes other motions that can be used and groups them broadly into ***subsidiary motions, privileged motions,*** and ***incidental motions***. Motions associated with the routine conduct of monthly business, such as approval of claims or minutes, or to refer business to a committee or advisory board are not considered main motions.

Board members are expected to be familiar with the types of motions as described in Robert's Rules of Order. All motions other than a motion to discuss shall be handled in all aspects according to the procedures in Robert's Rules of Order newly revised (10th ed).

3.2. Seconds to Motions

A motion shall not be discussed until it has a Second. A member making a motion may restate it once in seeking a Second, but may not argue for the Second.

3.3. Voting on Motions

At the discretion of the Chair, voting upon every question shall be by stating "Aye" or "Nay", by show of hands, or by roll-call vote. The Chair shall immediately state the outcome, which shall be promptly entered into the minutes by the Clerk. Every act, motion, or resolution shall require for its adoption the affirmative vote of a majority of all the members of the Town Board.

3.4. Presentation of Motions

Any Board Member, upon recognition by the Chair, may make a motion at any time when there is no other motion on the floor. If the motion fits clearly within an item listed later on the agenda the Chair may rule it out of order with the suggestion that the motion be made again at the more appropriate time.

Ideally, new ***main motions*** are presented and discussed first at a Working Session. New ***main motions*** may be adopted at Working Sessions, if provided to all Board Members with the same notice as for a Regular Meeting.

A new ***main motion*** also may be presented at a Regular Meeting but such ***main motion***

shall not be voted on at that Regular Meeting unless a written copy of the proposed ***main motion*** was provided to all Board Members by 5 PM on the Friday preceding the meeting. An exception to this rule is that the Supervisor may present an ***emergency motion*** to the Board at any Board meeting, provided she or he explains in writing why emergency action is desirable. The Board may adopt such ***emergency motion*** by majority vote.

In all cases, it is preferred that ***main motions*** are submitted in writing prior to the meeting.

4. STANDING OF THESE RULES

4.1. Amending Rules of Order

Amendment of these Rules of Order requires a supermajority vote at one meeting. Permanent removal of these Rules requires a Supermajority voting at two Regular Meetings.

4.2 **Waiving Rules of Order**

These Rules of Order may be temporarily waived in part or in their entirety during any session by a Supermajority. Such waivers stand for only the session when voted. Waivers of these Rules of Order notwithstanding, Roberts Rules of Order remain governing. A Motion to waive these Rules of Order is not debatable.

**Resolution 72 – Hazardous Waste

RESOLUTION SUPPORTING STATE SENATE BILL S4616 (AVELLA)/ASSEMBLY BILL A7013 (SWEENEY) TO AMEND THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE UNIFORM TREATMENT OF WASTE.

Whereas this bill S 4616 (Avella)/A7013 (Sweeney) would require hazardous wastes produced from oil and natural gas activities to be subject to the requirements for treatment of hazardous wastes; and

Whereas currently the oil and gas industry enjoys exemptions from New York State laws governing hazardous waste transport and disposal. Though a great deal of the wastewater generated by hydraulic fracturing meets the state definition of hazardous, it is not required to be treated as such; and

Whereas the oil and gas industry is not required to disclose the chemicals used in the hydraulic fracturing process but the following chemicals are often found in waste water resulting from the hydraulic fracturing process: benzene, toluene, formaldehyde, salts, heavy metals, and radioactive particles; and

Whereas closing this exemption loophole will require hydraulic fracturing flow back and produced water to be monitored through a manifest system and that extra safeguards will be in place to avoid accidents and ensure proper waste treatment; and

Whereas such a designation will keep fracking wastes out of municipal treatment plants and the waterways leading to sources of drinking water.

THEREFORE BE IT RESOLVED that the Town of Ulysses supports the immediate passage of the New York State Senate bill S4616 introduced by Senator Avella which is the same bill as Assembly bill A7013 introduced by Assemblyman Sweeney that would amend Section 27-0903 of the New York State Environmental Conservation Law.

FURTHER RESOLVED this resolution be sent by the Town Clerk to Governor Andrew Cuomo, N.Y. Senate Majority Leader, Dean Skelos; Senate Minority Leader Sampson, N.Y. Assembly Speaker, Sheldon Silver; N.Y. Senators O'Mara, Seward, Nozzolio, Avella, Squadron, Kreuger, Perkins, Serrano, and Perrault; U.S. House Representatives Maurice Hinchey and Richard Hanna, N.Y. Assemblywoman, Barbara Lifton; U.S. Senators Kirsten Gillibrand and Charles Schumer; DEC Commissioner Joseph Martens; EPA Region 2 Director, Judith Enck.

SPECIAL JOINT TOWN BOARD/VILLAGE BOARD MEETING MAY 15, 2012

**Resolution - NO RESOLUTIONS

SPECIAL TOWN BOARD MEETING MAY 22, 2012

**Resolution 73 – Vouchers

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 199 to 207 in the amount of $27,465.92.

REGULAR TOWN BOARD MEETING JUNE 12, 2011

**Resolution 74 – Agenda/Budget Modifications/Claims/Minutes

Ms. Marino added two items to the agenda under Old Business and moved for approval, seconded by Ms. Thomas. Unanimously approved by the Town Board.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the increase of $10,800 to account A1420.4 – Attorney CE; transferred from assigned fund for Legal (A fund).

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 208 to 250 in the amount of $20,119.01.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes as edited for Special Town Board meeting of March 27, 2012, Regular Town Board meeting of May 8, 2012, and the Special Town Board meeting of May 15, 2012.

****Resolution 75 – Roof Contract - $15,800 for a new roof on the Town Hall**

WHEREAS, the Town Board of Ulysses requested bids for re-roofing the Town Hall and selected Mainstay Builders as the contractor; and

WHEREAS, Mainstay Builders provided the proper insurance documents recommended by the Town attorney; and

WHEREAS the attorney for the town recommended several changes to the contract with Mainstay Builders be made before signing by the Town Supervisor.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses approves the contract with Mainstay Builders and;

RESOLVED that the Town Supervisor sign the final version of the contract to reroof the Town Hall when the changes recommended by the attorney for the Town have been added.

****Resolution 76 – Recreation Partnership Agreement**

WHEREAS, the Town of Ulysses is currently a member of the Inter-municipal Recreation Partnership by the original agreement dated August 21, 2007, with an original 5-year term expiring December 31, 2012; and

WHEREAS, the Recreation Partnership has been an excellent and cost efficient model of inter-municipal collaboration which enables municipalities to jointly plan, finance, and share a diverse set of high quality recreation programs; and

WHEREAS, the Inter-municipal Recreation Partnership agreement by its own terms may be renewed for an additional five years by appropriate resolutions by each of the municipal partners on or before December 31, 2012; and

WHEREAS, any municipality may withdraw from the Inter-municipal Recreation Partnership agreement upon a full calendar year's notice.

Now Therefore Be It RESOLVED, that the Town of Ulysses agrees to renew the August 21, 2007 Inter-municipal Recreation Partnership agreement for an additional 5 years, expiring December 31, 2017 and further

RESOLVED, that a copy of this resolution be sent by the Town Clerk of Ulysses to the Recreation Partnership Board care of Tompkins County Youth Services Department at 320 W. State/MLK Jr. St, Ithaca, NY 14850, attention Janice Johnson.

****Resolution 77 – Revised Retainer Agreement With Whiteman Osterman & Hanna For Work On Amicus Briefs.**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Marino to sign the revised retainer with Whiteman Osterman & Hanna dated June 11, 2012.

****Resolution 78 – Change on Agenda**

BE IT RESOLVED that the Town Board of the Town of Ulysses alter the agenda and table the Planning Board/BZA Attendance and Training Policy and the update on Hydrilla report under new business.

****Resolution 79 – Ems - Resolution Outlining Emergency Medical Service Options For The Town Of Ulysses In 2013 And 2014.**

WHEREAS the Town of Ulysses has diligently made efforts to work with the Village of Trumansburg since spring 2010 to find a mutually beneficial solution to provide the best quality emergency medical services (EMS) while balancing our ethical and financial obligations to residents within the Town of Ulysses which includes the Village of Trumansburg; and

WHEREAS in April 2011, the Village of Trumansburg created the Trumansburg Ambulance Department along with its accompanying policies on billing, charity and fees which the Town of Ulysses has expressed concerns about and continues to feel are in need of revision in order to protect uninsured and underinsured EMS service users; and

WHEREAS after studying multiple options for providing EMS to both Town and Village residents and the constraints of Town law for contracting with providers, the Town Board of Ulysses feels it is in the best interest of all residents to work toward a Joint Agreement for Shared Service for provision of EMS with the Village of Trumansburg for the following reasons:

1) Equitable taxation for the same service:

Town and Village residents each pay taxes for the identical EMS service, but Village residents pay nearly three times what Town residents pay due to the three-fold difference in the total taxable assessed value of each municipality covering roughly an equivalent number of annual calls for EMS/ambulance service.

Since the Town of Ulysses includes all residents in **both** Ulysses and Trumansburg, the Town Board feels an obligation to fairness to have all citizens (Town AND Village) pay the same rate for the same service.

BUDGET and Taxable Assessed Value (TAV) Information					
	TAV[1]	% of Townwide TAV	EMS Cost [2]	% of total EMS usage and cost	Tax Rate [4] (no billing income)

Town (outside Village)	335,773,906	77%	232,786	43%	$0.693
Village	100,358,079	23%	206,700	39%	$2.060
Townwide (total TAV) [5]	436,131,985	100%	439,486	82%[3]	$1.008

[1] used for 2012 budget, [2] 2012 budget, [3] remaining 18% for Covert and Hector, [4] Tax rate/$1,000 TAV as per 2012
Village has received billing revenue in 2012 and according to trustee Hart at the May 15, 2012 meeting the estim
of total budget income for the Village from billing. [5] Illustration of tax rate if a joint shared service agreement ha

2) Fair and compassionate policies balanced with fiscal responsibility
Under a joint shared service agreement with a Town-wide contract for EMS services between the Town and the Village, all the EMS policies in the Town and Village are required to be identical. The Town of Ulysses concurs with the Village that a *Billing Policy* is reasonable to recuperate funds from the insurance companies by billing residents to help curb the upward climb in EMS costs. However not all residents are insured and many are under-insured. The Town Board of Ulysses feels strongly that the very small fraction of the population whose EMS costs will not be covered by either Medicaid, Medicare, private insurance, or motor vehicle insurance must be considered and protected from the undue burden of being billed. This would be accomplished through a compassionate *Collection Policy* and reasonable *Fee Schedule.* The Town of Ulysses can only agree to a shared service agreement with a Town-wide contract and cost-sharing if the Village's current *Charity Policy* and *Fee Structure* are revised to protect the most vulnerable segment of the population.

The *Charity Care* policy of the Village of Trumansburg is incomplete and less generous than the local for-profit EMS company as shown in the appendix to this resolution.
3) Fees
Currently the Village fees for EMS are equivalent to those charged by the local for-profit EMS—this on top of a tax levy. The Town of Ulysses feels a tax-supported EMS should not assess fees as high as for-profit EMS services while also levying a substantial tax for the same service. The Town of Ulysses feels the fees set forth in the appendix below for Medicare and Medicaid are more appropriate for what a municipal service should charge for each type of emergency service provided.
4) Fiscal responsibility and representation by way of a vote
As the EMS budget stands today, the Town of Ulysses pays the largest share of the EMS department operating costs but has no vote in the policies, budgeting, or fee schedule. With a shared service agreement, the Town and the Village can negotiate the terms so that the Town takes on equal or equitable responsibility for the costs and risks associated with operating an

EMS service and there is a mechanism for both municipalities to have a meaningful and formal role in setting policies, the budget and fees.

5) Lack of communication

An example: at the joint meeting on May 15, 2012, of the Town of Ulysses and the Village of Trumansburg, the Village stated that the coverage area in the Town of Covert has been expanded to the entire Town; however the Village did not provide the expected increase in the number of EMS calls, the distance of the coverage area, how this might affect the EMS budget in the future, nor whether the current ambulance/staff ratio will be able to handle the increased call volume, how the service will be affected, or include the projected response times. Repeated requests to the Village since the 5/15 meeting have not resulted in the any of this basic information being provided.

WHEREAS in order to resolve the discrepancies and move forward towards an agreement that will sustain the Trumansburg EMS department into the future, a real commitment to negotiations between the Town of Ulysses and the Village of Trumansburg is needed, meaning regularly scheduled meetings resulting in evidence of substantive progress. In order to ensure this, the Town Board of Ulysses feels it important to set milestones to complete negotiations.

THEREFORE, BE IT RESOLVED that the Town of Ulysses is considering only 2 options for Emergency medical service in 2013:

1) A municipal shared service agreement between the Village of Trumansburg and the Town of Ulysses with a single Town-wide contract with consistent policies and fees to be ready by 2014. If there is interest and a willingness on the part of the Village Board to work toward this end, the Town of Ulysses agrees to extend its current contract for EMS with the Village for 2013.

Or

2) Having no contract with the Village of Trumansburg for EMS and relying instead on the closest EMS provider. The ambulance service will not be subsidized by Ulysses tax funds and billing will then occur on a per use basis; and

FURTHER RESOLVED that to have faith in serious negotiations toward a shared service agreement, a subcommittee from the Town of Ulysses Board and the Village of Trumansburg Trustees will meet on a regular basis (at least monthly), until October 1, 2012 to find common ground and establish the basic agreements of the *Fee Schedule, Billing Policy, Collection Policy* and how the Town will have meaningful input into the budgeting and decision-making processes; and

FURTHER RESOLVED that an intermunicipal shared service requires a variety of complex negotiations on how to handle issues such as capital equipment and responsibility for personnel and management of the EMS department. These issues will be need to be resolved during the 2013 calendar year in time for a shared service agreement to be in place by 2014 and the Town of Ulysses agrees to work diligently with the Village toward this end; and

FURTHER RESOLVED that by October 1, 2012 the Town Board of Ulysses will assess the progress made, and if none, will consider that the Village of Trumansburg lacks serious interest in forming a shared service agreement by 2014 (option 1 above) and as such, the Town will not continue to contract with the Village of Trumansburg for ambulance and EMS services in 2013; and

FURTHER RESOLVED that the Town of Ulysses requests a response in writing from the Village of Trumansburg by July 11, 2012 of whether they have interest in pursuing a joint shared service agreement and if so, proposing a plan for meeting to proceed with the process.

APPENDIX

Charity Care Policy Comparison for EMS 2012

	BANGS	T-BURG
% FPG* to qualify for FREE service	>100% FPG	Not mentioned
% of FPG to qualify for some assistance	100-300%	<200%
Exclusions from eligibility determination	Primary residence, retirement savings, college savings, cars used by family	Not mentioned
Assets	Cannot exceed: $8,700 for individual $17,000 for family	Not mentioned. No indication of an appeals process
Documentation required	"i.e. copies of tax returns, pay stubs".	Assurance of no insurance coverage. Assurance of non-qualification for government insurance. Assurance of income and employment status to judge whether charity care is available.
Who determines need	A review committee	Not mentioned
Other	Must apply for financial assistance.	Limits payment to between 10-30% of total household income for low income patients. Extended payment plan.

Missing	Policy doesn't state how much assistance will be given, only states a portion will be written off. Policy does not mention high deductibles.	States charity care is not available to patients who are able to pay but doesn't specify what this means other than those making over 200% of the poverty guideline are eligible. No application mentioned. Does not state how much of a reduction will be given. Policy does not mention high deductibles or high co-pays.

Maximum Household Income for Service

	household size	1	2	3	4	5	6
Bangs - Free service	100% of FPG	$10,830	$14,570	$18,310	$22,050	$25,790	$29,530
T-Burg	200% of FPG	$21,660	$29,140	$36,620	$44,100	$51,580	$59,060
Bangs - reduced fees	300% of FPG	$32,490	$43,710	$54,930	$66,150	$77,370	$88,590

FPG-Federal poverty guideline

EMERGENCY MEDICAL SERVICE FEE COMPARISON (2012)

	Trumansburg Fee	Medicaid/ Medicare	Bang's
Basic life support (BLS) – non emergency	$500	$255.83	$536
BLS - emergency	$700	$409.33	$765
Advanced life support 1	$850	$307.00	$970

(ALS) Non-emergency			
ALS 1 Emergency	$950	$486.08	$970
ALS 2	$1050	$703.53	$1,018
Specialty care transport	$500	$831.44	$1,125
Paramedic intercept	$500	$415.57	$536
ALS assist – no transport	$850		$401
BLS and ALS mileage per loaded mile	$15	$7.06	$15.50

Resolution 80 - Resolution to State Requesting Permission to Regulate Docks, Moorings and Boathouses

Support for the Town of Ulysses Inclusion in the New York State Navigation Law

Whereas, the Town of Ulysses Comprehensive Plan (Sept 2009), outlined the need to "preserve and protect the Town's natural and environmental resources" and to "apply for legislative authority under section 46-a of the NYS Navigation Law", and to "enact zoning regulation to protect the Cayuga Lake waterfront'.

Whereas, the Town of Ulysses wishes to utilize its zoning powers to regulate boathouses, lifts, moorings and docks within its proposed revisited zoning law; and

Whereas, the Town is in the process of amending its zoning law; and

Whereas, the Town of Ulysses wishes to be included in the list of municipalities authorized to regulate boathouses, lifts, moorings and docks pursuant to Section 46-a of the New York State Navigation Law.

Now Therefore be it Resolved, the Town Board of the Town of Ulysses requests the inclusion of "the Town of Ulysses in the County of Tompkins" in Section 46-a of the NYS Navigation Law to authorize the Town of Ulysses to regulate boathouses, lifts, moorings, and docks pursuant to that section; and

Be it Further Resolved that this resolution of support be sent to New York State Assemblywoman Barbara Lifton and New York Senator Thomas O'Mara for their consideration.

SPECIAL TOWN BOARD MEETING JUNE 26, 2012

** Resolution 81 - Board of Zoning Appeals & Planning Board Attendance & Training Policy

WHEREAS, in order to implement, administer and enforce such zoning local law the Town Board is granted the authority by Sections 267 (2) and 271 (1) of Town Law to establish a Board of Zoning Appeals and Planning Board and may appoint residents of the town to serve as members on the boards, and

WHEREAS, under Section 267 (2) and (9) and 271 (1) and (9) the Town Board is authorized to establish minimum training and attendance standards for members of the Board of Zoning Appeals and Planning Board, and

WHEREAS effective January 1, 2007, a New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Board of Zoning Appeals Members, requires that a minimum of four hours of training be received by municipal planning and zoning board members each year, and

NOW THEREFORE, be it resolved that the Town Board of the Town of Ulysses adopts the following minimum training and attendance policy for the effective and efficient function of the Board of Zoning Appeals and Planning Board.

Attendance Policy

Members of the Board of Zoning Appeals are allowed to miss no more than 50% of the annual meetings. Members of the Planning Board are allowed three (3) unexcused absences and no more than six (6) absences per calendar year. If a member of either Board exceeds the number of allowed absences the Town Board may remove the member from the respective board in compliance with Sections 267(9) or 271(9) of Town Law.

Definitions

Unexcused – A board member is considered unexcused when said member fails to notify the chair of the board, or his/her designated representative prior to the scheduled meeting.

Training Policy

Board of Zoning Appeals and Planning Board: Within the first year of service, newly appointed members should attend a minimum of one (1) training seminar or conference on interpreting and enforcing zoning regulations in New York State and administering the State Environmental Quality Review Act (SEQR-Environmental Conservation Law).

All members are required to obtain at least four hours of training per year related to their board service by attending and completing educational courses, seminars, workshops, and the like, which have been approved by the Board Chairpersons or are listed under the Training Resources below. While a minimum of four hours is required, the Boards are encouraged to attend additional training. Completion of training will be reported to the Clerk of the Boards.

Members of the Board of Zoning Appeals and Planning Board will be reimbursed by the Town for registration fees and travel mileage for the required training sessions. Other expenses may be reimbursed. The chair of each board shall submit a notification of expenditure for training for approval by the Supervisor prior to the member attending a training session.

Training Resources

Association of Towns of NYS; Tompkins County Planning Department; Town of Ulysses Staff (including Attorney for the Town); New York Planning Federation; American Planning Association; NYS Department of Environmental Conservation; NYS Department of State; NYS Department of Agriculture and Markets; NYS Office of the State Comptroller; Pace University and Land Use Law Center.

REGULAR TOWN BOARD MEETIN JULY 7, 2012

**Resolution 82 – Agenda/Budget Modifications/ Claims/ Minutes

Ms. Marino moved, seconded by Ms. Thomas to approve the agenda. Unanimously approved.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the following 2012 Budget modifications:

A Fund

7310.1	Youth Programs PS	increase	$1030.00

Explanation – Represents a $900 United Way Focus Grant for Youth employment and $130 the Town youth program received from specially earmarked donations from the United Way for youth employment.

B Fund

9040.8	Worker's Comp.	Increase	1495.00
1990.4	Contingency	Decrease	1495.00

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 251 through 284 in the amount of $8,785.02.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Special Town Board Meeting of May 22, 2012, Public Hearing of

June 12, 2012, Regular Board Meeting of June 12, 2012, and the Special Town Board Meeting of June 26, 2012.

**Resolution 83 – Appointment of Barbara Bristol

BE IT RESOLVED that the Town Board of the Town of Ulysses rescind the appointment of Barbara Bristol to the Board of Zoning Appeals made in error on January 25, 2011 since her term had not expired.

**Resolution 84 – Black Diamond Trail – NYS Consolidated Funding Application

WHEREAS the Town of Ulysses Comprehensive Plan supports the development of the Black Diamond Trail for the purposes of recreation (pg. 64), transportation (pg. 118) and tourism (149); and

WHEREAS a proposal for grant funding from the New York State Department of State Local Waterfront Revitalization Program is being submitted cooperatively between the New York State Parks, Tompkins County, the Town of Ithaca, the City of Ithaca and the Town of Ulysses to complete construction of a segment of the Black Diamond Trail from Cass Park to Taughannock State Park, with a deadline of July 16, 2012; and

WHEREAS these funds will be used to fix or replace nearly 200 culverts, prepare the trail bed and surface the trail; and

WHEREAS the grant application for a total of $2.1 million requires a match of funding of which the Town of Ulysses share could be up to $10,000 coming from the assigned fund for Recreation in the General Fund, and also can be a contribution from in-kind work by the highway department in the form of replacing road crossing culverts; and

WHEREAS a further resolution will be required by the Town of Ulysses to become a final partner in the grant should it be awarded,

THEREFORE BE IT RESOLVED that the Ulysses Town Board approves participation by the Town in a NYS Consolidated Funding Application for funds through the New York State Department of State Local Waterfront Revitalization Program to complete a segment of the Black Diamond Trail.

**Resolution 85 – News Letter Information

BE IT RESOLVED that the Town Board of the Town of Ulysses approves to remove the phone numbers for the Planning Board and Board of Zoning Appeals except for the Chair of these Boards.

**Resolution 86 – Purchase Hot Water Heater

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the Supervisor to go forward with the purchase of a hot water heater if the quote comes in $1,000 or less.

**Resolution 87 – Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

WORKING SESSION JULY 24, 2012

**Resolution 88 – Vouchers

BE IT RESOLVED that the Town Board of the Town of Ulysses approves vouchers 285 through 287 in the amount of $1,412.00.

**Resolution 89 – Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into a closed session for discussion with the Attorney Geldenhuys.

REGULAR TOWN BOARD MEETING AUSGUST 14, 2012

**Resolution 90 – Agenda/Claims Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the agenda for the Regular Town Board meeting of August 14, 2012.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined voucher 288 through 339 in the amount of $107,131.68**.

**Note the total reflects additional bills paid that did not have voucher numbers such as Excellus BC/BS.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes as corrected for the Regular Town Board Meeting of July 10, 2012 and the Working Session of July 24, 2012.

**Resolution 91 – Land Purchase – for Seneca Road Bridge Project

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Attorney Geldenhuys to draft a purchase offer for .553 acres of Tax Parcel 11.-1-1 belonging to Robert Weatherby in the amount of $2,000 with closing costs up to $1,000.

FURTHER RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Marino to sign all associated documents to complete the purchase.

**Resolution 93 – Purchase Hot Water Heater

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the Supervisor to spend up to $1,500 to purchase an 8 gallon electric, on-demand hot water heater installed at the same location as the present hot water heater upstairs.

** Resolution 94 – Contract HSC Install Balancing Dampers

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the Supervisor to contract with HSC for $383 to install balancing dampers on the air-conditioning duct work throughout the Town Hall.

WORKING MEETING AUGUST 28, 2012

**No resolutions

REGULAR TOWN BOARD MEETING SEPTEMBER 11, 2012

**Resolution 95 - Agenda/Claims/Minutes/Corrected Minutes

BE IT approve that the Town Board of the Town of Ulysses approves the revised agenda dated 9/11/2012.

BE IT RESOLUED that the Town Board of the Town of Ulysses approves the previous examined voucher s 341 through 372 on the amount of $37,732.43.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes as corrected for the Regular Town Board meeting of August 14, 2012.

BE IT RESOLUED THAT THE Town Board of the Town of Ulysses approves the changes to the Regular Town Board meeting of July 10, 2012 under the Supervisor's report to read as follows:

"Recreational Partnership budget increase for 2013 is 2%, Ulysses cost will be $7592

**Resolution 96 - Community Foundation for Youth Employment

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to sign off on the grant to Community Foundation for Youth Employment.

**Resolution 97 - ZBA Appointment Carl Mann

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Carl Mann to serve on the Zoning Board of Appeals and his term will end December 31, 2015.

**Resolution 98 - Extension on Ag Land Protection Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marion to sign the necessary papers to file for an extension for December 31, 2012 of this grant.

**Resolution 99 - Local Law to Override Tax Cap

A LOCAL LAW 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, 2013 and ending December 31, 2013 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 2013 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.

**Resolution 100 - Public Hearing Date set for Local Law

BE IT RESOLVED that the Town Board of the Town of Ulysses hold a Public Hearing on October 9, 2012 at 6:30pm in the Town Hall 10 Elm. Street, Trumansburg, NY prior to their Regular Town Board meeting.

**Resolution 101 - Adjourn Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session for advice from their counsel on pending litigation.

**Resolution 102 - Broadband Grant Participation

AGREEMENT TO PARTNER IN PROJECT TO EXPAND RURAL BROADBAND
IN THE COMMUNITY VIA GRANT APPLICATION TO NYS

The Town Board of Ulysses, County of Tompkins, State of New York, on September 11, 2012 hereby makes the following resolution:

Whereas the Town of Ulysses recognizes that the development of Broadband infrastructure is

critically important to our community and,

Whereas, New York State is offering broadband grants to expand service to unserved and underserved communities, especially to public-private partnerships,

Therefore be it resolved that the Town of Ulysses wishes to partner with Clarity Connect, Inc. to apply for a grant for our community and

Further be it resolved that the Town of Ulysses as a part of its contribution to the project will:

(1) Waive all fees related to the implementation of the project

(2) Will bring electric service to each tower location, and

(3) Will help inform the public and promote where appropriate the service availability and

Further be it resolved that the Town of Ulysses will do everything practical to expedite zoning, rights of way and any other needs of the project.

**Resolution 103 - Approve Non-Elected Performance Review Form

BE IT RESOLVED that the Town Board of the Town of Ulysses distribute this form to all department heads and ask them to use this Ulysses Performance Review form to make recommendations to the Town Board for the basis for salary requests.

WORKING TOWN BOARD MEETING SEPTEMBER 25, 2012

**Resolution 104 – Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session to discuss personal matters.

WORKING TOWN BOARD MEETING 2013 BUDGET OCTOBER 3, 2012

**No Resolutions

PUBLIC HEARING OCTOBER 9, 2013 – LOCAL LAW 2 -2012 TAX LEVY LIMIT

REGULAR TOWN BOARD MEETING OCTOBER 9, 2012

**Resolution 105 – Agenda/Budget Modifications/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the revised agenda dated 10/8/2012.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the 2012 Budget Modifications as follows:

A Fund

A1920.4	Municipal Dues	increase	$	145.00
A1910.4	Unallocated Insurance	decrease	$	145.00

DA Fund

5140.1	Brush & Weeds PS	increase	$	800.00
5142.1	Snow Removal PS	decrease	$	800.00
9060.8	Medical Insurance	increase	$	10,188.00
5124.4	Snow Removal	decrease	$	10,188.00

DB Fund

9060	Medical Insurance	increase	$	6,446.00
5122	Highway Capital Imp.	decrease		

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers 373 through 413 in the amount of $77,606.23.

Minutes – tabled

**Resolution 106 – Local Law 2 – 2012 A Local Law 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, 2013 and ending December 31, 2013 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 2013 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.

**Resolution 107 – Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourns to Executive Session for discussion with the attorney.

SPECIAL TOWN BOARD MEETING OCTOBER 10, 2013

**No Resolutions – Presentation of Draft Lakeshore Zoning and Conservation Zone to TB

WORKING TOWN BOARD MEETING OCTOBER 12, 2012

**Resolution 108 – Tentative Budget to Preliminary Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses moves the Tentative budget dated October 9, 2012 to Preliminary Budget.

**Resolution 109 – Set Date for Public Hearing on 2013 Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses set a date of October 23, 2012 at 6:30 PM at the Town Hall 10 Elm Street, Trumansburg, NY for the Public Hearing on the Preliminary Budget.

PUBLIC HEARING OCTOBER 23, 2012 – 2013 BUDGET

TOWN BOARD WORKING MEETING OCTOBER 23, 2012

**No Resolutions

PUBLIC INFORMATIONAL MEETING OCTOBER 24, 2012 – LAKESHORE / CONSERVATION ZONE

**No Resolutions

SPECIAL TOWN BOARD MEETING OCTOBER 24, 2012

**Resolution 110 - REQUESTS FOR EMERGENCY MEDICAL SERVICES AND FIRE PROTECTION INFORMATION FROM THE VILLAGE OF TRUMANSBURG NEEDED TO EVALUATE CONTRACT DECISIONS FOR THE TOWN OF ULYSSES IN 2013.

WHEREAS: The Town of Ulysses believes it is important to provide quality Emergency Medical Services (EMS) services to all the residents within the Town at a reasonable cost; and

WHEREAS the Town feels it is in the best interest of all residents within the Town of Ulysses and the Village of Trumansburg both in terms of service provided and cost to taxpayers to have a shared-service agreement and single, Town-wide contract for EMS

services, and has provided a formal request to the Village to work collaboratively on this, and

WHEREAS accompanying documentation of the short and longer term advantages of such an agreement has been researched and shared with the Village (*http://www.ulysses.ny.us/council/EMS/ and http://ulysses.ny.us/pdf/EMS-ToU-resolution-6-12-2012.pdf*), and further,

The Village of Trumansburg has firmly and finally stated they are not willing to consider this collaborative option (7/11/2012 *http://ulysses.ny.us/pdf/EMS-Village-resolution-7-11-2012.pdf*), and has previously stated that the Village does not need the Town participation for support of the Village EMS department, and that the Village would not tie the ability of a municipality to contract for Fire Protection Service with a contract for EMS (8/29/11 *http://ulysses.ny.us/minutes-audio/EMS-2011-08-29.mp3)*; and

WHEREAS at the October 3, 2012 Fire and EMS budget meeting, the Village Board presented the Town of Ulysses with two proposed budgets for Fire and EMS coverage in 2013: 1) for Fire Protection ($162,300) with a separate contract for Emergency Medical Service ($223,471), with a total cost for both contracts: $385,771, and 2) for Fire Protection only ($162,300), with an added "surcharge" to the Fire Department (also called a "standby fee" in 10/3 budget documents) unilaterally imposed by the Village EMS Department for Emergency Medical Service ($192,748), with a total cost for a Fire Protection contract: $355,048; and

WHEREAS draft contracts or any other documentation outlining the specifics of the difference in what services would actually be provided in each of the two budget options were not provided to the Ulysses Town Board, and

WHEREAS the Town of Ulysses had never been made aware in all the years of participation in the Fire Protection District or during any of the many joint meetings, discussions and negotiations with the Village regarding changes to EMS associated with the Village creating a separate ambulance department that the Village would unilaterally impose a surcharge for EMS as part of a Fire Protection contract, contrary to the Village Board's prior commitment not to tie contracts for Fire Protection Services with contracts for EMS; and

WHEREAS the Town has not been provided adequate information on how the EMS surcharge for the Ulysses portion of the Fire Protection district contract was calculated and apportioned; and

WHEREAS it is the duty of the Town of Ulysses Board to both understand and communicate to Town residents the details of emergency response or any other provision of service that they enter into a contract for with taxpayer funds; and

WHEREAS the annual Town budget needs to include a tax levy to residents of Ulysses Fire Protection District (i.e. all residents of the Town outside the Village of

Trumansburg) to pay for the cost of a Fire Protection Services contract, and the 2013 Town of Ulysses Budget must by NYS law be adopted no later than November 20, 2012, with a public hearing held no later than November 8;

NOW, THEREFORE, BE IT RESOLVED and as such, the Town strenuously objects to the Village of Trumansburg unilaterally imposing a "surcharge" for EMS as part of a contract for providing fire protection service to the Town, at a total cost that is 92% of the quoted cost for a of separate contracts for the two services, thereby linking contracts for the two services, contrary to the Village's public commitment to the municipalities in the Fire Protection District not to do so; and

BE IT RESOLVED the Town of Ulysses hereby directs the Attorney for the Town to immediately request from the Attorney for the Village of Trumansburg contracts for each of the two options for Fire Protection offered by the Village of Trumansburg, as presented to the Town on 10/3/12 and outlined above: 1) A contract for Fire Protection Service and a separate EMS contract, and 2) A contract that ties Fire Protection Service and EMS together and imposes a surcharge for the latter; and that each of the contracts set forth, in detail, the services proposed to be provided by the Village of Trumansburg; the conditions governing provision of the proposed services; and any exclusions or waivers relating to such services**.**

The Town requests the two alternate contracts be provided to the Town Supervisor by Friday November 9th, in order for the Board to have time to consider the costs and services provided, to make a decision on a contract for 2013 and include the appropriate tax levy in the Town of Ulysses Fire Protection District Fund, and meet the 2013 budget adoption guidelines set by NYS.

BE IT FURTHER RESOLVED that the Town of Ulysses requests that the Village of Trumansburg Trustees and their attorney to work with the Town Supervisor, Deputy Supervisor, and Attorney for the Town to answer any questions necessary to clarify the language and intent of each of the Fire Protection Service contracts.

BE IT FURTHER RESOLVED that the Ulysses Town Board also respectfully requests that the Village of Trumansburg Board of Trustees work collaboratively and in good faith with them to provide, upon reasonable request and with justification, the information necessary to fully enable the governing Boards to make policy decisions in the best interests of all our residents, and to inform the public on how their money is being spent without the need for Freedom of Information Requests and associated delays and increased costs for staff and municipal attorney time.

REGULAR TOWN BOARD MEETING NOVEMBER 13, 2012

**Resolution 110 – Agenda/Budget Modifications/Claims/Minutes

Agenda

Ms. Marino moved, seconded by Ms. Thomas to approve the agenda with the addition of a presentation by Doug Austic, Town of Ulysses Water Distribution & Maintenance Operator. Unanimously approved.

Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following Budget Modifications for the 2012 Budget:

A Fund

A9055.8	Disability Insurance	increase	$350.00
A9040.8	Worker's Compensation	decrease	350.00

DA Fund

DA5140.1	Brush and Weed PS	increase	$3,000.00
DA5142.1	Snow Removal PS	decrease	3,000.00

DB Fund

DB5110.1	Highway Maintenance	increase	$10,000.00
DB 0599	Appropriated Fund Balance	increase	10,000.00

Claims

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previously examined vouchers 414 through 473 in the amount of $65,662.88.

Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board Meeting of August 28, 2012, September 25, 2012, October 3, 2012, and October 12, 2012; Regular Town Board Meeting of September 11, 2012 and October 9, 2012; Public Hearing of October 9, 2012 and October 23, 2012; Special Town Board Meeting of October 10, 2012.

FURTHER RESOLVED to table the minutes of the Working Town Board Meeting of October 23, 2012, Special Town Board Meeting of October 24, 2012 and the Public Information Meeting of October 24, 2012.

**Resolution 111 – Steps to follow EMS and Fire Issues

BE IT RESOLVED that the Town Board of the Town of Ulysses will proceed with the EMS and Fire Contract issue with the following steps:

- Attorney Geldenhuys will pursue getting the details of the two contracts from Village Attorney Brad Pinsky,
- Attorney Geldenhuys will speak with other attorneys that may be able to help the Town handle how to deal with having to sign a contract that they do not have the details for in order to get a service that the Town is required to provide,
- The Town will use the highest number of $385,771 provided by the Village for the combined Fire Protection and EMS contract for the 2013 Town Budget.
- Attorney Geldenhuys will look into the steps for a Municipal Certificate of Need (CON).

**Resolution 112 – Establishing Ad Hoc Committee for Lakeshore Zoning

BE IT RESOLVED that the Town Board of the Town of Ulysses create a working committee to research alternate options and language for the proposed Lakeshore Zoning based on input from the public and the Town Board members. This ad hoc committee will consist of:

- Don Smith
- Rebecca Schneider
- Rod Hawks
- Peter Fry
- Darby Kiley
- One representative from the Ulysses Lakeshore Association as chosen by the committee.

FURTHER RESOLVED that the ad hoc committee will set their own time to convene but will notify the Town Clerk in order to publish the meeting dates.

Mr. Kerness moved, seconded by Ms. Thomas to amend the resolution to replace one representative from the Ulysses Lakeshore Association with one additional lakeshore property owner.

**Resolution 113 – Ideal Self-storage Expansion Request

Whereas, the Town of Ulysses Zoning Law (Local Law #4 of 2007) Article III, Section 3.6 allows for re-zoning, where upon submission of preliminary materials to the Town, the Town Board decides if the proposed request merits further consideration, and the Town Board forwards the request to the Planning Board for their review and recommendations; and

Whereas, on October 9, 2012, the Town Board received a proposal for the expansion of a nonconforming use for I-Deal Self Storage, located at 4118 Rabbit Run Road, Tax Parcel Number 12.-3-21.2, R2 Moderate Density Residence District; and

Whereas, the property at 4118 Rabbit Run Road was in the Business District until the zoning updates in 2005; and

Whereas, the 2009 Comprehensive Plan Future Land Use Plan designates that area along Rabbit Run Road as "Natural Areas/Parkland"; and

Whereas, the properties across the street on Rabbit Run Road include existing single-family homes; and

Whereas, the property at 4118 Rabbit Run Road is separated from the Trumansburg Road B1-Business District by a steep bank on the rear property line:

RESOLVED that the Town Board of the Town of Ulysses does not find this proposal to merit further consideration for rezoning.

**Resolution 114 – Contract for Purchase Property Seneca Road Bridge

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Marino to sign the contract for the purchase of a portion of Tax Parcel 11.-1-1 for the amount of $2000;

FURTHER RESOLVED that the purchase offer will expire on December 15, 2012, with a closing date no later than January 31, 2013.

**Resolution 115 – 2013 Budget to Preliminary

BE IT RESOLVED that the Town Board of the Town of Ulysses adopts the 2013 Preliminary Budget as modified.

**Resolution 116 – Ulysses Youth Commission AT-large member Appointment

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Sharon Bilotta for the at-large member of the Ulysses Youth Commission.

SPECIAL TOWN BOARD MEETING – NOVEMBER 16, 2012

**Resolution 117 – Court Audit

BE IT RESOLVED that the Town Board of the Town of Ulysses on November 16, 2012, audited the Justice Court records for the calendar year 2011.

**Resolution 118 – Approval of Final Draft Agriculture and Farmland Protection Plan

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the November 16, 2012, copy of the Agriculture and Farmland Protection Plan with minor corrections as the Final Draft Copy to be forwarded to the Tompkins County Agriculture and Farmland Protection Board and to present to the public.

WORKING MEETING TOWN BOARD – NOVEMBER 27, 2012

**Resolution 119 – Minutes/Budget Modifications

Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of October 23, 2012, Special Town Board meeting of October 24, 2012 and the Public Informational meeting of October 24, 2012.

Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following Budget Modifications for the 2012 Budget:

A Fund

A7310.1	Youth Employment	increase	$	75.00
A1011.1	Admin Assistant PS	decrease	$	75.00
A1420.4	Attorney CE	increase	$	2,500.00
Transfer from Fund Balance "Assigned Legal"			$	2,500.00

**Resolution 120 – Ulysses Water Tower Monitor – Contract with Phoenix Sentry

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the quote from Phoenix Sentry for conversion to cellular communications, to monitor water levels at the Ulysses Water Tower at the quoted price of $8,594.00.

**Resolution 121 – Water Rate Increase for 2013

INCREASING WATER RATES CHARGED TO CONSUMERS OF WATER IN THE TOWN OF ULYSSES WATER DISTRICTS 3 AND 4.

WHEREAS The existing Water Service Agreement (2003) between the Town of Ithaca and the Town of Ulysses states that the Town of Ithaca has the right to increase the price of water supplied to Ulysses from time to time to reflect the increases of their source supply, and

WHEREAS under the existing Water Service Agreement, the Town of Ithaca is required to give the Town of Ulysses at least 45 day notice to allow proper notification of the increase, and

WHEREAS, The Town of Ithaca passed a resolution on October 15, 2012 notifying the Town of Ulysses of an increase in the water rate of $0.85 per thousand gallons effective January 1, 2013, to reflect the same rate increase for 2013 to the Town of Ithaca by Bolton Point, and

WHEREAS the Town of Ulysses and the Town of Ithaca amended the 2003 Water Service Agreement in December 2011 to establish a formula for sharing the cost of unaccounted for water loss in the Woolf Lane area of the Town of Ithaca, which was previously the full responsibility of Ulysses (Water District 3 & 4); and as such, the Town of Ulysses feels that passing on to WD 3 & 4 customers the entire $.85 rate increase may not be necessary to maintain an adequate revenue for water service from the Town of Ithaca; and

WHEREAS, the following table outlines the current and proposed water rates; and

	Current	Rate after 1/1/2013
Rate charged by Town of Ithaca to Town of Ulysses	$4.99	$5.84 ($0.85 increase)
Rate charge by the Town of Ulysses to Users in WD-3 & 4	$5.25	$6.00 ($0.75 increase)
Difference to account for leakage in system	$0.26	$0.16

WHEREAS according to Town of Ulysses Local Law #1 of 2003, a forty day notification of Water District 3 and 4 users is required prior to a rate increase;

THEREFORE, BE IT RESOLVED that the new water rate for Town of Ulysses Water Districts #3 and #4 is established starting in the first quarter billing of 2013 at a price of $6.00 per thousand gallons.

REGULAR TOWN BOARD MEETING DECEMBER 11, 2012

Resolution # 122 – Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following Budget Modifications for the 2012 Budget:

A Fund

A1420.4	Attorney CE	increase	$	8000.00
A1990.4	Contingency	decrease	$	3400.00
Transfer from Fund Balance "Assigned Legal"			$	4600.00

DA Fund

DA 5140.1	Brush & Weed PS	increase	$	1350.00
DA5142.1	Snow Removal PS	decrease	$	1350.00

DB Fund

DB9030	Social Security	increase	$	800.00
DB9040	Workers Compensation	decrease	$	641.00
DB9010	State Retirement Fund	decrease	$	159.00

Resolution #123 – Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher # 474 through 506 in the amount of $14,680.65.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of November 16, 2012, Special Town Board meeting of November 27, 2012 and the Regular Town Board meeting of November 13, 2012.

Resolution #124 –Support for T of Lansing joining TC Health Care Consortium

BE IT RESOLVED that the Town Board of the Town of Ulysses is in support of the Town of Lansing joining the Tompkins County Health Care Consortium.

Resolution # 125 – Recommends appointment of Thys VanCort to Ad Hoc Committee

BE IT RESOLVED that the Town Board of the Town of Ulysses recommends Thys VanCort to serve on the Ad Hoc Committee for Lakeshore Zoning review.

Resolution #126 – Rescind Resolution to Recommend appointment of Thys VanCort

BE IT RESOLVED that the Town Board of the Town of Ulysses rescind the previous resolution to recommend Mr. VanCort.

Resolution # 127 – Thys VanCort to Ad Hoc Committee – RESOLUTION FAILED

BE IT RESOLVED that the Town Board of the Town of Ulysses ask Thys VanCort to join the Ad Hoc Lakeshore Zoning Committee as the second lakeshore property owner, providing that he owns land in the lakeshore district.

Resolution #128 – Table re-applying to NYS for Dock Regulations

BE IT RESOLVED that the Town Board of the Town of Ulysses table the discussion to reapply to the State to regulate docks.

FURTRHER RESOLVED that this will be scheduled for discussion at the January 8, 2013 meeting.

Resolution #129 – Set Date for Public Hearing/Public Information Meeting for Ulysses Agriculture and Farmland Protection Plan

BE IT RESOLVED that the Town Board of the Town of Ulysses set the date of January 16, 2012 at 7:00 p.m. to hold a Public Informational meeting and Public Hearing on the final draft version of November 27, 2012 of the Ulysses Agriculture and Farmland Protection Plan.

Resolution # 130 – Emergency Radio Upgrades Purchase

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the purchase of 5 (five) portable hand held radios to comply with the Federal Governments requirement going into effect January 1, 2013, providing that the test of the portable radios prove successful with the Ulysses Highway Department and upon the approval of the Supervisor. The cost of the radios not to exceed $8800.

FURTHER RESOLVED that radios for the major trucks will be researched.

Resolution #131 – Requesting Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing

Requesting an Extension of Time for Review of the Revised Regulations

for High Volume Hydraulic Fracturing

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has filed a Notice of Continuation with the Department of State to extend the rulemaking process by 90 days in order to give New York State Commissioner of Health Dr. Nirav Shah time to complete his review of the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, and

WHEREAS, NYSDEC has established a 30-day public comment period on the revised draft regulations from December 12, 2012 through January 11, 2013, and

WHEREAS, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 - 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements, and

WHEREAS, Dr. Shah is providing a review, in consultation with outside experts, of whether NYSDEC has adequately addressed potential impacts to public health, but the DEC's pre-mature release of the proposed regulations with a mere 30-day comment period prohibits inclusion of the results of the independent review in the regulations that have been presented for public review, and

WHEREAS, many substantive comments on health issues were included among the thousands of public comments on NYSDEC's dSGEIS and it is unclear if the "outside experts" have been given sufficient time to consider these comments as part of their review, and

WHEREAS, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays, and

WHEREAS, but due to Open Meeting Law requirements for advance public notice of agendas and supporting materials, the 30-day comment period essentially eliminates or severely hinders the ability for county Boards of Health, municipal boards, and similar regulatory or advisory organizations to review the released documents and draft, approve, and issue comments.

NOW THEREFORE BE IT RESOLVED that:

1. The NYSDEC should extend the public comment period on the revised regulations to a minimum of 90 days, and

2. The NYSDEC should also allow public comment on the results of the independent review of potential public health impacts during the same 90-day period, and

3. No final decision whether to allow fracking in New York State should be made without full consideration of said public comment on the regulations, the health impact review, and the revised SGEIS as well. Also,

RESOLVED, that a certified copy of this resolution be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Health Commissioner Nirav Shah, New York State Association of Counties, New York State Association of Towns, New York State Association of State County Health Officials (NYASCHO), Tompkins County Board of Health, New York State Conference of Environmental Health Directors, Tompkins County Health Department, New York State Senator Thomas O'Mara, New York State Assemblywoman Barbara Lifton, EPA Region 2 Administrator Judith Enck, EPA Director Lisa Jackson, New York Senators Kirsten Gillibrand and Charles Schumer, New York State Congressman Thomas Reed.

SEQR ACTION: TYPE II

Resolution #132 – Adjourn to Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session to discuss a matter relevant to possible litigation.

SPECIAL TOWN BOARD MEETING DECEMBER 20, 2012

Resolution #133 – Adjourn to Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to executive session for advice from counsel.

Resolution #134 – Approval of Fire & EMS Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the contract for Fire and EMS for 2013 in the amount of $385,770.71 with the Village of Trumansburg with requests spelled out in the letter from the Attorney for the Town dated December 20, 2012.

Resolution #135 – Approval of Letter to Village's Attorney

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the letter Attorney Geldenhuys is writing to the Village's Attorney with the further edits as discussed.

Resolution #136 –Accepts Insurance proposal from NYMIR

RESOLVED that the Town of Ulysses accepts the insurance proposal dated 12/10/12 for general municipal insurance coverage beginning January 1, 2013 from NYMIR for a total $ 17,817.49

Resolution #137 – Authorization to Sign Fire & Ems Contract to Deputy Supervisor Thomas

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Deputy Supervisor Elizabeth Thomas to sign the contract for Fire and EMS for 2013.

Resolution #138 - Authorizes Councilman Romer to purchase five (5) portable radios

WHEREAS on January 1, 2013, new Federal Communications Commission regulations will be implemented governing public safety radio communication systems, including those used by the Ulysses Highway Department, and

WHEREAS this change, called "narrow banding", will create additional radio spectrum to support more users, and

WHEREAS not complying with these FCC rules leave the Town of Ulysses open to FCC enforcement action which may include monetary fines or loss of license and

WHEREAS having new 800 MHz radios would make the Town of Ulysses Highway Department able to communicate county wide with all fire, police, EMS, TCAT and most other highway departments within the county.

THEREFORE BE IT RESOLVED that the Town of Ulysses Town Board authorizes Councilman Romer to purchase five (5) portable radios that will be compatible with the Tompkins County emergency communication system and compliant with the new FCC rulings and

RESOLVED the total purchase shall not exceed $9,500.

Resolution #139 – Lakeshore Ad Hoc Committee

BE IT RESOLVED that the following resolution supersedes all other resolutions to create an ad hoc committee on Lakeshore Zoning and,

RESOLVED that the Town Board of the Town of Ulysses create a working committee to research alternate options and language for the proposed Lakeshore Zoning based on input received this fall from the public and Town Board members. This ad hoc committee will consist of

- Ulysses Planning Board Chair
- Rebecca Schneider
- Rod Hawks
- Peter Fry
- Darby Kiley

RESOLVED that the ad hoc committee will have two additional members appointed by the Town Board, with one from the Ulysses Lakeshore Association and one from the West Shore Homeowners Association, provided the Associations deliver the following information, originally requested December 11, 2012, by December 31, 2012.

- A list of their Association members
- The bylaws of the Association which include the criteria to become a member.

In the absence of the above bylaw and membership information, an additional lakeshore property owner will be appointed to the committee.

Resolution #140 – Request Extension of Drilling Regulation Comment Period

Ms. Thomas moved, seconded by Ms. Tyler the following:

Requesting an Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has filed a Notice of Continuation with the Department of State to extend the rulemaking process by 90 days in order to give New York State Commissioner of Health Dr. Nirav Shah time to complete his review of the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, and

WHEREAS, NYSDEC has established a 30-day public comment period on the revised draft regulations from December 12, 2012 through January 11, 2013, and

WHEREAS, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 - 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements, and

WHEREAS, Dr. Shah is providing a review, in consultation with outside experts, of whether NYSDEC has adequately addressed potential impacts to public health, but the DEC's pre-mature release of the proposed regulations with a mere 30-day comment period prohibits inclusion of the results of the independent review in the regulations that have been presented for public review, and

WHEREAS, many substantive comments on health issues were included among the thousands of public comments on NYSDEC's dSGEIS and it is unclear if the "outside experts" have been given sufficient time to consider these comments as part of their review, and

WHEREAS, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays, and

WHEREAS, but due to Open Meeting Law requirements for advance public notice of agendas and supporting materials, the 30-day comment period essentially eliminates or severely hinders the ability for county Boards of Health, municipal boards, and similar regulatory or advisory organizations to review the released documents and draft, approve, and issue comments.

NOW THEREFORE BE IT RESOLVED that:

1. The NYSDEC should extend the public comment period on the revised regulations to a minimum of 90 days, and

2. The NYSDEC should also allow public comment on the results of the independent review of potential public health impacts during the same 90-day period, and

3. No final decision whether to allow fracking in New York State should be made without full consideration of said public comment on the regulations, the health impact review, and the revised SGEIS as well. Also,

RESOLVED, that a certified copy of this resolution be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Health Commissioner Nirav Shah, New York State Association of Counties, New York State Association of Towns, New York State Association of State County Health Officials (NYASCHO), Tompkins County Board of Health, New York State Conference of Environmental Health Directors, Tompkins County Health Department, New York State Senator Thomas O'Mara, New York State Assemblywoman Barbara Lifton, EPA Region 2 Administrator Judith Enck, EPA Director Lisa Jackson, New York Senators Kirsten Gillibrand and Charles Schumer, New York State Congressman Thomas Reed.

SEQR ACTION: TYPE II

Ms. Marino	aye
Ms. Thomas	aye
Ms. Tyler	aye
Mr. Romer	aye

Adopted

INDEX OF 2013 **RESOLUTIONS

Contents

INDEX OF 2013 **RESOLUTIONS 1

January 3, 2013 – Organizational Meeting 9

**Resolution #1- Monthly Board Meetings 9

**Resolution # 2 – Procedure for Review and Audit of Claims 9

**Resolution #3 – Designated News Media 11

**Resolution #4 – Distribution of Minutes 11

**Resolution #5 – Mileage Reimbursement 11

**Resolution #6 – Town Clerk's Petty Cash 12

**Resolution #7 – Crime Coverage 12

**Resolution #8 – Annual Financial Report Filing 12

**Resolution #9 – Designated Depository 12

**Resolution # 10 – Annual Department Audit by Town Board 13

**Resolution # 11 – Town Procurement Policy 13

**Resolution #12 – Appoint Town Bookkeeper (adopted1/22/2013) 13

**Resolution #13 – Appoint Deputy Supervisors (adopted 1/22/2013) 13

**Resolution #14 – Appoint Deputy Town Clerk 13

**Resolution #15 – Appoint Deputy Highway Superintendent 14

**Resolution #16 – Appoint Court Clerk 14

**Resolution #17 – Appoint Water Superintendent 14

**Resolution #18 – Payroll Periods 14

**Resolution #19 – Pay Rates 15

**Resolution #20 – Submitting Time Carss (amended 2/8/2013) 16

**Resolution #21A – Supervisor Appointments (adopted 1/22/2013) 18

**Resolution # 21B – Town Board Appointments (amended 1/22/2013) 18

**Resolution #22 – Planning Board / Zoning Board Appointments 19

**Resolution #23 – Appoint Town Attorney 20
**Resolution #24 – Cleaning Contract 20
**Resolution #25 A – Town Hall Maintenance 20
**Resolution # 25B – 20
**Resolution #26 – Adding to Agenda 20
**Resolution #27 – ADA 21
**Resolution #28 – **Resolution/Motion Index 21
**Resolution #29 – Prohibition Against Gifts by Municipalities 21
**Resolution #30 –Organizational **Resolutions - amendment 21
**Resolution #31 – Authorizing Highway Superintendent to enter into Shared Service Agreements 21
JANUARY 8, 2013 – REGULAR TOWN BOARD MEETING 22
**Resolution #32 – Agenda/Claims/Minutes 22
**Resolution # 33 – Comment Period for Ag & Farmland Plan 22
**Resolution #34 – Ad Hoc Zoning Committee – appointment Don Wilson 22
**Resolution #35 – Drilling Regulation Comments 22
**Resolution #36 - Remove Chairman PB from Ad Hoc Committee 38
**Resolution #37 - Ad Hoc Committee Members 38
**Resolution #38 – Personnel Policy Amended 39
January 16, 2013 Public Informational Meeting – Lakeshore & Conservation Zone 39
No. **Resolutions 39
January 16, 2013 Public Hearing on Lakeshore & Conservation Zone 39
No **Resolutions 39
January 22, 2013 Town Board Working Meeting 39
**Resolution #39 – Budget Modifications 39
**Resolution #40 Appointment to TC Recreation Partnership 40
**Resolution #41 Appointment of Delegate to Annual Association meeting 40
**Resolution #42 Revisions for Standards & Details for Water Facilities (note later rescinded) 40
**Resolution #43 Renewal of Contract Soil & Water Conservation District 40
**Resolution #44 Organization Meeting **Resolutions 41
**Resolution# 45 Rescinds **Resolution for Standards Specifications and Details for Water Facilities 43

**Resolution# 46 Approval to Hire Project Assistant 43
February 11, 2013 Regular Town Board Meeting 43
**Resolution #47 Agenda/Vouchers/Budget Modifications/Minutes 43
**Resolution #48 Appreciation to Sue Poelvoorde 44
**Resolution #49 Adjournment to Closed Session 44
**Resolution # 50 Organizational **Resolution # 2013-20 44
**Resolution #51 Order for Public Hearing on Establishment of Ambulance District 45
February 26, 2013 – Public Hearing on Proposed Ulysses Ambulance District 46
No **Resolutions 46
February 26, 2013 – Town Board Working Meeting 46
**Resolution #52 SEQR Agriculture & Farmland Protection Plan 46
**Resolution #53 Adopting Ulysses Agriculture and Farmland Protection Plan 47
**Resolution #53 Adopting Ulysses Agriculture and Farmland Protection Plan 48
**Resolution #54 Accept Proposal from Black Locust Initiative 50
**Resolution #55 Contract with Public Sector HR to Revise Personnel Policy 50
**Resolution #56 Senior Citizen & Disabled Persons Tax Exemption 50
**Resolution # 57 Local Government Records Management Improvement Fund – Terminate Seizure of Funds 51
**Resolution # 58 Agreement to Participate In Shared Service Grant with Tompkins County 52
**Resolution# 59 Undertaking for Benefit of the NYSDOT in Connection With Work on State Highways 52
March 12, 2013 Regular Town Board Meeting 53
**Resolution # 60 Agenda/Vouchers/Minutes 53
**Resolution #61 Resignation of Don Smith / Appointment of David Kerness Ad Hoc Committee 53
**Resolution #62 Establishment of Ambulance District After Public Hearing 53
**Resolution #63 - Approving Contract with Habitat for Humanity for NYS Small Cities CDBG Funds 54
**Resolution # 64 Letter of Support Cayuga Lake Triathlon 55
**Resolution #65 Establishing Committee to Work with Public Sector HR on Personnel Policy 56
March 26, 2013 Working Town Board 56
**Resolution #66 Review and Revise Proposals from Tri County & Alarm Tech 56
**Resolution #67 Minutes 56

**Resolution #68 Accepts Quote from Aqua Logics Systems to Convert Water District Monitoring System 56
**Resolution #69 Modify Budget for Aqua Logics Payment of $9,275.00 57
**Resolution #70 Internal Audit 57
**Resolution #71 Executive Session 57
April 9, 2013 Regular Town Board Meeting 57
**Resolution #72 Agenda/Claims/Minutes 57
**Resolution # 73 Adopting Agricultural Assessments on Agricultural Land for Purpose of Calculating Benefit Assessments or Special Ad Valorem Levies for the Town of Ulysses Fire Protection District 58
**Resolution # 74 Agricultural Assessment on Agricultural Land for Purposes of Calculating Benefit Assessment or Special Ad Valorem Levies for the Town of Ulysses Ambulance District 58
**Resolution #75 Supporting Highway Superintendent Letter to TC Highway Department 59
**Resolution # 76 Executive Session 59
**Resolution # 77 Compensation to Supervisor for Acting as Budget Officer 60
**Resolution #78 Modify 2013 Budget to Separately Compensate Supervisor Who Acts as Budget Officer 61
APRIL 29, 2013 SPECIAL TOWN BOARD MEETING 61
**No **Resolutions 61
APRIL 30, 2013 TOWN BOARD WORKING MEETING 61
**Resolution # 79 Agenda/Minutes 62
**Resolution #80 Supervisor Appointment Elizabeth Thomas 62
**Resolution #81 Town Board Appointment Nancy Zahler 62
**Resolution #82 Chamber of Commerce Signs 63
**Resolution #83 Use of Town Vehicles 64
**Resolution #84 Surplus Equipment 64
**Resolution #85 Adding Signature to Checks 64
**Resolution #86 Purchasing Municipal Equipment 65
**Resolution #87 Executive Session 65
MAY 14, 2013 REGULAR TOWN BOARD MEETING 65
**Resolution #88 Agenda/Claims/Minutes 65
**Resolution #89 Surplus Equipment 65

**Resolution #90 Urging New York State to Declare Invalid the RDSGEIS for High Volume Horizontal Hydraulic Fracturing 66
**Resolution #91 New Liaison Positions 67
**Resolution#92 Executive Session 68
TOWN BOARD WORKING MEETING MAY 28, 2013 69
****Resolution#93 – Retain Whiteman, Osterman & Hanna LLP 69
****Resolution#94 – Village Police Contract 69
****Resolution#95 – Mainstay Contract 69
****Resolution#96 – Natural Gas – Hazardous Wastes 69
****Resolution#97 - Natural Gas – Health Impact Study **Resolution 70
****Resolution#98 - Executive Session 71
REGULAR TOWN BOARD MEETING JUNE 11, 2013 71
****Resolution#99 – Agenda, Claims and Minutes 71
****Resolution#100 – Speed Limit Reduction Searsburg Road 71
****Resolution#101 – Budget Modifications 71
****Resolution#102 – Appointment of Historian/Deputy Historian 72
****Resolution#103 – Appoint Alternate Board of Directors Health Consortium 72
****Resolution#104 – Exemption to Sell Wine at Taughannock Park Concerts 72
****Resolution#105 – Executive Session 72
TOWN BOARD WORKING MEETING JUNE 25, 2013 72
****Resolution#106 – Agenda / Minutes 72
****Resolution#107 – Open Space **Resolution 73
****Resolution#108 – Amicus Brief 73
REGULAR TOWN BOARD MEETING JULY 9, 2013 74
****Resolution# 109 – Adopting Agenda/Claims/Minutes 74
****Resolution# 110 – Authorization for the Town Clerk to Enter into a 5-year Agreement with Tompkins County for the Tompkins Shared Services Electronic Records Repository 74
****Resolution #111 -Support for the Tompkins County Clerk's Application for Funding from the New York State Consolidated Funding Application for Shared Services under the Local Government Efficiency Grant 75
****Resolution#112 – Allow Privilege of the Floor at the July 11, 2013 Special Town Board Meeting 76
SPECIAL TOWN BOARD MEETING JULY 11, 2013 76

Review of Lakeshore Zoning – can be heard on the audial on the web 76
TOWN BOARD WORKING MEETING JULY 23, 2013 76
****Resolution#113 – Approval of Agenda/Minutes/Claims 76
****Resolution#114 – Amended **Resolution Of The Ulysses Town Board Approving Contract With Habitat For Humanity For NYS Small Cities CDBG Funds 76
****Resolution#115 - **Resolution Regarding PSC Case No. 12-E-0577, Supporting The Up-Grading Transmission Lines And Rejecting The Conversion An Electricity Generating Plant To Natural Gas 77
****Resolution# 116 – Approval to Certify the Secretary of State as a Receiver of Notice of Claims 80
**Reolution#117 – Support Falls Road Route for Village Water Line 81
****Resolution#118 – Contribution to the Outreach Group Hydrilla Task Force 81
****Resolution#119 – Executive Session 81
****Resolution# 120 – Deputy Clerk Pay 81
****Resolution#121 – Reduction of Elected Officials Salary for 2014 82
REGULAR TOWN BOARD MEETING AUGUST 20, 2013 82
****Resolution#122 – Agenda/Claims/Minutes 82
****Resolution#123 – Budget Modifications 82
****Resolution# 124 – Appointment Youth Committee Member – Andrea Murray 83
****Resolution# 125 – Appointment to Planning Board – Brian Cutler 83
****Resolution# 126 – Broad Band Contribution 83
TOWN BOARD WORKING MEETING AUGUST 27, 2013 84
****Resolution# 127 - Agenda 84
****Resolution# 128 – Setting Public Hearing for Local Law #1 2013 84
****Resolution#129 – Set Public Informational Meeting – non-conforming 86
REGLAR TOWN BOARD MEETING SEPTEMBER 10, 2013 86
****Resolution#130 – Agenda/Claims/Minutes 86
****Resolution# 131 – SEQR Local Law #1 86
*****Resolution#132 – Adopting Local Law# 2 2013 Development District 11 Rezoned to A1 87
****Resolution#133 –Set Public Hearing for Local Law #2 Non-Conformance 89
****Resolution#134 – Set Public Hearing for Local Law #3 Tax Cap Override 90
****Resolution#135 – Authorizing Court to Apply for Grant 90
****Resolution#136 – Closed Session 90

PUBLIC HEARING SEPTEMBER 10, 2013 90
*** Local Law to amend Article XVI of the Zoning Law to change Development District #11 (the Miniature Golf Course) to A1-Agricultural District. 90
PUBLIC INFORMATION MEETING SEPTEMB 10, 2013 90
***Information on - Zoning Law Article XX – Non-Conformance 90
WORKING TOWN BOARD MEETING SEPTEMBER 24, 2013 90
**Rersolution#137 – Approval of Agenda // Minutes 90
***Resolution#138 – Executive Session 91
PUBLIC HEARINGS ON PROPOSED LOCAL LAW #2 - #3 SEPTEMBER 25, 2013 91
***Local Law #2 – Tax Override Local Law #3- Non-Conformance Language 91
REGULAR TOWN BOARD MEETING OCTOBER 8, 2013 91
***Resolution#139 – Agenda/Claims/Minutes 91
***Resolution#140 – Budget Modifications 2013 91
***Resolution#141 – Local Law#2 – Tax Cap Override 91
***Resolution# 143 - Set Public Hearing on Proposed Local Law #3 – Non-Conformance 93
***Resolution# 144 – Yard Requirements Conservation Zone 93
***Resolution#145 – Support for Jacksonville Church 93
WORKING TOWN BOARD MEETINGS OCTOBER 10. 2013 / OCTOBER 15, 2013 93
***Reviewing Tentative 2014 Budget 93
WORKING TOWN BOARD MEETING OCTOBER 22, 2013 94
***Resolution#146 – Approval of Agenda 94
***Resolution#147 – Budget 2014 Health Insurance 94
***Resolution#148 – Adoption of Tentative Budget to Preliminary Budget 2014 94
PUBLIC HEARING OCTOBER 22, 2013 94
**Proposed Zoning LL #3 – amend Article XX – Non Conformance 94
PUBLIC HEARING OCTOBER 30, 2013 94
***2014 Preliminary Budget 94
REGULAR TOWN BOARD MEETING NOVEMBER 12, 2013 94
***Resolution#149 –Agenda/Claims/Minutes 94
***Resolution#150 – Budget Modifications 94
REGULAR TOWN BOARD MEETING NOVEMBER 12, 2013 95
***Resolution# 148 – Agenda/Claims/Minutes 95

***Resolution# 149 – Budget Modifications 95

To budget for Town Historian training out of communication line, which has spent only about 58% of its Budget YTD 96

***Resolution #150 – Non-Conformance SEQR 96

***Resolution#151 – 2014 Budget Adoption 96

***Resolution #152 – Change in Rules and Procedures 96

***Resolution #153 –Waive Rules and Procedures 96

***Resolutions #154 – Contract with E-Code 96

SPECIAL TOWN BOARD MEETING NOVEMBER 18, 2013 97

***Resolution# 155 – Modified Agenda 97

***Resolution# 156 – Setting Public Hearing date for December 2, 2013 – Revised Zoning Law 97

PUBLIC INFORMASTIONSL MEETING ON ZONING LAW – NOVEMBER 18, 2013 98

SPECIAL TOWN BOARD MEETIMNG – NOVEMNER 25, 2013 98

***Resolution# 157 –Policies AND Procedures 98

***Resolution #158 –Appoint Records Access Officer 98

***Resolution#159 – Adding Privilege of Floor to Agenda 99

WORKING TOWN BOASRD MEETING – NOVEMBER 26, 2013 99

***Resolution#160 Agenda/Minutes 99

***Resolution#161 – Appointment of Deputy Supervisor 100

***Resolution#162- Declaring Surplus Equipment 100

***Resolution#163 – Changing Date of December Working Meeting 101

***Resolution#164 - REQUEST TO EXTEND THE DEC COMMENT PERIOD ON LIQUIFIED NATURAL GAS

STORAGE

101

***Resolution#165 – Contract for Interim Attorney 102

***Resolution#166 – Supporting TC Transfer of Property 102

***Resolution#167 –Accepting Language of Fire Agreement sand Ambulance Agreement 102

***Resolution#168 – Setting Public Hearing Fire and Ambulance Agreement 103

PUBLIC HEARING DECEMBER 2, 2013 103

No Resolutions 103

REGULAR TOWN BOARD MEETING DECEMBER 10, 2013 103
***Resolution#169 – Agenda/Claims/Minutes 103
***Resolution#170 – Budget Modifications 103
**Resolution#171 - Engineering Contract Water #3 104
***Resolution#172 – Park Foundation Grant 104
***Resolution#173 – Appointment EMC Representative 105
***Resolution#174 – Set Date for 2014 Organizational Meeting 105
WORKING TOWN BOARD MEETING DECEMBER 17, 2013 105
***Resolution#175 – Agenda 105
***Resolution#176 – SEQR Determination Local Law #3 105
***Resolution#177 – Adoption of Local Law #3 – Zoning Amendment Law 106
***Resolution#178 - Fire Protection Services 109
***Resolution#179 – Ambulance Service 2014 110
***Resolution180 – Appointment of Alternate Records Access Officer 111

January 3, 2013 – Organizational Meeting

**Resolution #1- Monthly Board Meetings

BE IT RESOLVED**,** the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:00 p.m. at the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. A monthly working meeting will be held on the 4th Tuesday of each month at 7:00 p.m.

**Resolution # 2 – Procedure for Review and Audit of Claims

BE IT RESOLVED**,** the Town Board will use the following procedure for review and audit of the monthly claims before presentation for Board approval at the Regular Monthly Meeting of the Ulysses Town Board:

1. Invoices are received in the Town Clerk's Office, through the mail, electronically, or personally delivered.

2. Town Clerk obtains approval of the expense, which is evidenced on the invoice with the initials or signature of the department head or person who gave rise to the claim. The Town Clerk or the department head also indicates on the invoice the general ledger account that should be charged for the expense and checks to see that each invoice is properly itemized, mathematically accurate, and contains sufficient detail to ensure that the Board members auditing the claim can determine whether the proposed payment is proper and just.

3. Town Clerk gives invoices to the Bookkeeper who inputs the invoices into the accounting software and produces a listing of all vouchers (Abstract of Vouchers) for Town Board approval at the Regular Monthly meeting. The Bookkeeper keeps an updated file of claims to be audited before the meeting, which the Town Board members can access. All claims to be submitted for approval by Board vote at the Regular Meeting shall if at all possible be processed and in the file of claims by the end of the day on the Monday before the Regular Meeting.

4. In addition to the Supervisor, a sub-committee of 2 Town Board members will audit the vouchers on behalf of the full Board. Any other Town Board members who wish to audit the claims are welcome to do so as well. The sub-committee will rotate membership every 6 months (January to June, July to December) as appointed by the Supervisor. Each sub-committee member will initial each invoice after review is complete. Any questions should be brought to the attention of the Town Supervisor or Bookkeeper.

5. Audit by the Town Board does not have to happen all at once. Invoices will be entered throughout the month and can be approved periodically throughout the month. All claims shall be audited as in (4) above by 5 p.m. on the day of the Regular Board meeting.

6. The Bookkeeper produces a final Abstract of Vouchers the day of the Town Board meeting, after audit of claims is completed. The Town Clerk will review the Abstract of Vouchers for accuracy against the claims, and initial it as such before presentation to the Town Board at the Regular meeting.

7. After Town Board votes to approve payment of the claims, the Town Clerk signs the Abstract of Vouchers and the Bookkeeper cuts checks.

8. Supervisor signs checks.

9. Invoices are then filed by vendor, most recent payment in front of the file.

All claims must be approved for payment by the Town Board except for: (1) fixed salaries or compensation for services of offices or employees regularly engaged at agreed wages by the hour, day, week, or year; (2) principal or interest on indebtedness; (3) amounts becoming due on lawful contracts for periods exceeding one year; (4) certain

welfare payments (Town Law 125 & Social Services Law 86); (5) payments made pursuant to a court order; (6) mandatory payments to the State Comptroller for retirement.

FURTHER RESOLVED that the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage, and approved contractual agreements which if delayed may result in loss of discounts, the accrual of service charges, or cancellation of service. All such claims shall be presented at the next regular meeting, as per Town Law section 118.

****Resolution #3 – Designated News Media**

BE IT RESOLVED the designated news media is advised of the foregoing schedule and meeting notices will be posted, in accordance with the Open Meetings Law, on the Town Clerk's bulletin board and the Town Website.

FURTHER RESOLVED the Ithaca Journal, a newspaper regularly published and having general circulation in the Town, is hereby designated as the official newspaper of Town of Ulysses.

****Resolution #4 – Distribution of Minutes**

BE IT RESOLVED**,** copies of the official minutes of the Town Board, prepared and distributed by the Town Clerk, shall be distributed electronically unless otherwise requested to each Town Board member, Town Justices, Highway Superintendent, Building Inspector/Code Enforcement Officer, Environmental Planner/Zoning Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Town Clerk's Bulletin Board and on the Town of Ulysses Website within 4 days of approval by the Town Board. In accordance with the Open Meetings Law, draft meeting minutes, clearly labeled with the date and "DRAFT, not yet approved" will be available through the Town Clerk's Office, but not available on the web site, and distributed to Town Board members for review within 14 days of the date of the meeting.

****Resolution #5 – Mileage Reimbursement**

BE IT RESOLVED mileage at a rate of $0.565 cents per mile shall be paid to Town Officials and employees for use of their personal vehicles for Town Business and that such mileage shall be reported on the form provided by the Town Clerk.

**Resolution #6 – Town Clerk's Petty Cash

BE IT RESOLVED that the Town Clerk's petty cash fund of $150 is extended for the year 2013.

**Resolution #7 – Crime Coverage

BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved:

Money inside premises $100,000 ($1,000 deductible)
Money outside premises $100,000 ($1,000 deductible)
Forgery and alteration $100,000 ($1,000 deductible)
Employee Theft - Per Loss $50,000 ($2,500 deductible)
Excess Coverage:
Deputy Supervisor $650,000
Supervisor $650,000
Tax Collector/Town Clerk $650,000
Includes Faithful Performance - Total Premium 2013 - $1,068.10

**Resolution #8 – Annual Financial Report Filing

BE IT RESOLVED in lieu of the annual financial report required by Town Law Section 29(10), the Supervisor is hereby authorized to submit to the Town Clerk, within 60 days after the close of the fiscal year, a copy of his/her annual report to the State Comptroller, and that the Town Clerk shall cause a summary thereof to be published in accordance with the law (Town Law Section 29(10-a)). If the time for filing the annual report is extended 60 days by the State Comptroller, the Supervisor's time for filing a copy of the report with the Town Clerk is extended for a like period.

**Resolution #9 – Designated Depository

BE IT RESOLVED the Tompkins Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks and institutions as outlined in the Towns investment policy. The Town investment policy shall be reviewed and approved by the Town Board during the year and revised as necessary.

**Resolution # 10 – Annual Department Audit by Town Board

BE IT RESOLVED that the Town Board of the Town of Ulysses will do the Annual Audit of the books for each department on Friday, February 8, 2013 at 8:30am

**Resolution # 11 – Town Procurement Policy

BE IT RESOLVED that the Town Procurement policy as adopted on November 17, 2010 is the ruling document for purchases. The Town Clerk will direct all department heads and Town Board members to review the Procurement Policy on the internal side of the Town website at http://ulysses.ny.us/pages/intranet/.

**Resolution #12 – Appoint Town Bookkeeper (adopted1/22/2013)

BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual budgeted salary as set by the Town Board. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

**Resolution #13 – Appoint Deputy Supervisors (adopted 1/22/2013)

BE IT RESOLVED that the Town Board has established the Office of first Deputy Supervisor and second Deputy Supervisor in 2012. The first Deputy Supervisor acts for and in place of the Supervisor in her/his absence. The annual budgeted salary of the first Deputy Supervisor and the second Deputy Supervisor is set by the Town Board. In accordance with Town Law, the Supervisor appoints Elizabeth Thomas as the first Deputy Supervisors. The position of the second Deputy Supervisor is left vacant.

**Resolution #14 – Appoint Deputy Town Clerk

BE IT RESOLVED that the Town Board has established the Office of Deputy Town Clerk, to continue in 2013 at an annual budgeted salary as set by the Town Board.

FURTHER RESOLVED Further resolved that the responsibilities of this office are to assist the Town Clerk in carrying out the administrative responsibilities of the office including those related to records management and tax collection, and to act for and in place of the Clerk during her / his absence. Details of the Deputy Clerk job description are set and revised by **Resolution of the Town Board and are outlined in Section I (Elected Officials and their Appointments) of the Town Manual of Position Descriptions. In accordance with Town Law, the Town Clerk appoints the Deputy Town Clerk. The Town Clerk appoints Patricia Halloran as Deputy Town Clerk for 2013.

**Resolution #15 – Appoint Deputy Highway Superintendent

BE IT RESOLVED that the Town Board has established the office of Deputy Highway Superintendent, to continue in 2013. The Deputy Highway Superintendent acts for and in place of the Highway Superintendent in her/his absence. In accordance with Town Law, the Highway Superintendent appoints the Deputy Highway Superintendent. The Highway Superintendent shall appoint David Reynolds as Deputy Highway Superintendent.

**Resolution #16 – Appoint Court Clerk

BE IT RESOLVED that the Town Justices are authorized to employ the services of a Court Clerk to assist in the administration and bookkeeping, at the 2013 budgeted salary as set by the Town Board. If the Town Justices find it necessary to employ more than one Clerk, the total salary paid shall not exceed the annual budgeted amount for Court Clerk. The Town Justices shall appoint Michelle Townley as Court Clerk for 2013.

**Resolution #17 – Appoint Water Superintendent

BE IT RESOLVED that the Town Board has established the position of Water Distribution and Maintenance Operator, to supervise and carry out all of the activities necessary for the day-to-day operation and maintenance of the Town's Special Improvement Water Districts, as outlined in the Town Manual of Position Descriptions (Section II, Employees and Appointments by the Town Board). The Town Board appoints Doug Austic as Water Superintendent with a salary as set by the Town Board for the 2013 calendar year.

**Resolution #18 – Payroll Periods

BE IT RESOLVED the Town Board hereby establishes the following payroll periods:

Bi-weekly: Highway Superintendent, Town Clerk, Justices, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Supervisor, Highway Department Staff, Bookkeeper, Code Enforcement Officer, Zoning Officer, Planning and Zoning Staff, Court Clerk, Temporary student and other employees, part-time Clerical, Administrative, and Support staff, Water Department staff

Monthly: Councilpersons, Supervisor

Annually: Historian

Voucher: contractual workers and all others not listed above

****Resolution #19 – Pay Rates**

BE IT RESOLVED that the Town Board hereby establishes the following pay rates for employees and elected officials in 2013. If necessary to appoint a new employee or replace an elected official during the year of 2013, the Town Board will establish a salary commensurate with the experience and availability of funds:

Position	2013 Budgeted Appropriation	hourly rate if applicable
Supervisor	$15,608	
Deputy Supervisor	$25,557	$22.44/hr.
Town Board Administrative Assistant	$10,000	$22.44/hr.
Bookkeeper	$18,774	
Councilperson	$4,116.72	
Town Clerk	$60,175	
Deputy Town Clerk	$30,500	
Town Justice	$15,955 each	
Court Clerk	$33,192	
Enforcement Officer for Building Code	$29,869	
Deputy Enforcement Officer	$10,400	$18.80
Zoning Officer	$26,780	
Planner	$26,780	
Planning and Zoning Clerk	$6,120	$16,39

Highway Superintendent	$58,429	
Deputy Highway Superintendent	multiple budget lines	$21.27
Highway Machine Equipment Operators Laborer	multiple budget lines multiple budget lines	$16.63 - $19.68 $13.04
Water Distribution & Maintenance Operator	$15,085	
Water District Laborer	$4,426	$18.80
Historian	$1,530	

****Resolution #20 – Submitting Time Carss (amended 2/8/2013)**

BE IT RESOLVED all hourly employees shall turn in a Town of Ulysses time card by the end of the last day of the pay period. Salaried employees shall report time used for vacation, sick time, holiday or other time off on a Town of Ulysses time card to maintain accurate records of benefit time used. No pay will be issued without a time card that has been signed by the employee and employee's supervisor and submitted to the Bookkeeper. If the employee is submitting electronically to the Bookkeeper, the Department Head / Employee Supervisor must give electronic approval as part of the time card submission. Salaried and hourly employees (non-elected) should use this time card to submit sick, vacation, holiday and personal time off. It is the responsibility of the employee's supervisor to assure the time card is accurate.

FURTHER RESOLVED that to maintain accountability of all employees who work for the town, and to clarify supervisory roles, the following listing specifies employee supervisors. Each employee supervisor is responsible for approving time cards (if required), vacation, personal, and sick days used by each employee. Time off for each employee must be reported to Bookkeeper who will maintain records.

Employee	**Employee Supervisor**
Deputy Supervisor	*Town Supervisor Roxanne Marino*
Town Board Administrative Assistant	*Town Supervisor Roxanne Marino,*
Bookkeeper	*Town Supervisor Roxanne Marino,*
Town Clerk	*
Deputy Town Clerk	*Town Clerk Marsha Georgia,*
Court Clerk	*Town Justices*
Enforcement Officer	*Town Supervisor Roxanne Marino,*
Deputy Enforcement Officer	*Enforcement Officer Alex Rachun,*
Zoning Officer/Planner	*Town Supervisor Roxanne Marino,*
Planning and Zoning Clerk	*Zoning Officer/Planner Darby Kiley,*
Highway Superintendent	*
Deputy Highway Superintendent	*Highway Superintendent James Meeker*
Highway Machine Equipment Operators *Laborer*	*Highway Superintendent James Meeker*
Water Distribution & Maintenance Operator	*Town Supervisor Roxanne Marino*
Water District Laborer	*Water Distribution and Maintenance Operator Doug Austic*

**Resolution #21A – Supervisor Appointments (adopted 1/22/2013)

BE IT RESOLVED that the Supervisor proposes the following Town Board liaison appointments and request that each appointee report to the Town Board at least annually:

A. Highway Department	Kevin Romer
B. Trumansburg Village Board of Trustees	Elizabeth Thomas
C. Personnel	David Kerness
D. Health Insurance Consortium Board	Lucia Tyler
E. Planning Board and Board of Zoning Appeals	David Kerness
F. Fire Department	Kevin Romer
G. County and other Emergency Management	Kevin Romer
H. Town Court	David Kerness
I. Trumansburg Ulysses Youth Commission	Lucia Tyler/Elizabeth Thomas

**Resolution # 21B – Town Board Appointments (amended 1/22/2013)

BE IT RESOLVED that the Town Board makes the following appointments and request that each appointee report to the Town Board at least annually:

A. Planning Board Chairperson	Ken Zeserson
B. Board of Zoning Appeals Chairperson	George Tselekis
C. Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
D. Board of Assessment Review	Cheryl Thompson,
	David Means

E.	Tompkins County Environmental Management Council (EMC)	Lucia Tyler
F.	Tompkins County Water Resources Council (WRC)	Bill George & Darby Kiley
G.	Tompkins County Stormwater Coalition	Darby Kiley
H.	Trumansburg Ulysses Youth Commission Reps	Sharon Bilotta and vacant
I.	Recreation Partnership representative	Durand VanDorn
J.	Tompkins County Youth Services Board	Elizabeth Thomas
K.	Ithaca/Tompkins County Transportation Council Planning Committee	Darby Kiley
L.	Ithaca/Tompkins County Transportation Council Policy Committee	Darby Kiley
M.	Tompkins County Council of Governments	L. Thomas
N.	Tompkins County Area Development	Dave Kerness
O.	Fair Board liaison	Kevin Romer
P.	Historian	Nancy Dean
Q.	Water District Advisory Board Chairperson	Diane Hillman
R.	Tompkins County Animal Control	Roxanne Marino
S.	Cayuga Lake Water Shed Intermunicipal Org.	Darby Kiley

****Resolution #22 – Planning Board / Zoning Board Appointments**

BE IT RESOLVED that the Town Board has appointed the following Planning Board and Board of Zoning Appeals with staggered annual appointments. Members whose terms expire in 2012 may be either replaced or reappointed. The following members being reappointed for 2013:

George Tselekis as Zoning Board of Appeals Member
Rebecca Schneider as Planning Board Member

**Resolution #23 – Appoint Town Attorney

BE IT RESOLVED that the Town Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009 and

Further Resolved that the 2013 Addendum to Retainer Agreement which sets hourly fees for billing at $180 (Attorney) and $120, (Paralegals) is adopted. All other provisions for the 2009 Retainer Agreement shall remain in full force and effect subject to revision.

Further Resolved that the Town Board authorizes the Town Supervisor to sign the Addendum to the Retainer Agreement for 2013.

**Resolution #24 – Cleaning Contract

BE IT RESOLVED that the Town Board authorizes the Town Supervisor to sign the cleaning contract at the rate of $654. Per month with Melanie Steverson-Jarvis.

**Resolution #25 A – Town Hall Maintenance

BE IT RESOLVED that the Town Board authorizes the Town Supervisor to sign the Town Hall maintenance contract at the rate specified in the 2013 contract with Mainstay Builders.

**Resolution # 25B –

BE IT RESOLVED that the Town of Ulysses has adopted policies for a Code of Ethics, Personnel and Benefits, Procurement, Claims, Meeting Rules and Procedures, Investment, Alcohol and Controlled Substance Testing, Planning Board and Zoning Board Attendance and Training, and Emergency Preparedness. The Town Clerk shall provide to each newly elected official and to any other elected or appointed official or employee these policies, and any other planning documents or local laws upon request and these documents shall be also be maintained on the internal part of the town website. Each employee or elected official shall sign the Code of Ethics form documenting that they have reviewed and understand the policy.

**Resolution #26 – Adding to Agenda

BE IT RESOLVED any member of the public wishing to add a topic to the agenda of a Regular Town Board Meeting advise the Supervisor of that request at least one week prior to the scheduled meeting, if at all possible.

**Resolution #27 – ADA

BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advise the Town Clerk of the special requirements at least one week prior to the meeting (ADA).

**Resolution #28 – **Resolution/Motion Index

BE IT RESOLVED that the Town Clerk will continue with the **Resolution/Motion Index System initiated in 2009, identifying the **Resolution/Motion number, date approved, and Title. This index of **Resolutions will be updated at least quarterly.

FURTHER RESOLVED that the Town Clerk will send a final electronic version of each certified **Resolution to the Town Board and place the final version on the Town's file sharing network and on the website.

**Resolution #29 – Prohibition Against Gifts by Municipalities

BE IT RESOLVED that in accordance with the New York State Constitutional prohibition against gifts by municipalities as described in Article III, Section 1, the Town of Ulysses will not give bonuses, donations, or other gifts of recognition for service (retirement, annual appreciation, or otherwise) to any organizations, volunteers, or other individuals in the employment of the Town or otherwise providing service to the Town or the community. The Town may, however, hold recognition events and provide refreshments.

**Resolution #30 –Organizational **Resolutions - amendment

BE IT RESOLVED that any and all of these Organizational **Resolutions be and remain subject to amendment throughout the year by the Town Board.

The Town Clerk shall provide a certified copy of the finalized Organizational Meeting minutes and any amended versions to all Town Board members, and place the most recent version on the web under Meeting Minutes

**Resolution #31 – Authorizing Highway Superintendent to enter into Shared Service Agreements

WHEREAS, Highway Law #142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law #283 to enter into agreements for shared services and equipment with other municipalities and authorize, within existing budget constraints, the Town's Highway Superintendent pursuant to Highway Law #284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

JANUARY 8, 2013 – REGULAR TOWN BOARD MEETING

**Resolution #32 – Agenda/Claims/Minutes

Agenda - Ms. Thomas modified the agenda with the Board's approval.

Claims - BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher # 507 through 537 (2012) and 1 through 13 (2013) in the amount of $35,823.23.

Minutes - BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Regular Town Board meeting of December 11, 2012, and Special Town Board meeting of December 20, 2012.

**Resolution # 33 – Comment Period for Ag & Farmland Plan

BE IT RESOLVED that the Town Board of the Town of Ulysses is adding a comment period ending February 1, 2013 on the Ag and Farmland Protection Plan in order to allow the public to submit comments in writing regarding the plan. Written comments may be submitted to the Town Clerk, Marsha Georgia at 10 Elm St. Trumansburg, NY 14886 or touclerk@twcny.rr.com. The Clerk will post this information on the Clerk's bulletin board and the town web site.

**Resolution #34 – Ad Hoc Zoning Committee – appointment Don Wilson

BE IT RESOLVED that the Town Board of the Town of Ulysses nominate Don Wilson as a lakeshore property owner to serve on the Ad Hoc committee to make revisions to the Lakeshore Zoning.

**Resolution #35 – Drilling Regulation Comments

TOWN OF ULYSSES

****RESOLUTION 2013-01-08: PROVIDING COMMENT ON THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REVISED REGULATIONS GOVERNING HIGH VOLUME HYDRAULIC FRACTURING.**

WHEREAS the Town Board of Ulysses is seriously committed to protecting the health, welfare and safety of our local residents; and

WHEREAS a pool of evidence is building that gives us grave concern over the safety of the natural gas extraction technique termed high volume hydraulic fracturing (HVHF); and

WHEREAS the Governor and Department of Environmental Conservation have both stated that regulations governing HVHF will be based on the results of science, yet extremely few scientific studies have been completed that would reassure those living near areas of HVHF as to its safety; and

WHEREAS the Town Board of Ulysses is highly concerned about the economic and community impacts as well as health effects caused by HVHF.

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulysses submits the following comments on the proposed regulations on high volume hydraulic fracturing (HVHF); and

FURTHER RESOLVED **t**hat a certified copy of this **Resolution be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Health Commissioner Nirav New York State Association of State County Health Officials (NYASCHO), New York State Senator Thomas O'Mara, New York State Assemblywoman Barbara Lifton, EPA Region 2 Administrator Judith Enck, EPA Director Lisa Jackson, New York Senators Kirsten Gillibrand and Charles Schumer, New York State Congressman Thomas Reed, DEC Department of Mineral Resources Director Bradley Field and DEC Department of Mineral Resources Assistant Director Katherine Sanford, U.S. Department of Energy Secretary Steven Chu, President Barak Obama.

1) Regarding process of forming regulations on HVHF

The Town Board of Ulysses opposes New York State's process of finalizing the regulations on HVHF prior to the release of a health review headed by Dr. Shah and without a full health impact study.

We also opposed the release of these regulations prior to the finalization of the supplemental General Environmental Impact Statement (sGEIS). Comments and recommendations from the sGEIS should first be released, analyzed and then finally incorporated into the regulations if it is determined that the environmental and health

effects from HVHF are proven to be safe. State law requires that the DEC regulations be based on sound standards according to the State Administrative Procedures Act to assure that they identify studies that are the basis for their proposed regulations but this has not been provided via a regulatory impact statement.

2) Regarding process of commenting on new HVHF regulations

The DEC's process for taking comments is incredibly cumbersome having provided no complete set of regulations on the website to access information such as definitions, nor to be able to cross check if topics are mentioned in other parts of the newly proposed regulations. This is not a good example of open government, to the contrary, the segmented regulations and tight comment timeline over a holiday season projects a much closed process.

3) Regarding using a science-based approach to forming the HVHF regulations

The DEC and Governor Cuomo have repeatedly stated that the regulations and supplemental General Environmental Impact Statement would be based on science. These regulations however, cite no scientific evidence for decisions such as setbacks, the time period for liquid fracking waste to remain in open pit ponds, how radioactive wastes will be disposed safely, how waste water will be treated or safely disposed and how air quality from wells affects the surrounding area. Further **research is needed to determine** how methane and hydrofracking fluids have been found to be able to migrate into water bodies and throughout the geologic profile. The DEC should hold to its word and wait for a larger body of scientific evidence to build before hydrofracking is permitted in New York.

4) RE: Sections 550.1 and 550.2 – Conflict of Interest

These sections give the DEC's Division of Mineral Resources responsibility for administering and enforcing all rules and regulations relevant to all phases of oil and gas extraction. To give this Division the job of preventing damage and pollution from the very activity it promotes is a conflict of interests. New York State should, like most states, have separate agencies to handle well permitting and regulation of the oil and gas industry. Failing to separate these functions undermines the DEC's effectiveness and credibility as an environmental protection agency.

5) Re: Section 553.2

While Section 560.4 increased setbacks to dwellings or places of assembly, this increased setback should also be included in Section 553.2 where the setback remains at 150 feet.

6) RE: Section 553.3 – Compulsory Integration

All decisions regarding Compulsory Integration, (Section 553.3) must be removed from the purview of the Division of Mineral Resources (DMN) and the Department's

Office of Hearings and Mediation Services (OHMS) and assigned to an independent body.

The Division has an inherent conflict of interest since it is charged with promoting the extraction of minerals and that inherently conflicts with the best interest of the residents of New York State. The compulsory integration law was written in part by gas industry but should be reviewed by a non-biased group.

Individuals who want to challenge their integration into a drilling face the requirement to hire legal counsel and travel to Albany where these suits are contested. The DEC should ensure an easier path to contesting integration into a drilling unit.

7) RE: Section 554 and 560.5 - WASTE DISPOSAL

The amendment to Paragraph (1) of subdivision (c) of Section 554.1 with a new paragraph (4) does not provide adequate regulation or protection with regard to the ultimate disposal and distribution of drilling mud, flow back water, production brine and drill cuttings. Rather it relies on the owner or operator to submit a plan for approval "for the environmentally safe and proper ultimate disposition and/or disposal of [such] used drilling mud, flow back water and production brine." There are no independent, objective standards that have been developed in these regulations which define what is, or is not environmentally safe, and to which industry must adhere. The approval of methods of disposition and disposal appears to be an entirely subjective process undertaken in reaction to methods of disposal chosen by industry.

8) Re: Section 555.5(a) (1-4) Plugging and Abandonment

Comment:

This section prescribes how wells will be plugged when they are abandoned. What is not mentioned is how abandoned wells from decades ago affect the migration of fluids and gas as the high pressure of fracking moves materials through the shale profile. The DEC must assess the damages caused by these unknown abandoned wells prior to allowing drilling, to determine damage caused to water and from potential blowouts of unplugged or improperly plugged wells.

Citation: How Abandoned Wells Can Contribute to Methane Migration Problems. http://stateimpact.npr.org/pennsylvania/2012/10/09/perilous-pathways-how-abandoned-wells-can-contribute-to-methane-migration-problems/

9) Re: Section 560.2 (7),

From the DEC Regulations, "*chemical disclosure registry" shall mean the chemical registry website known as FracFocus.org developed by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission. If such website becomes permanently inoperable, then chemical disclosure registry shall mean another publically accessible information website that is designated by the Department.*

Comment:

The voluntary chemical disclosure registry known as FracFocus.org is inadequate and does not protect public health. A mandatory online registry of all chemicals used in extraction activities must be provided on the DEC website.

10) Re: Section 560.3(d) (2) Hydraulic Fracturing Fluid Disclosure

Revised DEC regulations:

"The department will disclose to the public the information submitted pursuant to paragraph (1) of this subdivision except that operators or other persons who supply information subject to paragraph (1) of this subdivision may request such records to be exempt from disclosure as trade secrets as provided by Part 616 of this Title. Records determined by the department to be exempt from disclosure shall not be considered a well record for purposes of disclosure."

Comments:

The DEC must make the chemicals used in HVHF available to the public, particularly the medical community which must have this information and be able to release it, to not only treat patients correctly but to aggregate health records in order to determine if there are health related trends within drilling areas. To not require such disclosure is unethical and a public danger.

In addition, HVHF is exempt from the Federal Safe Drinking Water Act which authorizes the EPA to regulate the injection of toxic materials into the ground. The DEC must require that HVHF adhere to the rules governing the Federal Safe Drinking Water Act.

Citation:
Regulation of Hydraulic Fracturing under the Safe Drinking Water Act
http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydroreg.cfm

11) RE: Section 560.4 – Setbacks Fail to Protect Livestock and the Food Chain

The 2012 peer reviewed paper by Dr. Michelle Bamberger and Dr. Robert Oswald, "Impacts of Gas Drilling on Animal and Human Health," concludes "Animals, especially

livestock, are sensitive to the contaminants released into the environment by drilling and by its cumulative impacts. Documentation of cases in six states strongly implicates exposure to gas drilling operations in serious health effects on humans, companion animals, livestock, horses, and wildlife." Domestic and game animals are likely to consume toxic drilling waste because they will be attracted by the high concentration of chlorides that is typical of produced water.

Section 560.4 must include a comprehensive list of protected land uses. Setbacks must be written for pasture lands and lands used for hunting in order to protect the agricultural industry and our food chain.

Citation:

Impacts of Gas Drilling on Animal and Human Health.
http://www.psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf

12) RE: Section 560.4 – Venting and Flaring

The proposed setbacks, Section 560.4, are insufficient to protect both human and animal health from the effect of air pollution associated with venting and flaring. The DEC has included arbitrary setbacks from well locations part of these regulations instead of basing them on the best available science, which indicates that public health will not be protected by 500 foot setbacks.

There is ample evidence to suggest that human and animal health has been compromised in locations downwind from high volume hydraulic fracturing (HVHF) operations. See "Human Health Risk Assessment of Air Emissions from Development of Unconventional Natural Gas Resources" published in Science of the Total Environment in 2012 (http://www.ncbi.nlm.nih.gov/pubmed/22444058). It reported on air sampling data collected in Colorado that showed that residents living near extraction operations are at greater risk of health-related impacts than those living further away.

The Ventura County Air Pollution Control District (in California) has estimated that the following air pollutants may be released from natural gas flares: benzene, formaldehyde, polycyclic aromatic hydrocarbons (PAHs, including naphthalene), acetaldehyde, acrolein, propylene, toluene, xylenes, ethyl benzene and hexane.

In 2000, Canadian Public Health Association reported "There have been over 250 identified toxins released from flaring including carcinogens such as benzopyrene, benzene, carbon di-sulphide (CS2), carbonyl sulphide (COS) and toluene; metals such as mercury, arsenic and chromium; sour gas with H2S and SO2; nitrogen oxides (NOx); carbon dioxide (CO2); and methane (CH4) which contributes to the greenhouse gases."

The DEC must prevent exposure to these air borne chemicals that cause human and environmental harm.

13) RE: (560.4) SETBACKS

Revised DEC regulations:

(a) No well pad or portion of a well pad may be located:

(1) within 500 feet from a residential water well, domestic supply spring or water well or spring used as a water supply for livestock or crops;

(2) within 500 feet from an inhabited dwelling or place of assembly;

(3) within a primary aquifer and a 500-foot buffer from the boundary of a primary aquifer

(4) within a 100-year floodplain; and

(5) within 2,000 feet of any public water supply (municipal or otherwise, or the boundaries of any public water supply reservoir, natural lake or man-made impoundment (except engineered impoundments constructed for fresh water storage associated with fracturing operations)."

The revised Draft Regulations (Section 560.4) proposes setbacks from high volume hydraulically fractured gas wells that are without scientific basis and fail to protect water supplies and public safety. They apparently ignore a 2011 peer-reviewed scientific study on gas migration, "Methane contamination of drinking water accompanying gas-well drilling and hydraulic fracturing", conducted by Duke University (http://www.nicholas.duke.edu/cgc/pnas2011.pdf) which demonstrated that elevated levels of methane contamination of water supplies occur as far as one kilometer away from Marcellus gas wells. Since high volume hydraulic fracturing (HVHF) is known to impact water resources within a radius of one kilometer of a gas well, that should be a the minimum setback from all water supplies in New York State.

Setbacks of 500 feet from private water wells, Section 560.4(a)(1), are inadequate to protect the potable water sources for private water wells, which provide unfiltered water for hundreds of thousands of New York citizens who live on the targeted shale formations. Moreover the definition of water sources must include all waters that feed into or affect present or potential drinking water supplies. These include reservoirs, wetlands, streams, lakes, ponds, rivers, intermittent and seasonal water bodies and springs.

Section 560.4(a) (3) must be expanded to include principal and secondary aquifers and, as stated above, a 500 foot setback is inadequate. These regulations must be expanded to recognize and protect all usable aquifers. Principle aquifers are the primary water source for most of upstate New York and currently lack any protections in the proposed regulations.

The 2009 Hazen and Sawyer report, "Impact Assessment of Natural Gas Production in the New York City Water Supply Watershed", commissioned by the NYC Department of Environmental Protection recommended "that natural gas well construction be precluded within a buffer zone of seven miles from NYCDEP subsurface infrastructure." The final regulations should adopt this guideline for New York City's drinking water infrastructure and then ensure that all drinking water infrastructures throughout the state are afforded equal protection.
http://www.nyc.gov/html/dep/pdf/natural_gas_drilling/rapid_impact_assessment_091609.pdf

14) RE: Section 560.4(a) (5): Setbacks

DEC regulation,

"*within 2,000 feet of any public water supply (municipal or otherwise, or the boundaries of any public water supply reservoir, natural lake or man-made impoundment (except engineered impoundments constructed for fresh water storage associated with fracturing operations)"*

Comment:

The DEC and NYS Governor stated the regulations on HVHF would be based on science. The science behind the 500 foot setback has not been provided and until research is completed on migration of contamination from hydrofracked wells or research on the effect of hydrofracking on air quality in areas surrounding wells, before HVHF begins.

This 2,000 foot setback from surface water supplies is an improvement over previous setbacks but does not take into account that many people, particularly in rural settings, obtain their water through ground water and aquifers and not only primary and principal aquifers but other types of aquifers that are unprotected by the state. Elevated levels of gas migration have been documented to occur as far as one kilometer (3,280 feet) from HVHF. Accordingly, the proposed 2,000 feet setback from any public water supply is inadequate.

Aquifers are often not yet mapped; therefore it is impossible to determine whether a gas well is being drilled in an area closer than the 500 feet recommended by the DEC. The DEC must not proceed to allow drilling until all aquifers in an area are mapped, all

abandoned gas wells are located and capped and studies are completed documenting the health effects of air pollutants emitted from drilling sites.

The DEC does not mention setbacks from beneath lakes and rivers but should include safe setbacks for these water bodies also even if they do not serve as a source of drinking water for humans as they are likely drinking water for wildlife.

All setbacks must be based on specific geological information specific to the Marcellus and Utica shale formations in New York, and must be justified by the DEC in a scientifically responsible manner.

Citation: http://www.nicholas.duke.edu/cgc/pnas2011.pdf

15) Re: Section 560.5 (c) Testing, Recordkeeping and Reporting Requirements

Any non-routine incident of potential environmental and/or public safety significance during access road and well pad construction, well drilling and stimulation, well production, and well plugging that may affect the health, safety, welfare, or property of any person must be verbally reported to the department within two hours of the incident's known occurrence or discovery, with a written report detailing the non-routine incident to follow within twenty-four hours of the incident's known occurrence or discovery.

Comment:

In addition to the DEC being notified of any non-routine incident of potential environmental and/or safety significance, the DEC must also require notification of the property owner, immediate neighbors, and the local municipality. In case the non-routine incident will potentially cause harm to human health, the local County Department of Health should also be notified.

16) RE: Section 560.5 (d) (1) – Benzene, Toluene, Ethylbenzene and Xylene (BTEX)

The statement that water testing specifically includes BTEX. (560.5 (1)) seems to indicate that BTEX may be used in HVHF, something the DEC has previously denied. These volatile aromatic compounds are known to be toxic to humans and animals and can contaminate both air and drinking water supplies.

Benzene, a component of both diesel fuel and BTEX, is classified by the EPA as a carcinogen. The Center for Disease Control (CDC) states "ethylbenzene is carcinogenic in animals." According to the CDC's Agency for Toxic Substances and Disease Registry "... all four chemicals can produce neurological impairment …" and "Neurotoxicity is the critical non-cancer effect of concern for BTEX mixtures." "Based on findings in human and animal studies, acute or repeated exposure to any of the BTEX component chemicals

is expected to produce neurological impairment resulting from the parent chemicals acting on components of neuronal membranes"

BTEX and all other toxic additives must be prohibited in all phases of oil and gas extraction.

17) RE: Section 560.5 (f) – Testing, Recordkeeping and Reporting Requirements.

Testing, Recordkeeping and Reporting Requirements, Section (f) requires that a Drilling and Production Waste Tracking Form must be completed and posted to the owner or operator's website "within 30 days of receipt of waste by the disposal facility." Only if it is requested by the DEC is there a requirement of a completed form with the signatures of the transporter and destination facility. There is no requirement with regard to volume of contents loaded, vehicle required, proposed route, and volume of contents unloaded. There are no regulations listed for the disposal or destination facility. The underlying regulation, Section 364, Waste Transporter Permits, has no specific requirements for the transportation of drilling mud, flowback water, and production brine or drill cuttings.

Because of federal exemptions for the oil and gas industry, these wastes are not classified as hazardous waste, and because of this, federal regulations are less stringent with regard to disposal and disposition. Waste from drilling mud, flowback water, production brine and drill cuttings can contain salts, metal ions, some of which are toxic, organic hydrocarbons, inorganic and organic additives, and naturally occurring radioactive materials. In the interest of public health and safety, New York State must test these residuals for hazardous components and classify these wastes as hazardous wastes when they exhibit the characteristics of such.

18) RE: Section 560.5 (h) – Chemical Disclosure

Section 560.5 allows "proprietary" chemical constituents to be withheld from public disclosure. Companies may avoid disclosure if they claim the additive is a "trade secret." Trade secrets cannot be permitted to trump public health. Regulations must require full public disclosure of all chemicals and additives, including quantities employed, in all stages of the gas extraction process. Material Safety Data Sheets must name and identify the quantity of every chemical used and be linked to each oil and gas well listed in the DEC's online searchable database.

It is essential for property owners and residents who rely on private water wells to know the chemical composition of the fracturing fluid used in wells surrounding and potentially contaminating their water source, in order to obtain accurate, independent testing of their water wells, before, during and after the extraction process. Residents in the vicinity of

oil and gas wells should be provided with Material Safety Data Sheets for every product used in a gas well within one kilometer of their dwelling and/or their water supply.

Individuals charged with protecting public health, including county health officers, doctors and first responders must have ready access to the chemical composition of all chemicals used in the drilling and fracturing process.

Research has established links between oil and gas operations and human health. "Natural Gas Operations From A Public Health Perspective" published in 2011 http://www.endocrinedisruption.com/chemicals.journalarticle.php lists over 600 chemicals used in natural gas operations and found that many have long-term health impacts, including on skin, eyes, and kidneys and respiratory, gastrointestinal, brain/nervous, immune, endocrine, and cardiovascular systems, as well as causing cancer and mutations.

19) Re: Section 560.6(c) (7) (i-ii) Well Construction and Operation: Drilling, Hydraulic Fracturing and Flowback

(7) A closed-loop tank system must be used instead of a reserve pit to manage drilling fluids and cuttings for any of the following:

(i) horizontal drilling in the Marcellus Shale unless an acid rock drainage mitigation plan for on-site burial of such cuttings is approved by the department; and

(ii) any drilling requiring cuttings to be disposed of off-site.

Comment:

The DEC should not single out the Marcellus Shale in this part of the regulation but include all hydraulic fracturing in shale throughout the state. The DEC should also include vertical wells in this requirement rather than singling out horizontal wells using HVHF since waste from hydrofracked vertical wells are currently regulated under rules not substantively updated since 1972.

Because the DEC allows known carcinogenic chemicals to be added of the makeup of the drilling fluids, no open storage should be allowed, ever even for waste water from vertical wells that have been hydraulically fractured.

The DEC should require all drill cuttings to be tested for radioactivity before a disposal permit is issued. Waste that is radioactive should be disposed of as a radioactive hazardous waste as defined without exemptions from state or federal laws.

20) Re: Section 560.6(c) (24) Well Construction and Operation: Drilling, Hydraulic Fracturing and Flowback

From the DEC regulations,

*Diesel fuel may not be used as the **base** fluid for hydraulic fracturing operations.*

Comment:

While prohibiting diesel fuel from being used as the **base** fluid for hydraulic fracturing, it appears to be still allowed as an additive to the hydraulic fracturing mixture. Diesel contains benzene which is fairly water soluble and which has been shown to be a carcinogen. A small amount can contaminate large sources of water. The DEC should forbid any use of diesel or other known carcinogens in the hydraulic fracturing fluid. Although migration of fracturing fluid into water sources might be rare, they do happen and those people whose drinking water source would be contaminated must be protected against such an outcome.

Citations:

Congressional Investigation Finds Continued Use of Diesel in Hydraulic Fracturing Fluids, http://democrats.energycommerce.house.gov/index.php?q=news/waxman-markey-and-degette-investigation-finds-continued-use-of-diesel-in-hydraulic-fracturing-f

Environmental Groups Call on EPA to Ban Diesel Use in Fracking, http://earthjustice.org/news/press/2012/environmental-groups-call-on-epa-to-ban-diesel-use-in-fracking

Article: Frackers Continue Illegal Use of Toxic Diesel Fuels, http://www.southernstudies.org/2012/10/frackers-continue-illegal-use-of-toxic-diesel-fuels.html

21) Re: Section 560.6 (c) (28) Well Construction and Operation - Drilling, Hydraulic Fracturing and Flowback

Revised DEC regulations:

"The venting of any gas originating from the objective formation during flowback must be through a flare stack at least 30 feet in height, unless the absence of H_2S has been demonstrated at a previous well on the same pad which was completed in the same producing horizon. Gas vented through the flare stack must be ignited whenever possible. The stack must be equipped with a self-ignition device. "

Comment:

Flare stacks are extremely loud and provide yet another reason to site drilling pads well away from any dwellings or places where people assemble, inside or out. The DEC should require gas companies to capture this vented gas since 1) vented methane is a strong greenhouse gas that contributes to climate change, 2) Hydrogen sulfide gas often

mixes with the methane from shale and at chronic low levels has been linked to respiratory irritation, dizziness, memory loss and miscarriage. At high levels, H2S is a nerve poison. Flaring converts H2S to less toxic sulfur dioxide which is noted to cause acid rain. The DEC must assess the economic impacts of these airborne chemicals on human health and the environment as it writes regulations to protect not only people living now, but those in future generations.

Citation:

Toxicological profile for hydrogen sulfide.
http://www.atsdr.cdc.gov/toxprofiles/tp114.pdf

Toxicological review of hydrogen sulfide http://www.epa.gov/iris/toxreviews/0061tr.pdf

22) Re: Section 560.7(i) – Waste Management and Reclamation

Revised DEC regulations:

"Flowback water recovered after high-volume hydraulic fracturing operations must be tested for naturally occurring radioactive material prior to removal from the site. Fluids recovered during the production phase (i.e., production brine) must also be tested for naturally occurring radioactive material prior to removal. Radiological analyses of flowback water and production brine must include analysis for combined radium (Ra-226 and Ra-228) and other analytes as directed by the department.

The soils adjacent to the flowback water and production brine tanks must be measured for radioactivity upon removal of the tanks, and at such other times as the department may require. For soil samples, analyses must at a minimum include gamma spectroscopy for all naturally occurring gamma emitters including Ra-226 and Ra-228 (as determined from the presence of their decay products)."

Comment:

Testing for radioactivity is important but these regulations do not require tracking of radioactive waste to ensure chain of custody. The DEC must determine where radioactive waste will be and has been disposed to ensure it does not expose people to radioactivity or migrate to water bodies. Treatment of radioactive waste is expensive and not highly effective. The DEC must assure residents that any and all radioactive waste will never make its way into the water supply either via disposal wells, landfills or beneficial use determinations. The DEC must evaluate these costs and require them to be borne by the owner of the well, not the taxpayers of the state nor residents living nearby.

23) RE: Section 560 (10-20) Operations Associated with High Volume Hydraulic Fracturing

One of the most critical and technically difficult aspects of the process of high volume, slick water hydrofracking (HVHF) is preventing the well bore from contaminating groundwater. There is nothing in the proposed regulations that will ensure that well casings maintain their integrity over the lifetime of a well, or that compromised casings will be quickly identified and repaired.

"From Mud to Cement – Building Gas Wells" an article published in Autumn, 2008 http://www.slb.com/~/media/Files/resources/oilfield_review/ors03/aut03/p62_76.ashx

states "Even a flawless primary cement job can be damaged by rig operations or well activities occurring after the cement has set. Changing stresses in the wellbore may cause microannuli, stress cracks, or both …". An undated PowerPoint by Southwestern Energy Corporation describes how "cement and well casings can corrode over time due to exposure to moisture and chemicals." Other industry reports suggest 6% of all well casing fail initially and that 60% of cement jobs will fail within 30 years.

The DEC must not permit HVHF in New York State until and unless it can clearly establish, through peer-reviewed scientific studies, that there are proven ways to prevent well casing failures over the lifetime of a well.

24) Re: 560.7 Waste Management and Reclamation

Revised DEC regulations:

"(a) Fluids must be removed from any on-site pit and the pit reclaimed no later than 45 days after completion of drilling and stimulation operations at the last well on the pad, unless the department grants an extension pursuant to paragraph 554.1(c)(3) of this Title. Flowback water must be removed from on-site tanks within the same time frame.

(b) Removed pit fluids including used drilling mud must be disposed, recycled or reused as described in the approved fluid disposal plan submitted pursuant to paragraph 554.1(c)(1) of this Title. Transport off-site of used drilling mud, flowback water and production brine by vehicle must be undertaken by a waste transporter permitted pursuant to Part 364 of this Title.

(c) Drill cuttings must be disposed as described in the approved drill cuttings disposal plan submitted pursuant to paragraph 554.1(c)(4) of this Title. Cuttings contaminated with oil-based mud or polymer-based mud containing mineral oil lubricant must be contained and managed in a closed-loop tank system and may not be buried on site, and must be removed from the site for disposal in a solid waste disposal facility. Transport off-site of drill cuttings, except cutting samples collected upon the request of the department or for analytical purposes by the owner or operator, and the pit liner by vehicle must be undertaken by a waste transporter permitted pursuant to Part 364 of this

Title. Disposal or on-site burial of cuttings associated with other drilling fluids and any associated pit liner must conform to all applicable department regulations."

Comment:

Disposal of drilling mud, flowback water, production brine and drill cuttings refers back to Section 554.1 and outlines how these wastes are disposed of, but again has no requirement for chain of custody to ensure the waste actually reaches the intended destination. Owners and operators are left to design their own waste plan and the state does not specify final destinations for the waste, although they do review the waste plans. Due to federal exemptions (see citation below), many wastes from natural gas extraction are not classified as hazardous waste even though they are designated as such when not associated with gas production. The DEC should not allow wastes that would normally be classified as hazardous when used in other industries or for other uses to be exempt from being treated and disposed of as a hazardous waste during use in the process of drilling for oil or gas.

Citation: EPA exemptions of oil and gas exploration and production wastes from federal hazardous waste regulations. http://www.epa.gov/osw/nonhaz/industrial/special/oil/oil-gas.pdf.

One method of discarding solid waste from HVHF is in landfills with rubber liners. These liners are not suited to holding in hazardous wastes for decades and can be expected to leak especially in wet climates such as New York. The DEC should not allow lined landfills to be a permanent disposal site for hazardous materials as defined by the EPA **without** exemptions for the oil and gas industries.

25) Re: Section 750-3.3(a) Prohibited Activities and Discharges

The prohibitions in this section are in addition to those listed in section 750-1.3 of this Part, unless in conflict, superseded or expressly stated otherwise in this section. Well pads for HVHF operations are prohibited, and no SPDES permit will be issued authorizing any such activity or discharge:

(1) within 4,000 feet of, and including, an unfiltered surface drinking water supply watersheds;

(2) within 500 feet of, and including, a primary aquifer;

(3) within 100-year floodplains;

(4) within 2,000 feet of any public (municipal or otherwise) drinking water supply well, reservoir, natural lake, man-made impoundment, or spring; and

(5) within 2,000 feet around a public (municipal or otherwise) drinking water supply intake in flowing water with an additional prohibition of 1,000 feet on each side of the main flowing water body and any upstream tributary to that water body for a distance of one mile from the public drinking water supply intake; and

(6) within 500 feet of a private water well or domestic use spring, or water supply for crops or livestock, unless the Department has granted a variance from the setback pursuant to subparagraph 560.4(c) of this Title, adopted on XX, 20XX.

Comment:

While the DEC is very stringent in prohibiting drilling activities within 4,000 feet of an unfiltered public drinking water supply, it allows drilling within 500 feet of a private well which is also unfiltered water. The DEC must be consistent and prohibit drilling within 4,000 of ANY drinking water supply whether for one person or tens of millions.

26) Re: the Revised Regulatory Impact Statement; 8. Alternatives Approaches

Comment:

The DEC should consider alternative approaches that focus on a long view of energy production and use. Rather than focusing on the economic benefits to oil and gas companies and their shareholders, the DEC has an obligation to help move New York to a more energy-efficient future using as many renewable sources of energy as possible and conserving the limited natural gas for special uses and for generations to come. Removing and exporting this resource is a terribly short-sighted energy policy.

27) Re: the Revised Job Impact Statement - High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-556, 560, and 750 - Nature of Impact

Revised DEC regulations:

"The proposed revised rules, implemented in combination with the Final SGEIS, once issued, will have a positive impact on jobs and employment opportunities for such businesses as waste haulers, construction firms and providers of lodging, food and other services. Positive impacts will be created through direct employment, induced employment and indirect effects. This impact is expected to be concentrated in the counties where the Marcellus and Utica Shales are more likely to be commercially producible. Lesser though still positive impacts may also be experienced in adjacent localities and statewide.

Categories and Numbers Affected. The proposed revised rules themselves will not negatively affect employment opportunities, and the activities guided by the proposed revised rules will create jobs."

Comment:

The DEC has not accounted for economic impact studies of areas where the "boom" phase of gas extraction has negatively impacted not only small businesses, but caused

housing shortages, increased pressure on local services such as highway maintenance, police, jails, hospitals, first responders and schools. In areas where tourism is a driving economic force, drilling for natural gas contradicts tourism as a positive economic driver. A number of economic studies cited below directly disagree with the DEC's projection of an economic benefit overall. The DEC must allow local municipalities to decide their own economic drivers through acknowledging their rights of home rule.

Citation:

Natural gas Drilling in the Marcellus Shale. Potential Impacts on the Tourism Economy of the Southern Tier.
http://www.fossil.energy.gov/programs/gasregulation/authorizations/2011_applications/exhibits_11-128-LNG/9._Natural_Gas_Drilling_in_the_Marcellus.pdf.

How New York State Exaggerated Potential Job Creation from Shale Gas Development

http://www.fossil.energy.gov/programs/gasregulation/authorizations/2011_applications/exhibits_11-128-LNG/9._Natural_Gas_Drilling_in_the_Marcellus.pdf.

Fossil Fuel Extraction as a County Economic Development Strategy- Are Energy-fousing Counties Benefiting?
http://www.fossil.energy.gov/programs/gasregulation/authorizations/2011_applications/exhibits_11-128-LNG/9._Natural_Gas_Drilling_in_the_Marcellus.pdf

****Resolution #36 - Remove Chairman PB from Ad Hoc Committee**

BE IT RESOLVED that the Town Board of the Town of Ulysses remove the Chairman of the Planning Board, Ken Zeserson from the Ad Hoc Committee because it constitutes a quorum of the Planning Board.

****Resolution #37 - Ad Hoc Committee Members**

BE IT RESOLVED that the Town Board of the Town of Ulysses clarify the appointment of Don Smith made on December 20, 3012 as follows:

Don Smith was appointed to the Ad Hoc Committee as a representative of the West Shore Home Owners Association.

THEREFORE confirming that the Ad Hoc Committee consists of the following people:

Rebecca Schneider
Peter Fry

Rod Hawks
Darby Kiley
Don Smith
Don Wilson

**Resolution #38 – Personnel Policy Amended

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the Personnel Policy as amended January 8, 2013.

January 16, 2013 Public Informational Meeting – Lakeshore & Conservation Zone

No. **Resolutions

January 16, 2013 Public Hearing on Lakeshore & Conservation Zone

No **Resolutions

January 22, 2013 Town Board Working Meeting

**Resolution #39 – Budget Modifications

A Fund

Appropriation line	1110.12	Justice Clerk PS	Increase	$	1,242.68
Appropriation line	1920.4	Municipal Assoc Dues	increase	$	80.00
Appropriation line	1011.1	Admin Assistant PS	decrease	$	1,343.68
Appropriation line	5182.4	Street Lighting	Increase	$	154.35
Appropriation line	9030.8	Social Security	Increase	$	218.24
Appropriation line	1990.4	Contingency	decrease	$	472.59

DA Fund

Appropriation line	5130.0	Machinery PS	Increase	$	1,346.57
Appropriation line	5140.1	Brush & Weeds PS	Increase	$	584.83
Appropriation line	9055.8	Disability Insurance	Increase	$	13.25
Appropriation	9010.8	State Retirement fund	decrease	$	1,944.65

DB Fund

Appropriation line	5110.1	Highway Maintenance PS	increase	$	3,753.42
Appropriation line	5112	Highway Capital Imp	increase	$	203.73
Appropriation line	9030	Social Security	increase	$	142.19
Appropriation line	9060	Medical Insurance	increase	$	20.72
Appropriation line	5110.4	Highway Maintenance CE	decrease	$	2,131.06
Appropriation line	9010	NYS Retirement fund	decrease	$	1,989.00

****Resolution #40 Appointment to TC Recreation Partnership**

BE IT RESOLVED that the Town Board of the Town of Ulysses hereby appoints Durand VanDorn as the Ulysses representatives to the Tompkins County Recreation Partnership Board for 2013.

****Resolution #41 Appointment of Delegate to Annual Association meeting**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Ms. Thomas as the Ulysses delegate to the Annual Association of Towns Business Meeting.

****Resolution #42 Revisions for Standards & Details for Water Facilities (note later rescinded)**

BE IT RESOLVED that the Town Board of the Town of Ulysses adopt the proposed revisions to the Standards Specifications and Details for Water Facilities as outlined in the last version dated December 9, 2003

****Resolution #43 Renewal of Contract Soil & Water Conservation District**

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the renewal of the contract with Soil and Water Conservation District.

**Resolution #44 Organization Meeting **Resolutions

****Resolution 2013-12**: BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual budgeted salary as set by the Town Board. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

****Resolution 2013-13:** BE IT RESOLVED that the Town Board established the Office of first Deputy Supervisor and second Deputy Supervisor in 2012. The first Deputy Supervisor acts for and in place of the Supervisor in her/his absence. The annual budgeted salary of the first Deputy Supervisor and the second Deputy Supervisor is set by the Town Board. In accordance with Town Law, the Supervisor appoints Elizabeth Thomas as the first Deputy Supervisors. The position of the second Deputy Supervisor is left vacant

**Resolution 2013-17 was adopted on January 3, 2013 but Ms. Marino said that she feels it is just not needed because it is an appointment by Civil Service.

**Resolution 2013-17: BE IT RESOLVED that the Town Board has established the position of Water Distribution and Maintenance Operator, to supervise and carry out all of the activities necessary for the day-to-day operation and maintenance of the Town's Special Improvement Water Districts, as outlined in the Town Manual of Position Descriptions (Section II, Employees and Appointments by the Town Board). The Town Board appoints Doug Austic as Water Superintendent with a salary as set by the Town Board for the 2013 calendar year.

Left as is for 2013 with a notation as follows:

*Note: Civil Service Appointment – not needed in Organizational meeting

**Resolution 2013-19 needs to be amended as follows because 2012 is in the table of salaries and needs to read 2013.

****Resolution 2013-19:** BE IT RESOLVED that the Town Board hereby establishes the following pay rates for employees and elected officials in 2013. If necessary to appoint a new employee or replace an elected official during the year of 2013, the Town Board will establish a salary commensurate with the experience and availability of funds:

Position	2013 Budgeted Appropriation	hourly rate if applicable
Supervisor	$15,608	

Deputy Supervisor	$25,557	$22.44/hr.
Town Board Administrative Assistant	$10,000	$22.44/hr.
Bookkeeper	$18,774	
Councilperson	$4,116.72	
Town Clerk	$60,175	
Deputy Town Clerk	$30,500	
Town Justice	$15,955 each	
Court Clerk	$33,192	
Enforcement Officer for Building Code	$29,869	
Deputy Enforcement Officer	$10,400	$18.80
Zoning Officer	$26,780	
Planner	$26,780	
Planning and Zoning Clerk	$6,120	$16,39
Highway Superintendent	$58,429	
Deputy Highway Superintendent	multiple budget lines	$21.27
Highway Machine Equipment Operators Laborer	multiple budget lines multiple budget lines	$16.63 - $19.68 $13.04
Water Distribution & Maintenance Operator	$15,085	
Water District Laborer	$4,426	$18.80
Historian	$1,530	

**Resolution 2013-21A: BE IT RESOLVED that the Supervisor proposes the following Town Board liaison appointments and request that each appointee report to the Town Board at least annually:

A. Highway Department Kevin Romer

B. Trumansburg Village Board of Trustees	Elizabeth Thomas
C. Personnel	David Kerness
D. Health Insurance Consortium Board	Lucia Tyler
E. Planning Board and Board of Zoning Appeals	David Kerness
F. Fire Department	Kevin Romer
G. County and other Emergency Management	Kevin Romer
H. Town Court	David Kerness
I. Trumansburg Ulysses Youth Commission	Lucia Tyler/Elizabeth Thomas

**Resolution 2013-21B

Ms. Marino would like to amend this **Resolution to appoint Duran VanDorn as the Recreation Partnership representative.

Ms. Marino moved, seconded by Mr. Romer the following:

> BE IT RESOLVED that the Town Board of the Town of Ulysses amends **Resolution 2013-21B of the Organizational meeting to appoint Duran VanDorn as the Recreation Partnership representative.

**Resolution# 45 Rescinds **Resolution for Standards Specifications and Details for Water Facilities

> BE IT RESOLVED that the Town Board of the Town of Ulysses rescinds the **Resolution passed earlier in the meeting to adopt amended wording for the Standards Specifications and Details for Water Facilities.

**Resolution# 46 Approval to Hire Project Assistant

> BE IT RESOLVED that the Town Board of the Town of Ulysses approves the hiring of a part-time project assistant in the amount not to exceed $5000 for 2013 to be supervised by the Supervisor.

February 11, 2013 Regular Town Board Meeting

**Resolution #47 Agenda/Vouchers/Budget Modifications/Minutes

Ms. Marino modified the agenda with the Board's approval.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher # 13 through 74 in the amount of $64,119.15.

BE IT RESOLVED that the Town Board of the Town of Ulysses make the following year-end budget modifications for 2012:

A Fund

A1220.12	Deputy Supervisor PS	increase	$101
A1990.4	Contingency	decrease	101

DB Fund

DB9060	Medical Insurance	increase	$262.97
DB5110.4	Highway Maintenance CE	decrease	262.97

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Regular Town Board meeting of January 8, 2013 and the Organizational Meeting of January 3, 2013

****Resolution #48 Appreciation to Sue Poelvoorde**

BE IT RESOLVED that the Town Board of the Town of Ulysses extends their greatest appreciation to Sue Poelvoorde for her many years of service to the Town as an elected official, volunteer and staff person.

****Resolution #49 Adjournment to Closed Session**

BE IT RESOLVED that the Town Board of Town of Ulysses adjourn to a closed session for discussion with their Attorney Marietta Geldenhuys.

****Resolution # 50 Organizational **Resolution # 2013-20**

****Resolution 2013-20**: BE IT RESOLVED all hourly employees shall turn in a Town of Ulysses time card by the end of the last day of the pay period. Salaried employees shall report time used for vacation, sick time, holiday or other time off on a Town of Ulysses time card to maintain accurate records of benefit time used. No pay will be issued without a time card that has been signed by the employee and employee's supervisor and submitted to the Bookkeeper. If the employee is submitting electronically to the Bookkeeper, the Department Head / Employee

Supervisor must give electronic approval as part of the time card submission. Salaried and hourly employees (non-elected) should use this time card to submit sick, vacation, holiday and personal time off. It is the responsibility of the employee's supervisor to assure the time card is accurate.

FURTHER RESOLVED that to maintain accountability of all employees who work for the town, and to clarify supervisory roles, the following listing specifies employee supervisors. Each employee supervisor is responsible for approving time cards (if required), vacation, personal, and sick days used by each employee. Time off for each employee must be reported to Bookkeeper who will maintain records.

Employee	**Employee Supervisor**
Deputy Supervisor	*Town Supervisor, Roxanne Marino*
Town Board Administrative Assistant	*Town Supervisor Roxanne Marino,*
Bookkeeper	*Town Supervisor Roxanne Marino,*
Deputy Town Clerk	*Town Clerk Marsha Georgia,*
Court Clerk	*Town Justices*
Enforcement Officer	*Town Supervisor Roxanne Marino*
Deputy Enforcement Officer	*Enforcement Officer Alex Rachun,*
Zoning Officer/Planner	*Town Supervisor Roxanne Marino,*
Planning and Zoning Clerk	*Zoning Officer/Planner Darby Kiley,*
Deputy Highway Superintendent	*Highway Superintendent James Meeker*
Highway Machine Equipment Operators: Laborer	*Highway Superintendent, James Meeker*
Water Distribution & Maintenance Operator	*Town Supervisor Roxanne Marino*
Water District Laborer	*Water Distribution and Maintenance Operator Doug Austic*

****Resolution #51 Order for Public Hearing on Establishment of Ambulance District**

ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF AMBULANCE DISTRICT IN THE TOWN OF ULYSSES

. WHEREAS, the Town Board prepared a Map, Plan and Report for a proposed ambulance district in the town; and

WHEREAS, the Map, Plan and Report was filed in the office of the Town Clerk; and

WHEREAS, the boundaries of the proposed district are as follows: The entire Town of Ulysses outside the boundaries of the Village of Trumansburg; and

WHEREAS, the service to be provided is emergency medical and ambulance service; and

WHEREAS, the maximum amount proposed to be expended for the first year of operation of the ambulance district for a contract for service is $248,230; and

WHEREAS, a map, plan and report describing such proposed district and service is on file in the office of the Town Clerk for public inspection; it is

ORDERED that the Town Board shall meet at the Town Hall, 10 Elm Street, Trumansburg, New York, on the 26th day of February, 2013, at 6:30 p.m., for the purpose of conducting a public hearing on the proposal to establish said ambulance district for the services specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same; and it is further

ORDERED that the Town Clerk is hereby authorized and directed to publish a copy of this order in the Ithaca Journal, the official Town newspaper and post of copy of the same on the signboard of the Town, in the time and manner required by law.

February 26, 2013 – Public Hearing on Proposed Ulysses Ambulance District

No **Resolutions

February 26, 2013 – Town Board Working Meeting

**Resolution #52 SEQR Agriculture & Farmland Protection Plan

SEQR for Proposed adoption of the Town of Ulysses Agriculture and Farmland Protection Plan

WHEREAS, this action is the adoption of the Town of Ulysses Agriculture and Farmland Protection Plan; and

WHEREAS, this is being processed as a Type I action pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617, for which the Town of Ulysses Town Board is acting as Lead Agency and the only involved agency in conducting the environmental review with respect to the adoption of the Agriculture and Farmland Protection Plan; and

WHEREAS, the Town Board held a public hearing on January 16, 2013 for review of the Plan; and

WHEREAS, the Town Board at a public meeting held on February 26, 2013, has reviewed and accepted as adequate the Full Environmental Assessment Form (EAF), Parts I and II, for this action, prepared by the Town Planning staff;

NOW, THEREFORE, be it

RESOLVED, that the Town of Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and the implementing regulations thereof, for the above referenced action as proposed, based on the information in the EAF Part I and for the reasons set forth in the EAF II and, therefore, a Draft Environmental Impact Statement will not be required.

****Resolution #53 Adopting Ulysses Agriculture and Farmland Protection Plan**

****RESOLUTION ADOPTING THE TOWN OF ULYSSES AGRICULTURE AND FARMLAND PROTECTION PLAN Available** on line: http://ulysses.ny.us/pdf/AFPP-FINAL-02-15-13.pdf

WHEREAS, the Town of Ulysses was awarded funding from NYS Department of Agriculture and Markets to develop a municipal agricultural and farmland protection plan; and

WHEREAS, the Town's Agriculture and Farmland Protection Plan was developed under NYS Agriculture and Markets Law, Article 25-AAA, Section 324-a; and

WHEREAS, the Town Agriculture and Farmland Protection Plan Committee worked with Cornell Cooperative Extension and Bergmann Associates to collect data and prepare a draft Plan; and

WHEREAS, at its meeting on October 23, 2012, the Town Board reviewed and discussed the draft Agriculture and Farmland Protection Plan; and

WHEREAS, at its meeting on December 11, 2012, the Town Board adopted a **Resolution for a public hearing to be held by the Town of Ulysses on January 16, 2013 at

7:00 PM to hear all interested parties on the draft Agriculture and Farmland Protection Plan; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on January 16, 2013 at the Ulysses Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Plan, or any part thereof; and

WHEREAS, following the close of the public hearing, a written comment period remained open until February 1, 2013; and

WHEREAS, public comments were incorporated into the draft Agriculture and Farmland Protection Plan and discussed at the February 11, 2013 Town Board meeting; and

WHEREAS, pursuant to article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (SEQR) adoption of said Plan is a Type I action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of the Plan, has on February 26, 2013, made a negative determination of environmental significance, after having reviewed and accepted as adequate a Full Environmental Assessment Form (EAF) Parts I and II prepared by Town staff, for the reasons set forth in the EAF Parts I and II referenced above;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Ulysses hereby adopts said Agriculture and Farmland Protection Plan; and it is further

RESOLVED, that the Agriculture and Farmland Protection Plan will be forwarded to the Tompkins County Agriculture and Farmland Protection Board and the New York State Commissioner of Agriculture and Markets for approval.

****Resolution #53 Adopting Ulysses Agriculture and Farmland Protection Plan**

****RESOLUTION ADOPTING THE TOWN OF ULYSSES AGRICULTURE AND FARMLAND PROTECTION PLAN Available** on line: http://ulysses.ny.us/pdf/AFPP-FINAL-02-15-13.pdf

WHEREAS, the Town of Ulysses was awarded funding from NYS Department of Agriculture and Markets to develop a municipal agricultural and farmland protection plan; and

WHEREAS, the Town's Agriculture and Farmland Protection Plan was developed under NYS Agriculture and Markets Law, Article 25-AAA, Section 324-a; and

WHEREAS, the Town Agriculture and Farmland Protection Plan Committee worked with Cornell Cooperative Extension and Bergmann Associates to collect data and prepare a draft Plan; and

WHEREAS, at its meeting on October 23, 2012, the Town Board reviewed and discussed the draft Agriculture and Farmland Protection Plan; and

WHEREAS, at its meeting on December 11, 2012, the Town Board adopted a **Resolution for a public hearing to be held by the Town of Ulysses on January 16, 2013 at 7:00 PM to hear all interested parties on the draft Agriculture and Farmland Protection Plan; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on January 16, 2013 at the Ulysses Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Plan, or any part thereof; and

WHEREAS, following the close of the public hearing, a written comment period remained open until February 1, 2013; and

WHEREAS, public comments were incorporated into the draft Agriculture and Farmland Protection Plan and discussed at the February 11, 2013 Town Board meeting; and

WHEREAS, pursuant to article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (SEQR) adoption of said Plan is a Type I action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of the Plan, has on February 26, 2013, made a negative determination of environmental significance, after having reviewed and accepted as adequate a Full Environmental Assessment Form (EAF) Parts I and II prepared by Town staff, for the reasons set forth in the EAF Parts I and II referenced above;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Ulysses hereby adopts said Agriculture and Farmland Protection Plan; and it is further

RESOLVED, that the Agriculture and Farmland Protection Plan will be forwarded to the Tompkins County Agriculture and Farmland Protection Board and the New York State Commissioner of Agriculture and Markets for approval.

**Resolution #54 Accept Proposal from Black Locust Initiative

Whereas the Black Locust Initiative has submitted a proposal to build a picnic table and bench for the Town Hall, and

Whereas the project will designed and built by local youth in an educational workshop format, and using sustainable local forest products,

Be it Resolved that the Town of Ulysses accept the proposal from Black Locust Initiative to build one picnic table and one bench for the Town Hall in 2013 for the proposed cost of $950.

**Resolution #55 Contract with Public Sector HR to Revise Personnel Policy

BE IT RESOLVED that the Town Board of the Town of Ulysses agrees to contract with Public Sector HR to help revise the Town of Ulysses Personnel Policy Manual for the quoted price of $4500.

FURTHE RESOLVED the Town Board authorizes Supervisor Marino to review and sign the contract with Public Sector HR.

**Resolution #56 Senior Citizen & Disabled Persons Tax Exemption

WHEREAS, the Town Board of the Town of Ulysses has established a maximum income real property tax exemption eligibility level, pursuant to Section 467 and Section 459 of the Real Property Tax Law, and

WHEREAS, the Town Board extended eligibility by establishing a sliding scale of exemption percentages for those with income between $29,000 and $37,400 pursuant to the Real Property Tax Law,

NOW THEREFORE BE IT RESOLVED, that the **Resolution establishing a maximum income exemption level for persons 65 years of age or older and disabled persons adopted pursuant to Real Property Tax Law Section 467 & Section 459, are amended to read as follows:

ANNUAL HOUSHOLD INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
SENIOR & DISABILITY	

$0 -	$29,000	50%
$29,000 -	$30,000	45%
$30,000 -	$31,000	40%
$31,000 -	$32,000	35%
$32,000 -	$32,900	30%
$32,900 -	$33,800	25%
$33,800 -	$34,700	20%
$34,700 -	$35,600	15%
$35,600 -	$36,500	10%
$36,500 -	$37,400	5%

FURTHER RESOLVE, that the Town Board of the Town of Ulysses enacts sub section R467 (6b) allowing the automatic renewal of the senior citizen real tax exemption and the **"persons with disabilities and limited income" RPTL 459-C exemptions.**

****Resolution # 57 Local Government Records Management Improvement Fund – Terminate Seizure of Funds**

Petition the New York State Governor and State Representatives to Authorize the Application Process for Grants through the Local Government Records Management Improvement Fund and Terminate the Seizure of Funds Collected for a Dedicated Purpose

WHEREAS, New York State has long understood the importance of efficient records management policies and procedures to ensure the continuity of government, protection from liability, and preservation of historical documents, and

WHEREAS, in 1987, the Local Government Records Management Improvement Fund was created in New York State with the clear intent to provide funding for programs for local governments to establish, create, and maintain procedures and programs to ensure the integrity and preservation of government records, and

WHEREAS, County Clerks across New York State collect this money on recording of land records and civil court filings and forward all such money so collected to the New York State Commissioner of Taxation & Finance to be placed in a DEDICATED FUND in accordance with statute, and

WHEREAS, a total of $3,394,000 has been taken from this dedicated fund to offset deficiencies in the New York State Budget for at least the last four years, and

WHEREAS, in addition to the sweeping of funds, this year the Budget Division has refused to authorize the application process for the 2012-2014 cycle, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, that the Town of Ulysses Town Board does hereby petition the Governor of the State of New York and our state representatives to direct that the New York State Division of Budget authorize the application process for grants through the Local Government Records Management Improvement Fund,

RESOLVED, further, that the Town of Ulysses Town Board does hereby petition the Governor of the State of New York and our state representatives to immediately end the practice of sweeping money collected for a dedicated purpose and using it for other purposes,

RESOLVED, further, that the Town Clerk of the Town of Ulysses send certified copies of this **Resolution to the Governor of the State of New York and our state representatives.

****Resolution # 58 Agreement to Participate In Shared Service Grant with Tompkins County**

AGREEMENT TO PARTICIPATE IN THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) SHARED SERVICE GRANT WITH THE COUNTY OF TOMPKINS

Whereas the Town of Ulysses recognizes the need for update and improvement of the Ulysses' Records Management Program and,

Whereas, New York State Education Department is offering LGRMIF Shared Service Grants to expand review and improve future processes based on the management, retrieval and records retention requirements,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses wishes to participate with the County of Tompkins Shared Service Grant and supports their application, Project No. 058-14-4844 for 2013 and,

FURTHER RESOLVE that the Town Board of the Town of Ulysses authorizes Marsha L. Georgia Town Clerk to sign the LGRMIF Shared Services Agreement Form.

****Resolution# 59 Undertaking for Benefit of the NYSDOT in Connection With Work on State Highways**

AGREEMENT TO THE TERMS OF AN UNDERTAKING FOR THE BENEFIT OF THE NYS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH WORK AFFECTING STATE HIGHWAYS

BE IT RESOLVED that the Town of Ulysses accepts the terms of the following Undertaking agreement with the New York State Department of Transportation which addresses all operations and/or actions undertaken within state right-of-ways.

March 12, 2013 Regular Town Board Meeting

**Resolution # 60 Agenda/Vouchers/Minutes

The Board made some modifications to the agenda. Unanimously approved.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher # 75 through 123 in the amount of $52,955.44.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of January 26, 2013.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Regular Town Board meeting of February 11, 2013.

**Resolution #61 Resignation of Don Smith / Appointment of David Kerness Ad Hoc Committee

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the resignation of Don Smith from the Ad Hoc Committee and

FURTHER RESOLVES to appoint David Kerness to serve on the Ad Hoc Committee.

**Resolution #62 Establishment of Ambulance District After Public Hearing

TOWN OF ULYSSES **RESOLUTION FOR ESTABLISHMENT OF AMBULANCE DISTRICT AFTER PUBLIC HEARING

WHEREAS, the Town Supervisor of the Town of Ulysses, New York (the "Town"), duly prepared a map, plan and report (the “MPR”) for an ambulance district covering the entire Town outside the boundaries of the Village of Trumansburg, to provide emergency medical service and ambulance service in the Town, as set forth in the MPR; and

WHEREAS, after the Town Supervisor duly filed the MPR in the office of the Town Clerk, the Town Board on February 12, 2013, duly adopted an order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the first

year of operation of the proposed ambulance district, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Town Hall, 10 Elm Street, Trumansburg, New York on the 26th day of February, 2013, at 6:30 p.m., for the purpose of conducting a public hearing on such proposal to establish the ambulance district for the services specified in the MPR, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board at the time and place specified in said order, duly met and considered such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the Town Board considered the evidence offered at such time and place;

NOW, THEREFORE, Be It Resolved, by the Town Board that it be and hereby is determined as follows:

(1) The notice of hearing was published and posted as required by law and is otherwise sufficient.

(2) All of the property and property owners, within the proposed Ambulance District are benefitted thereby.

(3) All of the property and property owners benefitted are included within the proposed Ambulance District.

(4) It is in the public interest to establish the proposed Ambulance District as hereinafter described, and be it further

RESOLVED that the Town Board does hereby approve the establishment of an Ambulance District as hereinafter described to be known as the Town of Ulysses Ambulance District, with the following boundaries: The entire Town of Ulysses outside the boundaries of the Village of Trumansburg; and be it further

RESOLVED that this **Resolution is subject to a permissive referendum in the manner provided in Town Law Article 7 and Town Law § 209-e (3).

**Resolution #63 - Approving Contract with Habitat for Humanity for NYS Small Cities CDBG Funds

**RESOLUTION OF THE ULYSSES TOWN BOARD APPROVING CONTRACT WITH HABITAT FOR HUMANITY FOR NYS SMALL CITIES CDBG FUNDS

WHEREAS, the Town of Ulysses, Tompkins County, New York, was awarded a New York State Small Cities Program Community Development Block grant in the amount of $400,000 in 2007, as set forth in the Grant Agreement dated October 1, 2007; and

WHEREAS, the Town contracted with Better Housing for Tompkins County to provide moderate rehabilitation (repairs valued between $5,000 and $25,000) to the residences of qualified homeowners within the Town; and

WHEREAS, homeowners who received assistance through this program entered into Diminishing Lien Agreements with the Town, which required repayment of a portion of the grant amount if the property were sold within five years from the date of said agreement; and

WHEREAS, the sum of $13,076 was repaid to the Town by homeowners who sold their properties within the five year period; and

WHEREAS, the funds need to be used for repair projects within the Town of Ulysses; and

WHEREAS, the Town wishes to assist low- and moderate income homeowners in the hamlet of Jacksonville with home repairs and

WHEREAS, Habitat for Humanity of Tompkins and Cortland Counties ("Habitat") has an established program known as "A Brush with Kindness" (ABWK) to assist homeowners with small repairs, and the Town Board has received and reviewed the documentation describing this program provided by Habitat; and

WHEREAS, Habitat proposes to undertake the Jacksonville "A Brush with Kindness" Project; and

WHEREAS, the Project meets the objectives and requirements of the New York State Small Cities CDBG funds; and

WHEREAS, Habitat has a demonstrated capacity to implement the Project; and

NOW, THEREFORE, BE IT

RESOLVED that the $13,076 of NYS Small Cities CDBG funds will be used for repairs to homes of low- and moderate income homeowners in the hamlet of Jacksonville in the Town; and be it further

RESOLVED that the Town will enter into a Subrecipient Agreement with Habitat, whereby Habitat will use the abovementioned sum of $13,076 for the Jacksonville ABWK Project, on the terms set forth in such Agreement, which will be subject to review by the Attorney for the Town and Town Supervisor prior to its execution.

****Resolution # 64 Letter of Support Cayuga Lake Triathlon**

WHEREAS the Cayuga Lake Triathlon is an event in the Town of Ulysses that brings hundreds of participants and spectators to the town; and

WHEREAS the Cayuga Lake Triathlon has established a good record for being well organized and keeping participants and spectators safe, including the clearly delineated plans for traffic management and detours.

THEREFORE BE IT RESOLVED the Town of Ulysses approves having the Town Supervisor sign and sends a letter of support to the Cayuga Lake Triathlon organizers.

**Resolution #65 Establishing Committee to Work with Public Sector HR on Personnel Policy

BE IT RESOLVED that the Town Board of Ulysses appoints David Reynolds, David Kerness and Elizabeth Thomas to serve on a Personnel Committee convened to develop an updated Ulysses Personnel Policy for approval by the Ulysses Town Board, with the assistance of the firm Public Sector HR.

March 26, 2013 Working Town Board

**Resolution #66 Review and Revise Proposals from Tri County & Alarm Tech

> BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Supervisor, Mr. Romer and Mr. Schlee to review and revise the proposals as necessary from Tri County and Alarm Tech. once satisfied the Town Board authorizes the Supervisor to enter into a contract not to exceed $9000.

**Resolution #67 Minutes

> BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of February 26, 2013.

**Resolution #68 Accepts Quote from Aqua Logics Systems to Convert Water District Monitoring System

WHEREAS quotes for a new remote cellular communication system to monitor the Town of Ulysses water supply system were obtained from Aqua Logics Systems and Phoenix Sentry, and

WHEREAS the lower quote from Phoenix Sentry was accepted but subsequently was determined to not include the extra engineering charges required to synchronize properly with the town's existing monitoring system; and

WHEREAS the Town requested and obtained updated quotes of which the Aqua Logics System quote was the lesser.

THEREFOR BE IT RESOLVED that the Town Board of the Town of Ulysses rescinds **Resolution 120 of 2012 passed on 11/27/2012 accepting the quote from Phoenix Sentry because the quote did not include $2,500 of extra fees listed in their updated quote of 2/20/2013. Also

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts quote # Q1-12-122B from Aqua Logics Systems Inc. dated 3/11/2013 for $9,275 to convert the water district monitoring system to remote cellular communications. This contract can be executed by the Town Supervisor.

**Resolution #69 Modify Budget for Aqua Logics Payment of $9,275.00

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Supervisor to modify the 2013 Budget by taking Water Fund Balance money of 2012 and transferring to Water Transmission and Distribution in the amount of $9,275 in the 2013 Budget.

**Resolution #70 Internal Audit

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize the Supervisor to proceed to request a quote for an outside audit from Ciaschi, Dietershagen, Little, Mickelson & Company LLP for an outside audit of the Town's Financial Statements and Internal Control procedures to take from time after April 14th, 2013.

**Resolution #71 Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

April 9, 2013 Regular Town Board Meeting

**Resolution #72 Agenda/Claims/Minutes

The Board approved the agenda.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher # 124 through 156 in the amount of $35,442.68.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of January 22, 2013 and Regular Town Board Meeting of March 12, 2013.

**Resolution # 73 Adopting Agricultural Assessments on Agricultural Land for Purpose of Calculating Benefit Assessments or Special Ad Valorem Levies for the Town of Ulysses Fire Protection District

**RESOLUTION ADOPTING AGRICULTURAL ASSESSMENTS ON AGRICULTURAL LAND FOR PURPOSES OF CALCULATING BENEFIT ASSESSMENTS OR SPECIAL AD VALOREM LEVIES FOR THE TOWN OF ULYSSES FIRE PROTECTION DISTRICT

WHEREAS, the Town of Ulysses is committed to preserving agricultural lands for agricultural purposes and the State Legislature has by 1994 amendments to Section 305, Subdivision 6, and Section 306, Subdivision 5 of the New York Agriculture and Markets Law, authorized the governing bodies of local municipalities which levy taxes for fire protection district purposes to adopt a **Resolution permitting the use of agricultural assessments rather than full value assessments for the purposes of calculating such levy, and

WHEREAS, the Town of Ulysses Agricultural and Farmland Protection Plan, adopted February 26, 2013 lists as a priority action item consideration of adopting an agricultural assessment for special district tax levies in support of fire and emergency services, and the Town Board finds that such a use of agricultural assessments would be advantageous in helping the farming community maintain its lands as agricultural lands by reducing the cost of fire protection for those lands,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulysses as follows:

Section 1. Use of agricultural assessment on lands within an agricultural district. The assessment determined pursuant to subdivision 1 of Section 305 of the New York Agricultural and Markets Law shall be used for purposes of calculating the benefit assessments or special ad valorem levies for the Town of Ulysses Fire Protection District on agricultural lands within an agricultural district.

Section 2. Use of agricultural assessments on lands outside of an agricultural district. The assessment determined pursuant to subdivision 1 of Section 306 of the New York State Agricultural and Markets Law shall be used for purposes of calculating the benefit assessments or special ad valorem levies for the Town of Ulysses Fire Protection District on agricultural lands outside an agricultural district.

Section 3. Applicability. The foregoing assessment modification shall apply only to agricultural lands that have qualified for the agricultural assessment in accordance with the applicable procedures set forth in Subdivision 1. of Section 305 and Subdivision 1 of Section 306 of the Agricultural and Markets Law.

Section 4. Effective Date. This **Resolution shall take effect as of April 10, 2013 and shall be applicable to all assessment rolls prepared for levying of taxes in the Town on and after said date.

**Resolution # 74 Agricultural Assessment on Agricultural Land for Purposes of Calculating Benefit Assessment or Special Ad Valorem Levies for the Town of Ulysses Ambulance District

**RESOLUTION ADOPTING AGRICULTURE ASSESSMENTS ON AGRICULTURAL LAND FOR PURPOSES OF CALCULATING BENEFIT ASSESSMENTS OR SPECIAL AD VALOREM LEVIES FOR THE TOWN OF ULYSSES AMBULANCE DISTRICT

WHEREAS, the Town of Ulysses is committed to preserving agricultural lands for agricultural purposes and the State Legislature has by Section 305, Subdivision 6, and Section 306, Subdivision 5 of the New York Agriculture and Markets Law, authorized the governing bodies of local municipalities which levy taxes for ambulance district purposes to adopt a **Resolution permitting the use of agricultural assessments rather than full value assessments for the purposes of calculating such levy, and

WHEREAS, the Town of Ulysses Agricultural and Farmland Protection Plan, adopted February 26, 2013 lists as a priority action item consideration of adopting an agricultural assessment for special district tax levies in support of fire and emergency services, and the Town Board finds that such a use of agricultural assessments would be advantageous in helping the farming community maintain its lands as agricultural lands by reducing the cost of fire protection for those lands,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Ulysses as follows:

Section 1. Use of agricultural assessment on lands within an agricultural district. The assessment determined pursuant to subdivision 1 of Section 305 of the New York Agricultural and Markets Law shall be used for purposes of calculating the benefit assessments or special ad valorem levies for the Town of Ulysses Ambulance District on agricultural lands within an agricultural district.

Section 2. Use of agricultural assessments on lands outside of an agricultural district. The assessment determined pursuant to subdivision 1 of Section 306 of the New York State Agricultural and Markets Law shall be used for purposes of calculating the benefit assessments or special ad valorem levies for the Town of Ulysses Ambulance District on agricultural lands outside an agricultural district.

Section 3. Applicability. The foregoing assessment modification shall apply only to agricultural lands that have qualified for the agricultural assessment in accordance with the applicable procedures set forth in Subdivision 1 of Section 305 and Subdivision 1 of Section 306 of the
Agricultural and Markets Law.

Section 4. Effective Date. This **Resolution shall take effect as of April 15, 2013, and contingent upon final establishment of the Town of Ulysses Ambulance district as adopted by the Ulysses Town Board on March 12, 2013 and subject to permissive referendum as set forth in Town Law Article 7 and Town Law section 209-e(3). This **Resolution shall be applicable to all assessment rolls prepared for levying of taxes in the Town on and after said date.

****Resolution #75 Supporting Highway Superintendent Letter to TC Highway Department**

BE IY RESOLVED that the Town Board of the Town of Ulysses supports the letter to the Tompkins County Highway Director, Jeff Smith, written by Highway Superintendent James Meeker, urging the repair of the County Roads listed in the letter.

FURTHER RESOLVED that a copy of the letter be forwarded to the County Legislator.

****Resolution # 76 Executive Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

**Resolution # 77 Compensation to Supervisor for Acting as Budget Officer

****RESOLUTION OF THE ULYSSES TOWN BOARD TO SEPARATELY COMPENSATE THE SUPERVISOR ACTING AS BUDGET OFFICE**

WHEREAS, the annual salary of the Supervisor is currently $15,608, pursuant to the notice of hearing for the preliminary budget for 2013; and

WHEREAS, the annual salary for the Deputy Supervisor is currently $25,557; and

WHEREAS, the Supervisor resigned effective April 15, 2013; and

WHEREAS, the Town Board needs to fill the vacancy in the position of Supervisor; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to move funds appropriated for the salary line of the Deputy Supervisor for 2013 to increase compensation to the Supervisor for 2013, in order to fill the vacancy in the position of Supervisor; and

WHEREAS, Town Law §27(4) provides that, notwithstanding the provisions of Town Law §27(1), the Supervisor may receive, in addition to any other compensation, a salary as budget officer to be fixed by the Town Board; and

WHEREAS, §27(4) of the Town Law was interpreted by the Office of the State Comptroller Opinion no. 38 of 1987 to provide that a town may, without adopting a local law, provide an additional salary to the supervisor for services performed as budget officer, even if this additional compensation will cause the total compensation paid to the supervisor to exceed the amount set forth as the supervisor's salary in the notice of hearing on the preliminary budget; and

WHEREAS, pursuant to Town Law §103(2), the Supervisor is the budget officer unless the supervisor appoints another person as budget officer; and

WHEREAS, the increase in the salary of the Supervisor by transferring funds from the line allocated to the salary of the Deputy Supervisor will not result in the expenditure of funds in excess of what was appropriated for 2013 for salaries in the Office of the Supervisor (General Fund budget appropriation section A1220);

NOW, THEREFORE, IT IS HEREBY

RESOLVED that the Town Board of the Town of Ulysses hereby appropriates an additional salary to the supervisor for 2013 in the annual amount of $14,392 for services performed as budget officer, to take effect upon the appointment of the new Supervisor after April 15, 2013.

**Resolution #78 Modify 2013 Budget to Separately Compensate Supervisor Who Acts as Budget Officer

****RESOLUTION OF THE ULYSSES TOWN BOARD TO MODIFY THE 2013 TOWN BUDGET TO SEPARATELY COMPENSATE THE SUPERVISOR WHO ACTS AS BUDGET OFFICER**

WHEREAS, the Town Board of the Town of Ulysses adopted "**Resolution of the Ulysses Town Board to separately compensate the Supervisor who acting as budget officer" on April 9, 2013; and

WHEREAS, said **Resolution specifies that additional salary appropriated to the Supervisor for 2013 for services performed as Budget Officer will not require an expenditure of funds in excess of what was appropriated for 2013 for salaries in the Office of the Supervisor (General Fund budget appropriation section A1220), and as such that any increase in the compensation of the Supervisor will be accompanied by a concomitant decrease in the salary appropriated for the Deputy Supervisor,

BE IT HEREBY RESOLVED that the Ulysses Town Board makes the following modification to the 2013 Budget:

Appropriation line A1220.13	Budget Officer	is added at	$14,392
Appropriation line A1220.12	Deputy Supervisor	is decreased by	$14,392

These budget modifications are to take effect upon the appointment of the new Supervisor after April 15, 2013.

APRIL 29, 2013 SPECIAL TOWN BOARD MEETING

**No **Resolutions

APRIL 30, 2013 TOWN BOARD WORKING MEETING

**Resolution # 79 Agenda/Minutes

Ms. Thomas moved, seconded by Ms. Tyler to approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of March 26, 2013 and the Regular Town Board meeting of April 9, 2013.

**Resolution #80 Supervisor Appointment Elizabeth Thomas

WHEREAS, Roxanne Marino, the former Town Supervisor of the Town of Ulysses, New York (the "Town"), resigned effective April 15, 2013, thereby creating a vacancy in the office of Town Supervisor; and

WHEREAS, pursuant to Town Law §64(5), whenever a vacancy occurs in a town office, the town board or a majority of the members thereof may appoint a qualified person to fill the vacancy; and

WHEREAS, Town Law §64(5) provides the person appointed to fill an elective office holds office until the commencement of the calendar year after the next annual election;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Ulysses hereby appoints Elizabeth Thomas as Town Supervisor of the Town of Ulysses, effective immediately, to hold office until December 31, 2013.

**Resolution #81 Town Board Appointment Nancy Zahler

WHEREAS, Elizabeth Thomas, resigned from her office as member of the Town Board of the Town of Ulysses effective April 30, 2013, thereby creating a vacancy seat on the Town Board; and

WHEREAS, pursuant to Town Law §64(5), whenever a vacancy occurs in a town office, the town board or a majority of the members thereof may appoint a qualified person to fill the vacancy; and

WHEREAS, Town Law §64(5) provides the person appointed to fill an elective office holds office until the commencement of the calendar year after the next annual election; and

WHEREAS, the Town Board invited qualified applicants to contact the Town Clerk and indicate their interest in being appointed to the Town Board; and

WHEREAS, the Town Board reviewed the qualifications of applicants and selected a qualified appointee;

NOW, THEREFORE, be it

RESOLVED that the Town Board of the Town of Ulysses hereby appoints Nancy Zahler as a member of the Town Board of the Town of Ulysses, effective immediately, to hold office until December 31, 2013.

**Resolution #82 Chamber of Commerce Signs

WHEREAS the Tompkins County Chamber of Commerce initiated an effort to install Gateway Signage at the entrance to Tompkins County on major state highways in order to promote tourism; and

WHEREAS the Chamber of Commerce has funding to purchase the initial set of signs; and

WHEREAS there are currently signs marking the entrance into the Town of Ulysses and Tompkins County on State Routes 89 and 96 where the Gateway Signage project proposes to place the new signs.

THEREFORE BE IT RESOLVED that the Town Board of Ulysses is in support of the Tompkins County Chamber of Commerce Gateway Signage project to install gateway signs on Routes 89 and 96 as presented to the Town Board at the March 12 meeting of the Board; and

RESOLVED the Town of Ulysses will apply for the Waived Use and Occupancy Permit for Gateway Signage and any subsequent papers which might be required for this permit; and the Town of Ulysses Highway Superintendent is empowered to execute such Use and Occupancy Permit ; and

RESOLVED that this approval from the Town Board of Ulysses is contingent on the NYS DOT either removing the existing, standard issue gateway signs on Routes 96 and 89 or allowing Tompkins County or the Town of Ulysses to remove the existing signs; and

FURTHER RESOLVED the Gateway Signage project signs may not exceed 20 square feet in area.

****Resolution #83 Use of Town Vehicles**

WHEREAS, the Town Board wishes to encourage fuel efficiency by authorizing town officers and employees to transport passengers in appropriate circumstances;

Now, therefore, be it

RESOLVED that Town Board of the Town of Ulysses hereby authorizes officers and employees of the Town to transport passengers in town vehicles to and from events and meetings attended by an officer or employee of the town for town related business.

****Resolution #84 Surplus Equipment**

BE IT RESOLVED that the following equipment and items belonging to the Town of Ulysses are no longer of use to the Town and either little or no retail value and as such can be either disposed of or donated in an environmentally responsible way.

- Chairs from the conference room - current value $0.00 suggested recycle.
- Adding machine - Canon P23 DH 111 - current value $0.00 suggested recycle.
- Non-working (TOU20) Dell Single core 2.8 GHz, Dimensions 5100C, Serial # 2106391 current value $0.00 suggested recycle.
- We also have a non-working server (TOU3) OptiPlex GX 260, service code (BNJ6621) current value $0.00 suggested recycle
- non-working monitor (TOU27) E551 14 inch full size serial Number NY-082CGN-46632-ocm-23LT current value $0.00 suggested recycle
- Working Projector (no town number) model 2200MP, SERIAL NUMBER 26129748709 current value $50.00 suggested sale or donation
- 1972 Brockway model 361L single axel dump truck with plow and wing.

****Resolution #85 Adding Signature to Checks**

RESOLVED that the Town Board of the Town of Ulysses approves Marsha Georgia to be a signer on all checks for the Town in the event the Supervisor is unable to be the signatory, and

RESOLVED, that Marsha Georgia is also approved to be the second signatory for checks exceeding $5,000 as second signature is required by Town policy.

**Resolution #86 Purchasing Municipal Equipment

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Highway Superintendent James Meeker to purchase a used backhoe with low hourly use at a municipal surplus or contractor equipment auction with a cost not to exceed $50,000 and

RESOLVED, this **Resolution is in effect for the year 2013.

**Resolution #87 Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

MAY 14, 2013 REGULAR TOWN BOARD MEETING

**Resolution #88 Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previously examined vouchers #157 through 207 in the amount of $95,957.96.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Special Town Board meeting of April 29, 2013 and the Town Board Working meeting of April 30, 2013 as corrected.

**Resolution #89 Surplus Equipment

BE IT RESOLVED that the following equipment and items belonging to the Town of Ulysses are no longer of use to the Town and either little or no retail value and as such can be either disposed of or donated in an environmentally responsible way.

1. Hewlett Packard, printer, Scanner, Fax M1522NF, Serial Number CND822K0MN (on inventory but bought by NY Court Systems)

2. Computer Monitor that the Ulysses youth brought in. 15inch full size Dell model E770s SN: MX-02010V-47605=08T-BTRK

3. Cannon flatbed scanner H12275 SERIAL NUMBER SGH45065

****Resolution #90 Urging New York State to Declare Invalid the RDSGEIS for High Volume Horizontal Hydraulic Fracturing**

Urging New York State to Declare Invalid the RDSGEIS for High Volume Horizontal Hydraulic Fracturing

WHEREAS the Town of Ulysses has participated faithfully in the process of developing the New York State Generic Environmental Impact Statement on high volume horizontal hydraulic fracturing and

WHEREAS the Town of Ulysses has closely studied the issue of high volume horizontal hydraulic fracturing and has determined that natural gas drilling is not in the best interest of the Town and

WHEREAS nonetheless gas drilling in other municipalities may well have a detrimental effect on the Town of Ulysses and

WHEREAS it has been learned recently that three firms – Ecology and Environment Inc., Alpha Geoscience, and URS Corporation - hired by New York State to work on the Revised Draft Supplemental Generic Environmental Impact Statement were closely involved with the Independent Oil and Gas Association of New York (IOGA), a lobbying and advocacy organization for the oil and gas industry and

WHEREAS such involvement with a lobbying and advocacy organization raises serious questions about the three firms' ability to maintain an objective viewpoint on an issue with such an important impact on the residents of New York State and

WHEREAS the content of the Revised Draft Supplemental Generic Environmental Impact Statement is therefore called into question

Now therefore be it

RESOLVED the Town of Ulysses calls upon the Department of Environmental Conservation and the Governor to declare invalid the Revised Draft Supplemental Generic Environmental Impact Statement and

FURTHER RESOLVED that this **Resolution be sent to Commissioner Joseph Martens of the Department of Environmental Conservation, Governor Andrew Cuomo, Assemblywoman Barbara Lifton and Senator Thomas O'Mara.

****Resolution #91 New Liaison Positions**

Supervisor Appointments

A. Highway Department	Kevin Romer
B. Trumansburg Village Board of Trustees	Nancy Zahler/alter. David Kerness
C. Personnel	David Kerness
D. Health Insurance Consortium Board	Lucia Tyler
E. Planning Board and Board of Zoning Appeals	David Kerness
F. Fire Department	Kevin Romer
G. County and other Emergency Management	Kevin Romer
H. Town Court	David Kerness
I. Trumansburg Ulysses Youth Commission	L. Thomas/alter. Nancy Zahler

Town Board Appointments

A. Planning Board Chairperson	Ken Zeserson
B. Board of Zoning Appeals Chairperson	George Tselekis
C. Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
D. Board of Assessment Review	Cheryl Thompson, David Means

E. Tompkins County Environmental Management Council (EMC)	Lucia Tyler
F. Tompkins County Water Resources Council (WRC)	Bill George & Darby Kiley
G. Tompkins County Stormwater Coalition	Darby Kiley
H. Trumansburg Ulysses Youth Commission Reps	Sharon Bilotta and vacant
I. Recreation Partnership representative	Durand VanDorn
J. Tompkins County Youth Services Board	Vacant
K. Ithaca/Tompkins County Transportation Council Planning Committee	Darby Kiley
L. Ithaca/Tompkins County Transportation Council Policy Committee	Darby Kiley
M. Tompkins County Council of Governments	L. Thomas / alter. N. Zahler
N. Tompkins County Area Development	Nancy Zahler
O. Fair Board liaison	Kevin Romer
P. Historian	Nancy Dean
Q. Water District Advisory Board Chairperson	Diane Hillman
R. Tompkins County Animal Control	Lucia Tyler
S. Cayuga Lake Water Shed Intermunicipal Org.	Darby Kiley

****Resolution#92 Executive Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

TOWN BOARD WORKING MEETING MAY 28, 2013

****Resolution#93 – Retain Whiteman, Osterman & Hanna LLP

BE IT RESOLVED that the Town Board of the Town of Ulysses allocate $5000 to retain Whiteman, Osterman & Hanna LLP to start work.

****Resolution#94 – Village Police Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Thomas to sign the contact with the Village of Trumansburg for police protection for the town court once new language is negotiated. The Supervisor will request using the Attorney's suggested language that the contract period is for one year and the rate of payment is set annually.

****Resolution#95 – Mainstay Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses authorize Supervisor Thomas to sign the contact in the amount of $2030 with Mainstay Builders to do various repairs on the Town Hall and install outdoor lighting as per the amended contract based on the recommendation from the Attorney for the Town made at the 5/28/13 meeting.

****Resolution#96 – Natural Gas – Hazardous Wastes

SUPPORTING NYS BILLS A1046 AND S00674 CALLING FOR UNIFORM TREATMENT OF HAZARDOUS WASTES

WHEREAS the purpose of New York State Assembly bill A1046 (same as NYS Senate bill S00674) is to amend the environmental conservation law in relation to the uniform treatment of waste; and

WHEREAS currently wastes from the oil and natural gas industries are exempt from the regulations promulgated by the Department of Environmental Conservation despite the fact that these wastes may be hazardous in many instances; and

WHEREAS these bills would require hazardous wastes produced from oil and natural gas activities to be subject to the Environmental Conservation Law (ECL) requirements for treatment of hazardous wastes by amending section 27-0903 to add a new section that would classify all waste resulting from oil or natural gas production activities as hazardous waste if such waste meets the definition of hazardous wastes set forth in the ECL; and

WHEREAS this legislation would ensure that when waste from oil and natural gas operations meets the definition of hazardous waste, that it be treated in a manner consistent with other hazardous wastes because failure to do so could present a real danger to public health and the environment; and

WHEREAS there is no compelling reason why waste produced from oil and natural gas activities that meet the definition of hazardous waste should not be subject to the same laws regarding generation, transportation, treatment, storage and disposal as other hazardous wastes.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses supports NYS Assembly bill A1046 (same as NYS Senate bill S00674) and encourages the passage of this bill by the Assembly, Senate and Governor; also

RESOLVED that a certified copy of this **Resolution be sent to **Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens; New York State Department of Health Commissioner Nirav Shah; New York State Association of Counties; New York State Association of Towns; New York State Association of State County Health Officials (NYASCHO); New York State Senator Thomas O'Mara; New York State Senator and sponsor of the bill Tony Avella; New York State Assemblywoman Barbara Lifton; NYS Assemblyman and sponsor of the bill Robert Sweeney; EPA Region 2 Administrator Judith Enck; EPA Acting Director** Bob Perciasepe**; Senators Kirsten Gillibrand and Charles Schumer; Congressman Thomas Reed; DEC Department of Mineral Resources Director Bradley Field and DEC Department of Mineral Resources Assistant Director Katherine Sanford; U.S. Department of Energy Secretary Earnest Moniz; President Barak Obama**

****Resolution#97 - Natural Gas – Health Impact Study **Resolution

SUPPORTING NYS LEGISLATIVE BILLS A5424A/S04236A CALLING FOR A MORATORIUM ON HYDRAULIC FRACTURING UNTIL AFTER A COMPREHENSIVE HEALTH IMPACT ASSESSMENT IS COMPLETE.

WHEREAS New York State Assembly bill A5424A (same as NYS Senate bill S04236A) notes in its justification that the potential for high volume hydraulic fracturing for natural gas in reservoirs such as the Marcellus and Utica Shale formations has led to robust debate regarding the safety of the process and the protection of the environment; and

WHEREAS the purpose of New York State Assembly bill A5424A (same as NYS Senate bill S04236A) is to impose a moratorium until May 15, 2015 on the issuance of certain natural gas drilling permits and requires the completion of a comprehensive health impact assessment done by a school of public health; and

WHEREAS delaying the Department of Environmental Conservation's ability to issue permits will provide the New York State Legislature with additional time to assess the true public health and environmental impacts of hydraulic fracturing and will provide the opportunity for the completion of a comprehensive health impact assessment; and

WHEREAS this bill will also help ensure the Legislature has adequate time to review DEC's Supplemental Generic Environmental Impact Statement (sGEIS) once it is produced. Such a moratorium will allow for a thorough, deliberate and unrushed analysis of all the factors involved.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses supports NYS Assembly bill A5424A (same as NYS Senate bill S04236A) and encourages the passage of this bill by the Senate and Governor; also

RESOLVED that a certified copy of this **Resolution be sent **to Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens; New York State Department of Health Commissioner Nirav Shah; New York State Association of Counties; New York State Association of Towns; New York State Association of State County Health Officials (NYASCHO); New York State Senator Thomas O'Mara; New York State Senator and sponsor of the bill Tony Avella; New York State Assemblywoman Barbara Lifton; NYS Assemblyman and sponsor of the bill Robert Sweeney; EPA Region 2 Administrator Judith Enck; EPA Acting Director** Bob Perciasepe**; Senators Kirsten Gillibrand and Charles Schumer; Congressman Thomas Reed; DEC Department of Mineral Resources Director Bradley Field and DEC Department of Mineral Resources Assistant Director Katherine Sanford; U.S. Department of Energy Secretary Earnest Moniz; President Barak Obama.**

****Resolution#98 - Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

REGULAR TOWN BOARD MEETING JUNE 11, 2013

****Resolution#99 – Agenda, Claims and Minutes

Ms. Zahler moved, seconded by Ms. Thomas to approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers #208 through 257 in the amount of $37,815.51.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Working Town Board meeting of May28, 2013 as edited.

****Resolution#100 – Speed Limit Reduction Searsburg Road

BE IT RESOLVED that the Town Board of the Town of Ulysses supports the request of the Searsburg residents to lower the speed limit from Curry Road to the County Line /Mount Road.

****Resolution#101 – Budget Modifications

A1010.4	Town Board CE	increase	$4,500.00
A1990.4	Contingency	decrease	$4,500.00

To cover HR Consultants fees, for revision of employee handbook.

Alll0.4	Town Justice CE	increase	$8,000.00
A917	Unassigned Fund Balance	decrease	$8,000.00

To reflect spending from Court Grant funds not budgeted for the current year.

A5132.2	Highway Barn EQ	increase	$8,315.65

A878	Capital Reserve	decrease	$8,315.65

To move money from the reserve account to cover the expense of new radios, unbudgeted for the current year.

B9040.8	Worker's	increase	$1,468.00
B1990.4	Contingency	decrease	$1,468.00

To cover additional Workers Compensation costs.

SW3-8310.4	Water District 3	increase	$1,000.00
SW3-915	Assigned Unappropriated	decrease	$1,000.00

To cover cost of new software unbudgeted in the current year.

******Resolution#102 – Appointment of Historian/Deputy Historian**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint John Wertis as the Historian for the Town of Ulysses at a yearly salary of $1000

FURHER RESOLVE to appoint Michele Mitrani as Deputy Historian at a yearly salary of $500.

******Resolution#103 – Appoint Alternate Board of Directors Health Consortium**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoint Ms. Thomas to be the alternate on the Board of Directors for the Tompkins County Health Care Consortium.

******Resolution#104 – Exemption to Sell Wine at Taughannock Park Concerts**

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the Town Supervisor to sign a letter to the Division of Alcohol Controls seeking exemption to limitations for the permit to sell alcohol at the Taughannock Falls State Park during the summer concert series.

******Resolution#105 – Executive Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

TOWN BOARD WORKING MEETING JUNE 25, 2013

******Resolution#106 – Agenda / Minutes**

Ms. Thomas moved, seconded by Ms. Zahler to approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of June 11, 2013 as edited.

******Resolution#107 – Open Space **Resolution**

Whereas, the 2009 Comprehensive Plan Action Item #1.1 A states that the Town should "Develop and implement an Open Space Plan to identify and protect open space in the Town;" and

Whereas, the New York State Local Open Space Planning Guide provides the rationale, the process, the types of resources, and the tools for open space planning; and

Whereas, the Planning Board has discussed the need to identify areas and mechanisms for protection and is willing do the work as the meeting schedule allows.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Ulysses assigns to the Planning Board the task of initiating the development of an Open Space Plan. The Planning Board should first focus on critical areas for protection and recommend specific protection mechanisms, and outline additional steps needed for the development of a full plan. The Planning Board will provide monthly progress reports.

******Resolution#108 – Amicus Brief**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULYSSES TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

WHEREAS, the Town of Ulysses filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses organized a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association ("Appellants") recently filed motions for leave to appeal each decision to the Court of Appeals – the State's highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses is part of the municipal coalition supporting the Ulysses' amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a Municipality's right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Ulysses hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by being part of the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.

2. The Town Ulysses of Ulysses hereby authorizes and directs the Supervisor/Mayor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town/Village/City as the Supervisor/Mayor deems necessary or appropriate to carry into effect the foregoing **Resolution.

3. The Town Clerk will promptly send a certified copy of this adopted **Resolution to the Supervisor.

REGULAR TOWN BOARD MEETING JULY 9, 2013

****Resolution# 109 – Adopting Agenda/Claims/Minutes

Ms. Zahler moved, seconded by Ms. Thomas to approve the agenda as presented. Unanimously approved

BE IT RESOLVED that the Town Boar of the Town of Ulysses approve the minutes of the Working Town Board meeting of June 25, 2013 as edited.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers #253 through 287 in the amount of $16,966.78.

****Resolution# 110 – Authorization for the Town Clerk to Enter into a 5-year Agreement with Tompkins County for the Tompkins Shared Services Electronic Records Repository

Authorization for the Town Clerk to Enter into a 5-Year Agreement with Tompkins County for the Tompkins Shared Services Electronic Records Repository (TSSERR)

Whereas Tompkins County has initiated and secured grants for the Tompkins County Shared Services Electronic Records Repository (TSSERR) which is a shared service hosted by the County and made available to all municipalities within the County and

Whereas the Town Board supported the grant application for TSSERR in 2013 and

Whereas the participating members of the TSSERR have drafted a set of By-Laws and a Group Agreement which have been presented to its members and the Tompkins County Operations Committee and

Whereas the Town Clerk has presented and discussed the TSSERR agreement and by-laws with the Town Board

Now therefore be it

Resolved that the Town Board does hereby authorize the Town Clerk to enter into the Tompkins County Shared Services Electronic Records Repository Group Agreement on behalf of the Town subject to the approval of the Attorney for the Town.

******Resolution #111 -Support for the Tompkins County Clerk's Application for Funding from the New York State Consolidated Funding Application for Shared Services under the Local Government Efficiency Grant**

Whereas the Tompkins County Clerk's Office intends to apply for funding through the New York State Consolidated Funding Application (CFA) for monies to continue its efforts to increase efficiencies in local services delivery of services and through shared services and support related to records management systems and

Whereas the Town Board has supported the County Clerk's Office in previous funding applications and looks forward to future opportunities for shared services and Intermunicipal cooperation which result in savings for its constituents and

Whereas the Town anticipates cooperating with and joining in future shared services offered and/or supported by the County whenever feasible.

Now therefore be it

Resolved that the Town Board does hereby fully support the Tompkins County Clerk's Office in its pursuit and application for funding for shared services through a Local Government Efficiency Grant

******Resolution#112 – Allow Privilege of the Floor at the July 11, 2013 Special Town Board Meeting**

BE IT RESOLVED that the Town Board of the Town of Ulysses will allow a 10 minute comment period at the end of the meeting on July 11, 2013.

SPECIAL TOWN BOARD MEETING JULY 11, 2013

Review of Lakeshore Zoning – can be heard on the audial on the web

TOWN BOARD WORKING MEETING JULY 23, 2013

******Resolution#113 – Approval of Agenda/Minutes/Claims**

BE IT RESOLVED that the Town Board of the Town of Ulysses amend the agenda: adding claims, moving "privilege of floor" up to be after presentations (limit to 10 minutes), update on Village waterline, executive session and update on grant for Cleaner Greener.

BE IT RESOLVED that the Town Board of the Town of Ulysses table the minutes of the Regular Town Board meeting of July 9, 2013 and the Special Town Board meeting of July 11, 2013.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers #288 through 302 in the amount of $21,398.74.

******Resolution#114 – Amended **Resolution Of The Ulysses Town Board Approving Contract With Habitat For Humanity For NYS Small Cities CDBG Funds**

AMENDED **RESOLUTION OF THE ULYSSES TOWN BOARD APPROVING CONTRACT WITH HABITAT FOR HUMANITY FOR NYS SMALL CITIES CDBG FUNDS

WHEREAS, the Town of Ulysses, Tompkins County, New York, was awarded a New York State Small Cities Program Community Development Block grant in the amount of $400,000 in 2007, as set forth in the Grant Agreement dated October 1, 2007; and

WHEREAS, the Town contracted with Better Housing for Tompkins County to provide moderate rehabilitation (repairs valued between $5,00 and $25,000) to the residences of qualified homeowners within the Town; and

WHEREAS, homeowners who received assistance through this program entered into Diminishing Lien Agreements with the Town, which required repayment of a portion of the grant amount if the property were sold within five years from the date of said agreement; and

WHEREAS, the sum of $13,076 was repaid to the Town by homeowners who sold their properties within the five year period; and

WHEREAS, the funds need to be used for repair projects within the Town of Ulysses; and

WHEREAS, the Town wishes to assist low- and moderate income homeowners in the Town of Ulysses with home repairs; and

WHEREAS, Habitat for Humanity of Tompkins and Cortland Counties ("Habitat") has an established program known as "A Brush with Kindness" (ABWK) to assist homeowners with small repairs, and the Town Board has received and reviewed the documentation describing this program provided by Habitat; and
WHEREAS, Habitat proposes to undertake the Town of Ulysses "A Brush With Kindness" Project; and WHEREAS, the Project meets the objectives and requirements of the New York State Small Cities CDBG
funds; and

WHEREAS, Habitat has a demonstrated capacity to implement the Project; and

WHEREAS, the Town adopted a **Resolution on March 12, 2013, approving the project, which limited the project area to the hamlet of Jacksonville, and the Town has since concluded that it is in the best interest of the residents of the Town to extend the project area to the entire Town of Ulysses;

NOW, THEREFORE, BE IT

RESOLVED that the $13,076 of NYS Small Cities CDBG funds will be used for repairs to homes of low- and moderate income homeowners in the Town of Ulysses; and be it further

RESOLVED that the Town will entered into a Sub recipient Agreement with Habitat, whereby Habitat will use the abovementioned sum of $13,076 for the Town of Ulysses ABWK Project, on the terms set forth in such Agreement, which will be subject to review by the Attorney for the Town and the Town Supervisor prior to its execution.

******Resolution#115 - **Resolution Regarding PSC Case No. 12-E-0577, Supporting The Up-Grading Transmission Lines And Rejecting The Conversion An Electricity Generating Plant To Natural Gas**

**RESOLUTION REGARDING PSC CASE NO. 12-E-0577, SUPPORTING THE UP-GRADING TRANSMISSION LINES AND REJECTING THE CONVERSION AN ELECTRICITY GENERATING PLANT TO NATURAL GAS

Whereas, on July 20, 2012, Cayuga Operating Company, LLC, ("Cayuga") which operates the coal-fired electric power plant ("the plant") located on the east shore of Cayuga Lake in the Town of Lansing filed notice with the Public Service Commission ("the PSC") of its intent to stop operating its coal-fired electric plant no later than January 16, 2013 because it "could not be operated economically;

Whereas, on January 18, 2013, PSC directed Cayuga and NYSEG to compare the costs and benefits of two options:

1) repowering the plant at the existing site, or
2) investing in long term alternative transmission upgrades.

Whereas, on February 19, 2013, NYSEG responded to PSC that "no electric generation will be required at the Cayuga Generating Facility [the plant] to support the reliability needs of either NYSEG or National Grid." [1] Instead NYSEG proposed two transmission upgrades which would address the electric supply reliability concerns raised by closing the plant. NYSEG further specified that these upgrades would be completed by mid-2017.

Whereas, in March 2013, Cayuga submitted a "Repowering Proposal," listing four ways to repower and continue operation of the plant, each substituting natural gas for coal.

Whereas, in May 2013, NYSEG responded to the Cayuga proposal of March 2013, recommending that the proposed transmission upgrades be implemented and that the plant not be converted to natural gas. (NYSEG's analysis concluded that the transmission line upgrades without repowering the plant was the least costly option. [2] Moreover, the upgrades to the transmission lines would be required in any case, thereby rendering the conversion proposals unnecessary.)

Whereas, each of Cayuga's natural gas conversion proposals is more expensive than the transmission upgrades proposed by NYSEG and requires that the NYSEG upgrades be done as well;

Whereas, Cayuga's natural gas conversion proposals rely on assumptions about revenue and market stability which the NYSEG analysis calls into question; [3]

Whereas, there is a lack of transparency in the arguments offered for natural gas conversion proposals, much of the data having been removed from documents available to the public

Whereas the plant has and will continue to create ecological and health hazards as long as it operates, regardless of which fossil fuel it uses, as it:

produces fine particle air pollution, has frequently been in violation of the Clean Air and Clean Water Acts, allows seepage of pollutants from its coal ash dump into the local ground water;

Whereas, Cayuga Lake is a major ecotourism asset to this region, and the location of the plant on the shore of Cayuga Lake exacerbates its potential for harming this asset;

Whereas there is no longer a technical need for a power plant to be located near such a precious resource as the lake, the cooling no longer needed in the NYSEG plan or the Cayuga plan.

Whereas, NYSEG ratepayers, including many Ulysses residents, are currently paying NYSEG additional fees totaling $30 MILLION each year to a private, for-profit corporation to keep in operation an otherwise inefficient plant which provides electricity which NYSEG has indicated is not needed now or in the future;

Whereas, the conversion will require the building of a new 18-mile natural gas pipeline through the Town of Dryden, with two major implications:

* The cost, in the 100's of millions of dollars, will be paid by local residents who get their electricity from NYSEG.
* the rights of way for the pipeline will be taken from individual landowners by eminent domain

Whereas, the environmental damage of construction and operation, the air pollution from leaks in the pipeline, the noise and light pollution from pipeline stations, and the risks of an explosion all will be borne by residents living near the pipeline.

Whereas, NYSEG has found that pursuing any of Cayuga's natural gas conversion proposals present additional reliability risks;

Whereas, continuing to generate electricity with fossil fuels is not consistent with the New York State Energy Highway plan and the huge infrastructure required for the Cayuga proposal is a costly detour off of that highway.

Whereas this matter which so vitally affects the health, safety, lands, finances, and quality of life of so many residents has not been well publicized and has only recently come to the notice of this Board and our constituents;

Therefore, BE IT RESOLVED that such merits as might exist in the proposal to convert

to natural gas are obscured by the lack of transparency and removal of the data on which they rely from publicly available documents;

RESOLVED that as of the PSC deadline, the Town of Ulysses recognizes the many concerns listed above, none of which appear yet to have been resolved;

RESOLVED that, based on the information made public and available to the Town, the Town of Ulysses cannot support the proposal of the Cayuga Operating Company, LLC to convert its operation of this plant to natural gas; and

THEREFORE RESOLVED that the Town of Ulysses supports the proposal of NYSEG to upgrade the transmission lines which it has specified to the PSC, and

FURTHER RESOLVED that the Town of Ulysses supports the PSC requiring NYSEG to implement a "demand-response" approach in combination with the described transmission upgrades to mitigate the transmission reliability issues raised in this Case.

[1] They are: the rebuilding of an existing line between National Grid's Elbridge substation and NYSEG's State Street Substation and constructing a new two between the same two points—a distance of 14.5 miles.

[2] NYSEG Repowering Analysis submission, p. 18.

[3] Id.

RESOLVED the Town Clerk will send a copy of this **Resolution to Secretary of the NYS PSC Jeffrey Cohen; Assemblywoman Barbara Lifton; State Senator Thomas O'Mara; Governor Andrew Cuomo; Senator Charles Schumer; Senator Kirsten Gillibrand; Tompkins County Legislator James Dennis; and Tompkins County Legislative Chair, Martha Robertson

****Resolution# 116 – Approval to Certify the Secretary of State as a Receiver of Notice of Claims

Approval to Certify the Secretary of State as a Receiver of Notice of Claims

WHEREAS, New York State passed a new law effective June 2013, entitled "Uniform Notice of Claim Act", which allows notice of claims to be served on the secretary of state instead of directly on the municipality at a fee of $250; and

WHEREAS, a municipality must file a certificate designating the secretary of state as an agent who may be served with a notice of claim, and which includes to whom and to where the notice of claim is to be sent; and

WHEREAS, failure to file the certificate causes a municipality to forfeit its right to receive a portion of the notice of claim filing fees;

Now, therefore, be it,

RESOLVED, the Town Board of the Town of Ulysses hereby certifies the Secretary of State to receive notice of claims for the Town of Ulysses; and be it further

RESOLVED, that the Secretary of State shall notify the Town Clerk of any notice of claim by sending notice to Town of Ulysses Town Clerk, 10 Elm Street, Trumansburg, NY 14886.

RESOLVED, that the Town of Ulysses Town Clerk send a certified copy of this **Resolution to the Secretary of State.

****Reolution#117 – Support Falls Road Route for Village Water Line**

BE IT RESOLVED that the Town Board of the Town of Ulysses supports the Falls Road route for running the second source of water to the Village of Trumansburg because it is consistent with the Town of Ulysses' Comprehensive Plan, current Zoning Law, supports the Black Diamond Trail and has potential to serve more Town residents in the future. This support assumes there are no cost to the Town and no adverse environmental impact as would be shown through SEQR.

******Resolution#118 – Contribution to the Outreach Group Hydrilla Task Force**

WHEREAS as the Cayuga Inlet has been infested by Hydrilla and

WHEREAS Ulysses is a major land entity on Cayuga Lake and

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses will contribute $2500 to the Outreach Group of the Hydrilla Task Force of the Cayuga Lake Watershed payable to Cornell Cooperative Extension of Tompkins County.

******Resolution#119 – Executive Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

******Resolution# 120 – Deputy Clerk Pay**

Resolved to pay Deputy Clerk, Patty Halloran at a rate of $18.92 on an hourly basis with a normal work week of 31 hours per week. Health insurance, dental and vision coverage will be paid as per a class B employee according to the Town of Ulysses Personnel Policy. Hours worked over 40/week will be paid overtime, however permission from the

Town Clerk is required to work overtime. Compensatory time off is allowed according to the Personnel Policy.

****Resolution#121 – Reduction of Elected Officials Salary for 2014

WHEREAS seats for the Town Board, Town Supervisor, Town Highway Superintendent and Town Clerk are up for election in Fall 2013 and

WHEREAS the Town Board is responsible to set the salary for any potential incoming elected officials.

THEREFORE, BE IT RESOLVED the base salaries for the following positions are:

Town Councilperson: $4,117
Town Supervisor: $15,608
Town Clerk $36,000 for 30 hrs. /week
$48,000 for 40 hrs. /week
Town Highway Superintendent $55,429

REGULAR TOWN BOARD MEETING AUGUST 20, 2013

****Resolution#122 – Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses excepts the agenda with the addition of adjourning for executive session for the advice of Counsel and under Old Business switch (a) and (b) and make the Non-Conformance Zoning (a).

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previously examined vouchers #303 through #354 in the amount of $50,404.52.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of July 9, 2013, the Special Town Board meeting of July 11, 2013 and Working Town Board meeting of July 23, 2013 as edited.

****Resolution#123 – Budget Modifications

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following budget modifications;

A1320.4	Auditor CE	increase	$11,000.00
A915.3	Assigned Funds - Audit	decrease	$11,000.00

To move money from the reserve account to cover the expense of the 2013 outside audit.

A6326.4	Other Econ Oppty Programs	increase	$13,076.00
A917	Unassigned A Fund Balance	decrease	$13,076.00

To cover payment made out of funds received from HUD Grants monies refunded to the town in 2012 and paid to Habitat for Humanity in 2013.

A7310.4	Youth Programs PS	increase	$3,987.00
A917	Unassigned A fund Balance	decrease	$3,987.00

To transfer funds from fund balance to cover increased Youth PS expense due to expenditure of Tompkins Community Fund Grant of $3,987.00 received in 2012.

B8090.4	Environmental Control	increase	$2,781.10
B1990.4	Contingency	decrease	$2,781.10

To cover additional cost due to payment to Hydrilla Task Force.

B9040.8	Worker's Compensation	increase	$620.00
B1990.4	Contingency	decrease	$620.00

To cover additional cost of Worker's Compensation.

DB9040.8	Worker's Compensation	increase	$85.00
DB5110.4	Highway Maintenance CE	decrease	$85.00

To cover additional cost of Worker's Compensation.

******Resolution# 124 – Appointment Youth Committee Member – Andrea Murray**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Andrea Murray to fill the vacant seat on the Trumansburg/Ulysses Joint Youth Commission.

******Resolution# 125 – Appointment to Planning Board – Brian Cutler**

BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Brian Cutler to the vacant seat on the Town of Ulysses Planning Board to fill out the term expiring December 2017 for Peter Fry who has stepped down from this position.

******Resolution# 126 – Broad Band Contribution**

WHEREAS access to high-speed broadband Internet service is regarded as a basic infrastructure necessity of the 21st century, providing a means of access to information and communication for citizens and businesses that is used by a growing percentage of the world's population, and

WHEREAS broadband Internet access serves the public interest in that it is increasingly a requirement for: the provision of government services, for small, locally-owned businesses to be able to compete, for sustainable economic development and commerce, education at all levels, health care, and whereas a lack of access to broadband Internet service may adversely impact property values, and

WHEREAS, for all of the reasons cited above, the Tompkins County Broadband Initiative's goal was to provide the opportunity for broadband access to all households and businesses throughout Tompkins County, and

WHEREAS a grant proposal submitted by Clarity Connect to the State proposed coverage for all the un-served and underserved areas in Tompkins County and was supported by both the Tompkins County Legislature and all towns without universal broadband access, and

WHEREAS Clarity Connect received generous but not full funding from the State granting agency to build a broadband distribution system to many of the unserved and underserved households in Tompkins County, and

WHEREAS the shortfall in funds for installing poles to accommodate the wireless system was $42,000 and an additional estimated $165,000 in transmitters and extra equipment costs, and

WHEREAS in order for all of Tompkins County to achieve universal broadband access for all the residents intended to be covered by this grant, rural municipalities are being asked to contribute a total of $6,000 and

WHEREAS additional funds will be raised through donations and future grants.

THEREFORE BE IT RESOLVED that the Town of Ulysses will contribute $6,000 to the effort of bringing universal broadband to all of Tompkins County, and

RESOLVED that the Town Clerk will send a copy of this **Resolution to Chuck Bartosh, owner of Clarity Connect and Michelle Pottorff, the Clerk of the Tompkins County Council of Governments and cc the Town Supervisor.

TOWN BOARD WORKING MEETING AUGUST 27, 2013

****Resolution# 127 - Agenda

add a 10 minute privilege of floor to the agenda

edit the minutes of 7/23/2013 to add Mr. Hartill' s written statement to the minutes for clarification but leave what was originally written when adopted

table discussion "truck for water district operator" Old Business (d)

****Resolution# 128 – Setting Public Hearing for Local Law #1 2013

BE IT RESOLVED that the Town Board of the Town of Ulysses excepts the draft amendment dated August 14, 2013 for the proposed local law and,

FURTHER RESOLVED sets the Public Hearing on proposed Local Law #1-2013 for September 10, 2013 at 6:45 PM.

LOCAL LAW NO. 1 OF THE YEAR 2013

A Local Law to Amend the Town of Ulysses Zoning Law ("the Zoning Law").

SECTION 1.

Article XVI of the Zoning Law, entitled "Development Districts", shall be amended by deleting all provisions pertaining to Development District No. 11.

SECTION 2.

The Zoning Map referred to in Article II of the Zoning Law shall be amended to include the property described below in the A-1 Agricultural District:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Ulysses, County of Tompkins, and State of New York, and being part of Military Lot Nos. 8 and 14 in said Town, more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly line of New York State Route 96 (Ithaca-Trumansburg Turnpike), said point being located South 61°15' 35" West a distance of approximately 33 feet from a point in the center line of said New York State Route 96 that is located northwesterly measured along said center line a tie measurement of, 731.66 feet, more or less, from the point of intersection of said center line with the center line of Cold Springs Road;

Thence South 61° 15' 35" West (passing through a point marked by an iron pin at 9 feet and through a point marked by another iron pin at an additional 531.60 feet) a total distance of approximately
578.10 feet to a point that is on the "approx. location zoning boundary" as labeled on a survey map entitled "SURVEY MAP SHOWING LANDS OF DAYID G. KLINE LOCATED ON NYS RTE. 96, TOWN OF ULYSSES, TOMPKINS COUNTY, NEW YORK" completed by T.G. Miller, P.C., Engineers & Surveyors, dated 5/21107;

Thence in a northwesterly direction on a line labeled "approx. location zoning boundary" on the aforementioned map, said line being parallel with the southwesterly line of said New York State Route 96 a distance of approximately 1,237.5 feet to a point marked by an iron pin at the northwesterly comer of premises of Kline and being located in the southerly boundary line of premises reputedly owned by Stover as shown by instrument recorded in the Tompkins County Clerk's Office as Instrument No. 1146394-001;

Thence South 86° 21' 38" East (passing through a point marked by an iron pin at 716.80 feet) a total distance of 733.72 to a point in the southwesterly highway line of said New York State Route 96;

Thence South 34° 34' 17" East along the southwesterly highway line of New York State Route 96 a distance of 845.77 feet to the point and place of beginning, being that portion of Parcel A on the above referenced survey maps that was formerly located in Development District No. 5 as shown on the aforementioned survey map.

SECTION 3.

This local law shall take effect upon filing with the Secretary of State.

******Resolution#129 – Set Public Informational Meeting – non-conforming**

BE IT RESOLVED that the Town Board of the Town of Ulysses set a Public Informational Meeting on the changes to Article XX-Nonconformance for September 10, 2013 at 6 PM.

REGLAR TOWN BOARD MEETING SEPTEMBER 10, 2013

******Resolution#130 – Agenda/Claims/Minutes**

BE IT RESOLVED that the Town Board of the Town of Ulysses amend the agenda to add the Personnel Policy in New Business.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the previous examined vouchers #'s 355 through 385 in the amount of $21,867.80.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Regular Town Board meeting of August 20, 2013 as corrected.

******Resolution# 131 – SEQR Local Law #1**

****RESOLUTION OF THE ULYSSES TOWN BOARD MAKING SEQR DETERMINATION FOR LOCAL LAW NO.1 OF 2013 AMENDMENT OF THE TOWN OF ULYSSES ZONING LAW**

WHEREAS, this action is the adoption of a Local Law to amend the Town of Ulysses Zoning Law to rezone part of Tax Parcel Number 20.-3-9.21, located at 1966 Trumansburg Road, from Develop District Number 11 to A1-Agricultural District; and

WHEREAS, this is 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, a public hearing on the proposed amendment of the Zoning Law was held on September 10, 2013, and notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation, on *August 31, 2013*, more than 10 days before the date of the public hearing; and

WHEREAS, the Town Board, at a public meeting held on September 10, 2013, has reviewed and accepted as adequate the Long Environmental Assessment Form (LEAF), Parts I and II 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 this uncoordinated environmental review, in accordance with New York State Environmental Quality Review Act for the above referenced action as proposed based on the information in the LEAF Part I and for the reasons set forth in the LEAF Part II, and, therefore, an Environmental Impact Statement will not be required.

*******Resolution#132 – Adopting Local Law# 2 2013 Development District 11 Rezoned to A1**

****RESOLUTION OF THE ULYSSES TOWN BOARD APPROVING LOCAL LAW # 1 OF 2013**

AMENDMENT OF THE TOWN OF ULYSSES ZONING LAW

WHEREAS, the Ulysses Town Board ("the Town Board") adopted a Comprehensive Plan for the Town on September 28, 2009; and

WHEREAS, the Town Board adopted Local Law no. 4 of 2007 on November 28, 2007, which amended the Zoning Law of the Town of Ulysses previously adopted on August 30, 2005; and

WHEREAS, by **Resolution dated and adopted March 11, 2008, the Town Board amended the Zoning Law to establish Development District No. 11 in the area described in the said **Resolution; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town and its residents to amend the Zoning Law so that the area currently forming Development District No. 11 will be rezoned to become part of the A-1 Agricultural District, as described in Article V of the Zoning Law, that such amendment is necessary to promote the public health and safety of the residents of the Town, and that such amendment provides for responsible land use and development consistent with the Comprehensive Plan; and

WHEREAS, the Town Board performed environmental review of the proposed amendment

of the Zoning Law pursuant to the provisions of SEQR, issued findings and adopted a Negative Declaration under SEQR on September 10, 2013; and

WHEREAS, on August 16, 2013, the Town submitted to the Tompkins County Planning Department a full statement of the proposed amendment of the Town Zoning Law pursuant to General Municipal Law §239(l) and (m); and

WHEREAS, the Tompkins County Planning Department sent a response on August 22, 2013 and did not object to this Local Law, and no protest petition objecting the this Local Law has been received by the Town Board, and a supermajority (majority plus one vote) is therefore not needed for passage of this Local Law by the Town Board; and

WHEREAS, a public hearing on the proposed amendment of the Zoning Law was held on September 10, 2013, and notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation, on August 31, 2013, more than 10 days before the date of the public hearing; and

WHEREAS, it is in the best interests of the Town and its residents to amend the Town Zoning Law to provide for responsible land use and development consistent with the Comprehensive Plan;

NOW, THEREFORE, IT IS HEREBY

RESOLVED that the Town Board of the Town of Ulysses hereby adopts Local Law No. 1 of 2013, to be effective upon filing with the New York State Secretary of State as required by law.

TOWN OF ULYSSES, NEW YORK
LOCAL LAW NO. 1 OF THE YEAR 2013

A Local Law to Amend the Town of Ulysses Zoning Law ("the Zoning Law").

SECTION 1.

Article XVI of the Zoning Law, entitled "Development Districts", shall be amended by deleting all provisions pertaining to Development District No. 11.

SECTION 2.

The Zoning Map referred to in Article II of the Zoning Law shall be amended to include the property described below in the A-1 Agricultural District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ulysses, County of Tompkins, and State of New York, and being part of Military Lot Nos. 8 and 14 in said Town, more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly line of New York State Route 96 (Ithaca-Trumansburg Turnpike), said point being located South 61°15' 35" West a distance of approximately 33 feet from a point in the center line of said New York State Route 96 that is located northwesterly measured along said center line a tie measurement of, 731.66 feet, more or less, from the point of intersection of said center line with the center line of Cold Springs Road;

Thence South 61° 15' 35" West (passing through a point marked by an iron pin at 9 feet and through a point marked by another iron pin at an additional 531.60 feet) a total distance of approximately 578.10 feet to a point that is on the "approx. location zoning boundary" as labeled on a survey map entitled "SURVEY MAP SHOWING LANDS OF DAYID G. KLINE LOCATED ON NYS RTE. 96, TOWN OF ULYSSES, TOMPKINS COUNTY, NEW YORK" completed by T.G. Miller, P.C., Engineers & Surveyors, dated 5/21107;

Thence in a northwesterly direction on a line labeled "approx. location zoning boundary" on the aforementioned map, said line being parallel with the southwesterly line of said New York State Route 96 a distance of approximately 1,237.5 feet to a point marked by an iron pin at the northwesterly comer of premises of Kline and being located in the southerly boundary line of premises reputedly owned by Stover as shown by instrument recorded in the Tompkins County Clerk's Office as Instrument No. 1146394-001;

Thence South 86° 21' 38" East (passing through a point marked by an iron pin at 716.80 feet) a total distance of 733.72 to a point in the southwesterly highway line of said New York State Route 96;

Thence South 34° 34' 17" East along the southwesterly highway line of New York State Route 96 a distance of 845.77 feet to the point and place of beginning, being that portion of Parcel A on the above referenced survey maps that was formerly located in Development District No. 5 as shown on the aforementioned survey map.

SECTION 3.

This local law shall take effect upon filing with the Secretary of State.

******Resolution#133 –Set Public Hearing for Local Law #2 Non-Conformance**

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the proposed zoning amendment to change Article XX: Non-conformance of the Ulysses Zoning Law and sets the Public Hearing to be held at the Ulysses Historical Society located at 39 South St. Trumansburg, NY on Wednesday September 25, 2013 at 7 PM for the purpose of accepting comments on the proposed Local Law #2 to amend the Town of Ulysses Zoning Law which updates the language on non-conformance.

******Resolution#134 – Set Public Hearing for Local Law #3 Tax Cap Override**

Be it resolved that the Town Board of the Town of Ulysses will hold a Public Hearing on the proposed Local Law #3 to override the NYS tax levy limit as allowed by General Municipal Law. The Public Hearing will be on Wednesday September 25, 2013 at 6:45 PM at the Ulysses Historical Society 39 South Street, Trumansburg, NY.

******Resolution#135 – Authorizing Court to Apply for Grant**

**RESOLUTION AUTHORIZING APPLICATION FOR 2013 JUSTICE COIRT ASSISTANCE PROGRAM GRANT

WHEREAS, the Ulysses Town Court is in need of items beyond the means of the 2014 budget, and

WHEREAS, the purchase of such items would put a financial strain on the taxpayers of the Town of Ulysses, and

WHEREAS, The Ulysses Town Court has the opportunity to apply for the 2013-2014 Justice Court Assistance Program Grant to obtain such items,

NOW THEREFORE, BE IT RESOLVED THAT the Ulysses Town Board hereby authorizes the Ulysses Town Court Justices to apply for the 2013-2014 Justice Court Assistance Program Grant requesting up to the maximum amount available to obtain needed items.

******Resolution#136 – Closed Session**

BE IT RESOLVED that the Town Board of the Town of Ulysses adjourn to a closed session for the advice of Counsel.

PUBLIC HEARING SEPTEMBER 10, 2013

***** Local Law to amend Article XVI of the Zoning Law to change Development District #11 (the Miniature Golf Course) to A1-Agricultural District.**

PUBLIC INFORMATION MEETING SEPTEMB 10, 2013

*****Information on - Zoning Law Article XX – Non-Conformance**

WORKING TOWN BOARD MEETING SEPTEMBER 24, 2013

****Rersolution#137 – Approval of Agenda // Minutes**

Ms. Thomas moved, seconded by Mr. Kerness to adjust the agenda by removing the presentation from the Municipal Gas and Electric Association because of a personal emergency and will attend at the October meeting, and add an executive session.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the minutes of the Town Board Working meeting of August 27, 2013 with the changes and corrections.

***Resolution#138 – Executive Session

BE IT RESOLVED that the Town Board of the Town of Ulysses moves to go into executive session to discuss matters related to the appointment, promotion, demotion, discipline, or removal of particular personnel.

PUBLIC HEARINGS ON PROPOSED LOCAL LAW #2 - #3 SEPTEMBER 25, 2013

***Local Law #2 – Tax Override Local Law #3- Non-Conformance Language

REGULAR TOWN BOARD MEETING OCTOBER 8, 2013

***Resolution#139 – Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined voucher numbers 386 through 431in the amount of $68,601.85.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Regular Town Board Meeting of 9/10/2013, the Working Meeting of 9/24/2013 and the two Public Hearings of 9/25/2013.

***Resolution#140 – Budget Modifications 2013

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the following 2013 budget modifications:

- Increase A1320.4 Audit $1000.00
  To allow for additional audit expense
- Increase 917 Unappropriated Fund Balance 1,000.00
- Decrease A915.3 Assigned Funds – Audit 1,000.00
  To cover additional auditor expense out of reserve
- Increase A7310.1 Youth Programs PS 1,297.00
- Increase A7310.4 Youth Programs CE 203.00
  To allocate the $1500.00 Howland Grant received for Youth Programs.

***Resolution#141 – Local Law#2 – Tax Cap Override

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 by the adoption of a local law approved by vote of at least sixty percent (60%) of the governing body, and

WHEREAS, at its meeting on September 10, 2013 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 for a public hearing to be held by said Town on September 25, 2013 at 6:45 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, notice of said public hearing was duly advertised in the Ithaca Journal on September 13, 2013; and

LOCAL LAW NO. 2 FOR THE YEAR 2013

A LOCAL LAW 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, 2014 and ending December 31, 2014 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 authorize 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 2014 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.

***Resolution# 143 - Set Public Hearing on Proposed Local Law #3 – Non-Conformance

WHEREAS, on September 10, 2013, the Town of Ulysses Town Board accepted the proposed Town of Ulysses Zoning Law amendment to change Article XX – Nonconformance and scheduled a public hearing; and

WHEREAS, on September 25, 2013, the Town Board held a public hearing prior to compliance with Town Law Article 16, Section 264 (2), which requires written notice to a designated representative of a city, town, village, county, state park or parkway if the districts, regulations or boundaries affected by the amendment are within 500 feet of the boundary of such entities;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board sets a public hearing on the proposed Town of Ulysses Zoning Law amendment to change Article XX – Nonconformance on Tuesday, October 22, 2013 at 6:45 PM at the Ulysses Town Hall;

FURTHER RESOLVED that notice of this public hearing be sent to the Ithaca Journal and to the clerks of all neighboring counties, towns, and villages, and the New York State Parks Finger Lakes Region Commissioner in person or by mail, no later than 10 days prior to the public hearing.

***Resolution# 144 – Yard Requirements Conservation Zone

BE IT RESOLVED that the Town Board of the Town of Ulysses change the " Minimum lot width at front lot line shall be 400 ft." under section 10.5, **Lot** Area and Yard Requirements in the Conservation District.

***Resolution#145 – Support for Jacksonville Church

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes Supervisor Thomas to write a letter in the support of the old Jacksonville Church to be nominate for one of the seven "save endangered sites" program for New York State in 2014.

WORKING TOWN BOARD MEETINGS OCTOBER 10. 2013 / OCTOBER 15, 2013

***Reviewing Tentative 2014 Budget

WORKING TOWN BOARD MEETING OCTOBER 22, 2013

***Resolution#146 – Approval of Agenda

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the agenda as presented.

***Resolution#147 – Budget 2014 Health Insurance

BE IT RESOLVED that the Town Board of the Town of Ulysses reduce A9060 Health Insurance by $7139 and increase A1990.4 Contingency by $7139.

***Resolution#148 – Adoption of Tentative Budget to Preliminary Budget 2014

BE IT RESOLVED that the Town Board of the Town of Ulysses adopts the tentative 2014 Budget and moves it to Preliminary.

PUBLIC HEARING OCTOBER 22, 2013

**Proposed Zoning LL #3 – amend Article XX – Non Conformance

PUBLIC HEARING OCTOBER 30, 2013

***2014 Preliminary Budget

REGULAR TOWN BOARD MEETING NOVEMBER 12, 2013

***Resolution#149 –Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves claims contingent on approval of the 2nd Board Member #'s 432 through 482 in the amount of $68,542.22.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of 9/10/2013 Public Hearing. 9/10/2013 Public Informational meeting, Regular Town Board meeting of 10/8/2013, Working Town Board meetings of 10/10/2013, 10/22/2013 and 10/30/2013.

***Resolution#150 – Budget Modifications

A1110.12 Town Justice Clerk PS	increase	$5420.00
A1011.1 Town Board Admin Assistant	decrease	$5420.00

To allow for additional expense for the Court Clerk for salary increase, as well as for severance and accrued vacation pay for terminated clerk.

A1320.4	Attorney CE	increase	$6300.00
A1990.	Contingency	decrease	$1500.0
A917	Unassigned Fund Balance	decrease	$5000.00

To cover additional expense due to amicus brief $5,000 will be covered by a payment from the Town of Ithaca, representing $5,000 of unbudgeted revenue, so therefore is drawn from Fund Balance; the rest from contingency.

A1670.4	Printing and Mailing	increase	$1,200.00
A1220.12	Deputy Supervisor PS	decrease	$1,200.00

To cover shortage in the Printing & Mailing line due to mailing out newsletter ($2,000.00).

A7510.4	Historian CE	increase	$100.00
A1650.4	Central Communication CE	decrease	$100.00

To budget for Town Historian training out of communication line, which has spent only about 58% of its Budget YTD.

REGULAR TOWN BOARD MEETING NOVEMBER 12, 2013

***Resolution# 148 – Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the agenda as presented.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves claims contingent on approval of the 2nd Board Member #'s 432 through 482 in the amount of $68,542.22.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of 9/10/2013 Public Hearing. 9/10/2013 Public Informational meeting, Regular Town Board meeting of 10/8/2013, Working Town Board meetings of 10/10/2013, 10/22/2013 and 10/30/2013.

***Resolution# 149 – Budget Modifications

A1110.12	Town Justice Clerk PS	increase	$5420.00
A1011.1	Town Board Admin Assistant	decrease	$5420.00

To allow for additional expense for the Court Clerk for salary increase, as well as for severance and accrued vacation pay for terminated clerk.

A1320.4	Attorney CE	increase	$6300.00
A1990.	Contingency	decrease	$1500.0
A917	Unassigned Fund Balance	decrease	$5000.00

To cover additional expense due to amicus brief $5,000 will be covered by a payment from the Town of Ithaca, representing $5,000 of unbudgeted revenue, so therefore is drawn from Fund Balance; the rest from contingency.

A1670.4	Printing and Mailing	increase	$1,200.00
A1220.12	Deputy Supervisor PS	decrease	$1,200.00

To cover shortage in the Printing & Mailing line due to mailing out newsletter ($2,000.00).

A7510.4	Historian CE	increase	$100.00
A1650.4	Central Communication CE	decrease	$100.00

To budget for Town Historian training out of communication line, which has spent only about 58% of its Budget YTD

*****Resolution #150 – Non-Conformance SEQR**

BE IT RESOLVED that the Town Board of the Town of Ulysses table SEQR determination and Non-Conformance until a future meeting.

*****Resolution#151 – 2014 Budget Adoption**

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the Preliminary 2014 Budget with the modifications made tonight in Water District #3 changing the total appropriations to $283,630.

*****Resolution #152 – Change in Rules and Procedures**

BE IT RESOLVED that the Town Board of the Town of Ulysses pursuant to the Rules and Procedures to accept the resolution pertaining to the public hearing and public information session regarding changes to the Zoning Law and the drafts of the Zoning Law that was sent 5:25 PM on Friday rather than before 5 on Friday.

*****Resolution #153 –Waive Rules and Procedures**

BE IT RESOLVED that the Town Board of the Town of Ulysses waive the Rules and Procedures to accept the documents emailed Friday after 5 PM deadline.

*****Resolutions #154 – Contract with E-Code**

RESOLUTION OF THE ULYSSES TOWN BOARD TO CONTRACT WITH GENERAL CODE FOR CODIFICATION SERVICES

WHEREAS, Town of Ulysses representatives met with a General Code representative on May 21, 2013, the Town provided General Code with existing local laws, and General Code provided a Proposal for Codification Services dated July 24, 2013; and

WHEREAS, a General Code representative presented the proposal of services at a Town Board meeting on September 24, 2013; and

WHEREAS, the proposed project will benefit the Town officials, Town staff, and residents by providing comprehensive, up-to-date municipal information in one location; and

WHEREAS, the base contract price of $13,733 will be spread over three budget years;

NOW, THEREFORE,

BE IT RESOLVED that the Town Board of the Town of Ulysses agrees to the contract with General Code as specified in the Proposal for Codification services dated July 24, 2013 with a Base Codification Project Price of $13,733; and

BE IT FURTHER RESOLVED that the Town Board authorizes Supervisor Thomas to sign the above-referenced contract with General Code.

SPECIAL TOWN BOARD MEETING NOVEMBER 18, 2013

***Resolution# 155 – Modified Agenda

Modified agenda as follows:

1. 7:00 CALL TO ORDER

2. CONSIDER ACCEPTANCE OF PROPOSED TOWN OF ULYSSES ZONING LAW REVISIONS FOR PURPOSES OF PUBLIC HEARING.

3. CONSIDER SETTING A PUBLIC HEARING DATE REGARDING THE PROPOSED TOWN OF ULSYSSES ZONING LAW REVISIONS FOR DECEMBER 2, 2013.

4. ADD PUBLIC INFORMATIONAL MEETING

***Resolution# 156 – Setting Public Hearing date for December 2, 2013 – Revised Zoning Law

CONSIDER ACCEPTANCE OF THE PROPOSED TOWN OF ULYSSES ZONING LAW REVISIONS FOR THE PURPOSES OF PUBLIC HEARING AND SETTING A PUBLIC HEARING DATE OF DECEMBER 2, 2013.

RESOLVED that the Town Board of the Town of Ulysses accepts the proposed Town of Ulysses Zoning Law Revisions dated 11/8/2013 and amended on November 14, 2013 for purposes of the public hearing and

RESOLVED that the Town Board hold a Public Hearing on Monday, December 2, 2013 at 7:00 p.m. at the Ulysses Historical Society, at 39 Main St. Trumansburg, for the purpose of hearing public comment on the proposed Zoning Law Revisions, and

RESOLVED that the Town Clerk shall arrange for publication of notice of the public hearing in the Ithaca Journal at least ten days prior to the public hearing, and

RESOLVED that the Town Clerk shall serve written notice of the proposed Zoning Law Revision as required by Town Law §264(3) at least ten days prior to the date of the Public Hearing to the neighboring municipalities, specifically the Village of Trumansburg, Town of Ithaca, Town of Enfield, Town of Lansing, Town of Covert, Town of Hector, Schuyler County, Seneca County, Tompkins County and NYS Parks.

PUBLIC INFORMASTIONSL MEETING ON ZONING LAW – NOVEMBER 18, 2013

SPECIAL TOWN BOARD MEETIMNG – NOVEMNER 25, 2013

***Resolution# 157 –Policies AND Procedures

Suspend our Policies and Procedures that would allow us to introduce this resolution.

***Resolution #158 –Appoint Records Access Officer

RESOLUTION APPOINTING RECORDS ACCESS OFFICERS FOR TOWN OF ULYSSES AND ADOPTING OTHER POLICIES REGARDING PUBLIC ACCESS TO RECORDS

WHEREAS, the Freedom of information Law (FOIL), New York Public Officers Law Article 6, provides for public access to records maintained by municipalities, and

WHEREAS, the Town of Ulysses (Town) wishes to adopt the following policies regarding its implementation of FOIL, including the procedures applicable to requests from the public to inspector receive copies of Town records,

BE IT RESOLVED, that

A. The Town designates the following person as Records Access Officers:

Mary Bouchard, Town Bookkeeper (Email appears in s paragraph further down in the minutes)
10 Elm St. Trumansburg, NY

B. Mary Bouchard shall have primary responsibility for insuring appropriate Town response to public requests for access to records.

C. Records shall be available for public inspection and copying at:
The Town of Ulysses Hall

D. Requests for public access to records shall be accepted and records produced during all hours Town of Ulysses is regularly open for business these hours are 8 to 4 Monday through Friday or by appointment if the Records Access Officer is not available.

E. Requests for records maybe submitted by completion and electronic Submission of the electronic form on the Town's website. Requests for records may also be submitted by completion of the paper hard copy form that is available at the Town's Clerk's office and submission of the form to either of the Records Access Officers at the business addresses listed above.

F. The following person or persons or body shall determine appeals regarding denial of access to recordings under FOIL:

Town of Ulysses Town Board

BE IT FURTHER RESOLVED, that any Town officer or employee who receives a FOIL request shall immediately send it to the Records Access Officers listed above so that a Records Access Officer may notify the person submitting the request of the proper procedure to do so.

BE IT FURTHER RESOLVED that all Town officers and employees shall provide the Records Access Officers with all records that are described in the FOIL request.

BE IT FURTHER RESOLVED, that the Records Access Officers shall follow all requirements and procedures specified in FOIL and in the Regulations implementing FOIL found at 21 NYCRR Part 1401.

BE IT FURTHER RESOLVED, that this resolution supersedes and rescinds any and all prior resolutions in consistent there with.

***Resolution#159 – Adding Privilege of Floor to Agenda

Add Privilege of the Floor for 10 minutes with 3 minutes per person as is the normal privilege of the floor.

WORKING TOWN BOASRD MEETING – NOVEMBER 26, 2013

***Resolution#160 Agenda/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the agenda for the November 26, 2013 as modified adding setting date for public hearing for Fire and Ambulance agreements and also to allow Privilege of the Floor.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes of the Town Board Working meeting of 10/22/2013, the Public Hearing of 10/22/2013, and the Public Hearing of 10/30/2013 as modified.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the minutes with the changes presented for the Regular Town Board meeting of 11/12/2013.

***Resolution#161 – Appointment of Deputy Supervisor

RESOLUTION TO APPOINT DEPUTY SUPERVISOR

WHEREAS Lucia Tyler has served faithfully as Deputy Supervisor for the Town of Ulysses, and

WHEREAS Ms. Tyler's term will end on December 31, 2013, and

WHEREAS to prevent leaving the a gap in time when the position is vacant,

THEREFORE BE IT RESOLVED that Supervisor Thomas appoints Nancy Zahler as her Deputy Supervisor and thanks Ms. Zahler for agreeing to take this position.

***Resolution#162- Declaring Surplus Equipment

BE IT RESOLVED that the following equipment and items belonging to the Town of Ulysses are no longer of use to the Town and either little or no retail value and as such can be either disposed of or donated in an environmentally responsible way.

TOU4 Computer Desktop Dell 2.99 GHz 2 gig ram, 150 gig HD
Optiplex 760 Serial #: 3136tk1 Age 5 years Marsha Home.

TOU11 Computer Desktop Dell Single core 2.8 Ghz
Dimensions 5100C Serial #: 3106391 Age: 6 years Ulysses Youth

TOU12 Printer Hewlett Packard Laser Printer
HP Laserjet
1200 Series C7044A Serial #: CNBSF22978 Age 9 Years Supervisor's office - bookkeeper.

TOU13 Computer Desktop Dell Single core 2.8Ghz
Dimensions 5100C Serial #: 4106391 Age 6.00 records room.

*****Resolution#163 – Changing Date of December Working Meeting**

BE IT RESOLVED that the Town Board of the Town of Ulysses resoles to cancel the regularly scheduled working Town Board meeting of December 24 and set the meeting instead on December 17, 2013.

*****Resolution#164 - REQUEST TO EXTEND THE DEC COMMENT PERIOD ON LIQUIFIED NATURAL GAS STORAGE**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has proposed to establish a permitting program for the safe siting, construction, and operation of liquefied natural gas (LNG) facilities and transportation of LNG in New York State (Proposed 6 NYCRR Part 570 - Regulation of Liquefied Natural Gas Facilities), and

WHEREAS, NYSDEC initially established a 30-day public comment period on the proposed regulations that was to expire on November 4, 2013, and

WHEREAS, NYSDEC has now extended that time period by only an additional 30 days to December 4, 2013, and

WHEREAS, these regulations are being proposed without a comprehensive independent analysis of their potential impacts by NYSDEC, and

WHEREAS, the review period is completely inadequate for a thoughtful and thorough review of proposed regulations and related documents by local elected officials who meet twice per month, and

WHEREAS, the Tompkins County Staff and Legislature needs adequate time to review and assess the implications of the proposed regulations on its departments, facilities, services, and residents, now therefore be it

RESOLVED, on recommendation of the Planning, Energy, and Environmental Quality Committee, That the Tompkins County Legislature urges that the NYSDEC should extend the public comment period on the revised regulations to a total of 180 days,

RESOLVED, further, that a certified copy of this resolution be sent to: Governor Andrew Cuomo, New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Association of Counties, New York State Association of Towns, Assemblywoman Barbara Lifton, Senator O'Mara, Tompkins County Legislators and Tompkins County Council of Governments (TCCOG).

*****Resolution#165 – Contract for Interim Attorney**

BE IT RESOLVED that the Town Board of the Town of Ulysses resolves to authorize the Town Supervisor to sign the letter of engagement dated November 21, 2013 with Attorney Susan Brock for legal services backup for 2013.

*****Resolution#166 – Supporting TC Transfer of Property**

SUPPORTING TOMPKINS COUNTY'S TRANSFER OF TAUGHANNOCK BOULEVARD PARCEL WHICH BUFFERS THE BLACK DIAMOND TRAIL TO THE STATE OF NEW YORK

WHEREAS, twenty two (22) parcels were subject to foreclosure proceedings by Tompkins County in 2012, and

WHEREAS, Town of Ulysses Tax Parcel #27-4-6 was one of the parcels subject to foreclosure, and

WHEREAS, the parcel is a vacant, 4.10-acre parcel located on Taughannock Boulevard, north of Perry City Road, and

WHEREAS, the parcel is located in the County-designated Lakeshore Natural Features Focus Area, the Maplewood Glen and Lakes Slopes Unique Natural Area (UNA-62), the Cayuga Lake Scenic Byway, and the Town's proposed Conservation District and Slope Overlay Area, and

WHEREAS, the parcel is bordered to the west by approximately 380' of the Black Diamond Trail, and

WHEREAS, the County Planning Department recommended that the Government Operations Committee withhold the parcel from the 2012 foreclosure auction in order to study options for the parcel's protection, and

WHEREAS, the Government Operations Committee voted to withhold the parcel from the 2012 foreclosure auction, and

WHEREAS, New York State Parks expressed interest in acquiring the parcel to serve as a buffer to the Black Diamond Trail, and

RESOLVED, on recommendation of the Ulysses Town Board, that the Town supports the County's effort to implement the transfer to the State of New York.

*****Resolution#167 –Accepting Language of Fire Agreement sand Ambulance Agreement**

BE IT RESOLVED that the Town Board of the Town of Ulysses excepts foregoing amended Ambulance Agreement language as the final copy for the Public Hearing.

BE IT RESOLVED that the Town Board of the Town of Ulysses excepts foregoing amended Fire Agreement language as the final copies for the Public Hearing.

***Resolution#168 – Setting Public Hearing Fire and Ambulance Agreement

BE IT RESOLVED that the Town Board of the Town of Ulysses sets the date of December 17, 2013 at 6:45 p.m. at the Town Hall for the purpose of hearing public comments on the Fire and Ambulance Agreements with the Village of Trumansburg.

PUBLIC HEARING DECEMBER 2, 2013

No Resolutions

REGULAR TOWN BOARD MEETING DECEMBER 10, 2013

***Resolution#169 – Agenda/Claims/Minutes

BE IT RESOLVED that the Town Board of the Town of Ulysses modify the agenda for December 10, 2013 by removing the personnel issues under New Business and under Old Business remove SEQR determination and consideration of adoption of Local Law #3 of 2013.

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers numbers 483 through 538 in the amount of $192,556.29.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Working Town Board meeting of November 18, 2013.

BE IT RESOLVED that the Town Board of the Town of Ulysses approves the edited minutes of the Special Town Board meeting of November 25, 2013.

***Resolution#170 – Budget Modifications

A1420.4	Attorney	increase	$7,151.07
A1990.4	Contingenc	decrease	$4,000.0
A1910.4	Unallocate Insurance	decrease	$3,151.07

A1460.4	Records Mang	CE	increase	$1,267.88
A1450.4	Elections CE		decrease	$1,267.88

A9010.	NYS Retirement	increase	$8,561.00
A827	Retirement Contribution	decrease	$8,561.00
A9050.	Unemployment Benefits	increase	$3,415.36
A815	Special Reserve - employment	decrease	$3,415.36

B'\420.4	Attorney CE	increase	
B1440.4	Engineering/Consulting	decrease	$546.60
			$546.60

B9010.8 B3620.11	NYS Retirement Deputy Safety Inspection PS	increase decrease	$982.00 $982.00
DA9010.8	NYS Retirement	increase	$4,641.00
A827	Retirement Contribution Reserve	decrease	$4,641.00
DB5110.1	Highway Maintenance PS	increase	$1,752.47
DB5110.4	Highway Maintenance CE	decrease	$1,752.47
DB9010.8	NYS Retirement	increase	$2,786.00
DB5110.4	Highway Maintenance CE.	decrease	$2,786.00
DB9030.8	Social Security	increase	$1,203.54
DB5110.4	Highway Maintenance CE	decrease	$1,203.54

SW3 8310.43	Water Administration CE	increase	$412.78
SW3 915	Assigned Unappropriated Fund Balance	decrease	$412.78

****Resolution#171 - Engineering Contract Water #3**

RESOLVED to authorize the Town of Ulysses Supervisor to sign the contract with Hunt Engineers for the amount not to exceed $15,300 to provide engineering services for Water District 3 as described in their proposal dated November 29, 2013.

*****Resolution#172 – Park Foundation Grant**

RESOLUTION OF THE ULYSSES TOWN BOARD TO ACT AS PROJECT SPONSOR FOR PARK FOUNDATION APPLICATION FOR MULTI-MUNICIPAL HOME ENERGY RATING AND DISCLOSURE PROJECT

WHEREAS, a consortium of Tompkins County municipalities and local agencies have developed four Smart Energy Policies, one of which includes a project for Home Energy Rating and Disclosure at the time of sale for existing homes; and

WHEREAS, municipal staff resources are limited, so outside funding is needed to support a study to research existing rating systems, to meet with local municipal staff for input, to draft a Home Energy Rating and Disclosure Ordinance, and to create a strategy for implementation; and

WHEREAS, the proposed project appears to meet the Park Foundation's Sustainable Ithaca Program Interest and Energy and Climate Change subprogram; and

WHEREAS, the proposed project budget is approximately $112,000, which includes approximately $51,700 requested from the Park Foundation, $6,500 of which will cover Town of Ulysses project management and attorney costs, and approximately $60,480 in in-kind contributions of staff time from the Towns of Caroline, Danby, Ithaca, and Ulysses, the City of Ithaca, Tompkins County, and Cornell Cooperative Extension of Tompkins County;

NOW, THEREFORE, BE IT

RESOLVED that the Town of Ulysses agrees to act as the project sponsor for the Park Foundation application for the Home Energy Rating and Disclosure project; and be it further

RESOLVED that if the application is successful, the Town Board authorizes the Town Supervisor to sign the grant funding contract, subject to review by the Attorney for the Town.

***Resolution#173 – Appointment EMC Representative

RESOLVED that the Town of Ulysses thanks Lucia Tyler for her long service as representative to the Tompkins County Environmental Management Council and

RESOLVED that the Town of Ulysses appoints incoming Town Board member, John Hertzler, to be the Town of Ulysses representative to the Tompkins County Environmental Management Council .

***Resolution#174 – Set Date for 2014 Organizational Meeting

RESOLVED that the Town Board of the Town of Ulysses sets the date for the 2014 Organizational Meeting for Monday, January 6, 2014 at 7:00 p.m.

WORKING TOWN BOARD MEETING DECEMBER 17, 2013

***Resolution#175 – Agenda

BE IT RESOLVED that the Town Board of the Town of Ulysses add the following to tonight's agenda.

- Ad Resolution to appoint alternate Records Access Officer
- Ms. Thomas has an announcement

***Resolution#176 – SEQR Determination Local Law #3

RESOLUTION OF THE ULYSSES TOWN BOARD MAKING SEQR DETERMINATION FOR LOCAL LAW NO. 3 OF 2013 THE TOWN OF ULYSSES ZONING LAW REVISION

WHEREAS, this action is the adoption of a Local Law to amend the Town of Ulysses Zoning Law; and

WHEREAS, this as a Type I action for which the Town of Ulysses Town Board is Lead Agency in an environmental review with respect to the enactment of the proposed local law; and

WHEREAS, the Town Board, at a public meeting held on December 17, 2013, has reviewed and accepted as adequate the Full Environmental Assessment Form (FEAF), 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 FEAF Part 1 and for the reasons set forth in the FEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

*****Resolution#177 – Adoption of Local Law #3 – Zoning Amendment Law**

RESOLUTION OF THE ULYSSES TOWN BOARD APPROVING LOCAL LAW NO. 3 OF 2013

THE TOWN OF ULYSSES ZONING LAW REVISION

WHEREAS, the Ulysses Town Board ("the Town Board") adopted a Comprehensive Plan for the Town on September 28, 2009; and

WHEREAS, the Town Board adopted Local Law No. 4 of 2007 on November 28, 2007, which amended the Zoning Law of the Town of Ulysses previously adopted on August 30, 2005; and

WHEREAS, pursuant to page 1 of Article I of the Ulysses Zoning Law of 2007, the purpose of the Zoning Law of the Town of Ulysses is, in part, to promote the health, safety, and general welfare of the community, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overuse of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, parks and to restrict and regulate the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes in order to preserve, foster and enhance the native beauty and rural character of one of the most picturesque and charming communities in the Finger Lakes region of New York State; and

WHEREAS, the Town of Ulysses Zoning Law provides that "the regulations, restrictions and boundaries set forth in this Zoning Law may be amended, supplemented, changed or repealed by the Town Board pursuant to local law." (Town of Ulysses Zoning Law, Article II/Section 2.11); and

WHEREAS, the Town Board has determined that further amendment of the Zoning Law is necessary to implement the objectives in the Comprehensive Plan and better achieve the purposes of the Zoning Law; and

WHEREAS, the amendments to the Zoning Law include, but are not limited to, the following:

- Creation of a Lakeshore District;
- Creation of a Conservation District;
- Creation of a Marina District where the Ithaca Yacht Club currently operates;
- Revision of the provisions pertaining to Nonconformance;
- Revisions to Article III (Administration);
- Addition of several definitions in Article IV; and
- Correction of inconsistencies throughout the Zoning Law;

WHEREAS, the amendments to the Zoning Law are in accordance with the provisions of the Comprehensive Plan, including the following objectives in the Comprehensive Plan:

- "Investigate and implement various mechanisms to protect and preserve environmentally sensitive areas such as steep slopes, wetlands, Unique Natural Areas, mature forests and important wildlife habitats in all Land Use areas." (p. 19);
- "Enact zoning regulations to protect the Cayuga Lake waterfront and ensure development that is consistent with the lakefront's existing character and compatible with the natural environmental features." (p. 19);
- "Officially recognize and act to preserve the Unique Natural Areas defined in the Tompkins County Environmental Management Council's Unique Natural Areas Inventory." (p. 20);
- "Review and revise existing Town regulations to more adequately protect streams in the Town through buffer zones, setbacks, or other protection mechanisms such as a stream protection overlay zone." (p. 20);
- "Use the Future Land Use Plan to guide officials' decision-making as it relates to future development." (p. 22); and
- "Update the Town's Zoning Law to ensure consistency with the Future Land Use Plan," (p. 22), which includes a Lakeshore Area between Cayuga Lake and State Route 89 (p. 44) and a Conservation Area that "includes the steeply sloping lands west of Route 89" (p. 47); and

WHEREAS, in 2008, the Town Board appointed the Planning Board to draft the Conservation
District language, which the Planning Board presented to the Town Board in September 2010; and

WHEREAS, in 2009, the Town Board formed a committee to draft the Lakeshore District language, which was presented to the Town Board in September 2011; and

WHEREAS, in 2011, Town Board requested that the Planning Board review comments and make revisions on the Conservation and Lakeshore drafts, which proposed revisions were presented at a public information meeting in October 2012; and

WHEREAS, a public information meeting and public hearing on the Conservation and Lakeshore Districts language were held on October 24, 2012, whereafter the Town Board formed an ad hoc committee to review public comments that were submitted to the Town Board and create a revised draft of the Lakeshore District language, whereupon the committee worked on the draft from January to June 2013 and presented their recommendations to the Town Board on June 25, 2013; and

WHEREAS, the Town Board reviewed the proposed Conservation District, Lakeshore District and Marina District language commencing in July 2013, the Nonconformance provisions commencing in August 2013, and the other revisions to the Zoning Law commencing in November 2013; and

WHEREAS, a public information session on the proposed Local Law amending the Town of Ulysses Zoning Law was held on November 18, 2013; and

WHEREAS, public hearings on the proposed amendment of Nonconformance Article of the Zoning Law were held on September 25 and October 22, 2013, notice of such hearings were published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation, on September 13 and October 11, 2013 respectively, more than 10 days before the date of each public hearing, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed amendments, or any part thereof; and

WHEREAS, a public hearing on the proposed local law amending the Zoning Law was held on December 2, 2013, notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation on November 21, 2013, 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 November 18, 2013, 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 December 10, 2013 and recommended one modification: That communications transmission towers and telecommunications facilities be eliminated from the Marina District as a permitted use, because the district falls within several distinctive viewsheds noted in the 2007 Tompkins County Scenic Resources Inventory; and

WHEREAS, the Town Board considered this recommendation and concluded that the requirements for Communications Transmission Towers and Telecommunications Facilities set forth in Article XXII of the Zoning Law as amended sufficiently addresses

aesthetic and environmental considerations; and

WHEREAS, in light of the Tompkins County Planning Department's recommendation for amendment of the above-referenced provision, adoption of the amended Zoning Law requires the vote of a majority of the Town Board members plus one (i.e., four votes); and

WHEREAS, the Town Board considered the other comments of the Tompkins County Planning Department; and

WHEREAS, three protest petitions objecting to this local law—one for the lakeshore district, one for the marina district and one for the conservation district—were received by the Town Board at 6:45 and 7:15 p.m. on this night of December 17, 2013, and the Town Board has not had the opportunity to verify whether the petition was signed by the owners of 20 percent or more of the land included in each proposed districts, and if so, the approval of at least three-fourths of the members of the Town Board would be needed for passage of this Local Law on this basis; additionally, the vote of four members is required in light of the above-referenced recommendation of the Tompkins County Planning Department; 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 a Type I Action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of this local law, has, on December 17, 2013, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full 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 2013, and authorizes and directs the Town Clerk to file said local law with the New York State Secretary of State as required by law.

*****Resolution#178 - Fire Protection Services**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULYSSES TO APPROVE AN AGREEMENT BETWEEN THE TOWN AND THE VILLAGE OF TRUMANSBURG FOR FIRE PROTECTION SERVICES IN THE FIRE PROTECTION DISTRICT OF THE TOWNS OF ULYSSES, HECTOR AND COVERT

WHEREAS, a fire protection district known as "the Fire Protection District of the Towns of Ulysses, Hector and Covert" (hereafter referred to as "the Fire Protection District") has been duly established in the said towns; and

WHEREAS, the Fire Protection District encompasses the following territory in the Town of Ulysses: All of the Town of Ulysses, excepting the area within the limits of the incorporated Village of Trumansburg; and

WHEREAS, the Village of Trumansburg (hereafter referred to as "the Village") maintains a volunteer fire department, with adequate and suitable apparatus, equipment and training for the furnishing of fire protection services within the Fire Protection District; and

WHEREAS, Town Law §184 permits a town to contract with a village which maintains adequate and suitable apparatus and appliances for the furnishing of fire protection services in such fire protection district; and

WHEREAS, the Town wishes to contract with the Village to provide fire protection services in the Fire Protection District; and

WHEREAS, a public hearing as required by §184 of the Town Law was duly advertised, and was held on December 17, 2013 at 6:45 p.m. at the Town of Ulysses Town Hall,

NOW, THEREFORE, BE IT RESOLVED THAT:
The Town Board of the Town of Ulysses hereby approves and authorizes execution of the attached Agreement between the Village and the Town, whereby the Village will provide the Town with fire protection capable of responding to fire related and health related emergencies on an ongoing basis within the Fire Protection District, for the period from January 1, 2014 until December 31, 2014. And be it further

RESOLVED THAT, pursuant to the Agreement, the Town shall pay the Village the sum of $158,112 for such services, on or before March 1, 2014. And be it further

RESOLVED THAT, the Supervisor of the Town of Ulysses is hereby authorized to execute the Agreement on behalf of the Town of Ulysses.

*****Resolution#179 – Ambulance Service 2014**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULYSSES TO APPROVE A CONTRACT BETWEEN THE TOWN OF ULYSSES AMBULANCE DISTRICT AND THE VILLAGE OF TRUMANSBURG FOR AMBULANCE SERVICES

WHEREAS, the Town Board established the Town of Ulysses Ambulance District by resolution adopted on March 12, 2013; and

WHEREAS, pursuant to Town Law §198(10-f) (a) (ii) and (iii), the Town Board is authorized to contract with a municipal corporation on behalf of an ambulance district for provision of ambulance services; and

WHEREAS, the Village of Trumansburg (hereafter referred to as "The Village"), a municipal corporation, maintains an ambulance department with a basic and advanced life support transporting ambulance service; and

WHEREAS, the Town wishes to provide ambulance services to its residents in the Town of Ulysses Ambulance District; and

WHEREAS, such emergency services are vital and necessary to the health and welfare of the inhabitants of the Town; and

WHEREAS, in joint cooperation as contemplated by General Municipal Law 122-b, the Town and the Village wish to cooperate to provide an ambulance service to persons situated in the Town of Ulysses Ambulance District;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board of the Town of Ulysses, on behalf of the Town of Ulysses Ambulance District, hereby approves and authorizes execution of the attached Agreement between the Village and the Town, whereby the Village will provide the Town with basic and advanced life support emergency medical ambulance services, which complies with the regulations of the New York State Department of Health, Bureau of Emergency Medical Services to serve the emergency medical needs of those persons within the boundaries of the Town of Ulysses Ambulance District. Services to be provided include Basic Life Support transport and treatment and arranging for or providing Advanced Life Support Treatment. And be it further

RESOLVED THAT, pursuant to the Agreement, the Town shall pay the Village the sum of $272,684 for such services, on or before March 1, 2014. And be it further

RESOLVED THAT, pursuant to Town Law §198(11), the Agreement shall be executed by the signatures of a majority of the members of the Town Board.

***Resolution180 – Appointment of Alternate Records Access Officer

Whereas the Town of Ulysses has recently had several FOIL requests and we wish to respond to new requests in a timely fashion, and

Whereas our current records access officer, Mary Bouchard will be out of town in early January of 2014,

Be it resolved that Carissa Parlato, (who is clerk-elect) be appointed as an additional records access officer as of January 1, 2014. Her contact information will be as follows after January 1, 2014:

INDEX OF 2014 RESOLUTIONS

INDEX OF 2014 RESOLUTIONS 1

JANUARY 6, 2014 – ORGANIZATIONAL MEETING 9

*Resolution #1- Monthly Board Meetings 9

*Resolution #2- Designation of News Media 9

*Resolution #3- Auditing of Monthly Claims 9

*Resolution #4- Meeting Minutes 11

*Resolution #5- Town Mileage 11

*Resolution #6- Petty Cash 12

*Resolution #7- Crime Coverage 12

*Resolution #8- Annual Fiscal Reporting 13

*Resolution #9- Mutual Auditing of Bank Statements 13

*Resolution #10- Designation of Depository 13

*Resolution #11- Annual Audit of Departments 14

*Resolution #12- Policy of Procurement 14

*Resolution #13- Appointment of Bookkeeper 14

*Resolution #14- Appointment of First and Second Deputy Supervisors 15

*Resolution #15- Appointment of Deputy Town Clerk 15

*Resolution #16- Appointment of Deputy Highway Superintendent 16

*Resolution #17- Appointment of Court Clerk 16

*Resolution #18- Establishment of Payroll Periods 16

*Resolution #19- Establishment of Pay Rates 17

*Resolution #20- Time Reporting 18

*Resolution #21- Town Board Liaison Appointments 19

*Resolution #22- Town Board Appointments 20

*Resolution #23- Planning Board/Board of Zoning Appeals Appointments 21

*Resolution #24- Designation of Town Attorney 23

*Resolution #25- Designation of Information Technologies Contractor 23

*Resolution #26- Designation of Cleaning Contractor 23

*Resolution #27- Designation of Maintenance Contractor 24

*Resolution #28- Distribution of Policies to Employees and Officials 24

*Resolution #29- *(STRICKEN from agenda)* 24

*Resolution #30- Special Needs Requirements 24
*Resolution #31- Use of Resolution/Motion Index System 25
*Resolution #32- Appointment of Records Access Office and Backup Officer 25
*Resolution #33- Prohibition of Gift Acceptance 25
*Resolution #34- Amendments to Organization Resolutions 26
*Resolution #35- Amendments to Organization Resolutions 26
JANUARY 14, 2014 – REGULAR TOWN BOARD MEETING 27
*Resolution #36- Approval of Agenda 27
*Resolution #37- Approval of Vouchers 27
*Resolution #38- Approval of Budget Modifications for 2013 budget 27
*Resolution #39- Approval of 1/6/14 minutes 29
*Resolution #40- Nomination of Delegate for Assoc. of Towns mtg. 30
*Resolution #41- Increase of Clerk's Petty Cash for Tax Collection 30
*Resolution #42- Authorizing the Building Code Enforcement Officer to Appoint a Deputy 30
JANUARY 28, 2014 – WORKING TOWN BOARD MEETING 31
*Resolution #43- Town Board Moves into Executive Session 31
*Resolution #44- Return from Executive Session 31
*Resolution #45- Approval of Meeting Agenda 31
*Resolution #46- Approval of Minutes for 12/2/13 32
*Resolution #47- Approval of Minutes for 12/10/13 32
*Resolution #48- Referral of Re-zoning Request to the Planning Board 32
*Resolution #49- Authorizing Vehicle for Water District 33
*Resolution #50- Executive Session for Planning, Zoning Appointments 33
*Resolution #51- Return from Executive Session 33
***Resolution #53- Appointment of Andy Rice to Planning Board** 34
***Resolution #54- Appointment of Richard Garner to Planning Board** 34
FEBRUARY 11, 2014 – REGULAR TOWN BOARD MEETING 35
***Resolution #55- Executive Session for Planning, Zoning Appointments** 35
***Resolution #56- Approval of Agenda** 35
***Resolution #57- Approval of Claims** 35
***Resolution #58- Approval of Additional Claims** 36
***Resolution #59- Approval of Minutes of 12/17/13** 36
***Resolution #60- Approval of Minutes of 1/14/14 and 1/28/14** 36

***Resolution #61- Authorizing the acceptance and adoption of the multi-jurisdictional all-hazard mitigation plan update for the Town of Ulysses** 37

***Resolution #62- Appointment of Robert Howarth to the BZA** 37

***Resolution #63- Adjournment of Meeting** 38

FEBRUARY 24, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions) 38

FEBRUARY 25, 2014 – WORKING TOWN BOARD MEETING 38

***Resolution #64- Approval of Agenda** 38

***Resolution #65- Approval of Minutes of 2/11/14** 38

***Resolution #66- Adjustment of Minutes Format- Creation of Appendix** 39

***Resolution #67- Reduction of Late Water Bill Penalty** 39

MARCH 11, 2014 – REGULAR TOWN BOARD MEETING 39

***Resolution #68- Approval of Agenda of 2/25/14** 39

***Resolution #69- Approval of Minutes of 2/25/14** 40

***Resolution #70- Approval of Claims** 40

*Resolution #71- Authorizing a Zoning/code Enforcement Vehicle Purchase 40

*Resolution #72- Approval of CCE Contract 41

*Resolution #73- Approval of Stormwater Contract with TCSWCS 41

*Resolution #74- REFERRAL TO PLANNING BOARD FOR PROPOSED OPEN DEVELOPMENT AREA (Town Law section 280(a)): 41

*Resolution #75- Approval of Claims 42

*Resolution #76- REQUESTING AN EXTENSION ON NYS MORATORIUM ON HYDROFRACKING 44

*Resolution #77- Regarding Rezoning Request for 1607 Trumansburg Rd 46

MARCH 25, 2014 – WORKING TOWN BOARD MEETING 47

*Resolution #78- Approval of meeting agenda 47

*Resolution #79- Approval of 3/11 minutes 47

*Resolution #80- SEQR for Establishing an Open Development Area 47

*Resolution #81- Establishment of an Open Development Area 48

*Resolution #82- Approval of Funds for Court Office Renovation 49

*Resolution #83- Planning Board appointment 49

*Resolution #84- Use of Consent Agenda 50

APRIL 2, 2014 – SPECIAL TOWN BOARD MEETING – (no resolutions) 50

APRIL 11, 2014 – REGULAR TOWN BOARD MEETING 50

*Resolution #85- Approval of Agenda 50

*Resolution #86- Approval of 3/25 minutes 51
*Resolution #87- Approval of Claims 51
*Resolution #88- Approval of Stone for Jacksonville Park 51
*Resolution #89- Pursuance of Sidewalk Grant 51
*Resolution #90- Development of Joint Emergency Plan 52
*Resolution #91- Budget Modification to Celebrations line 52
*Resolution #92- Joint Historical Survey with Village 52
*Resolution #93- Opposing LPG storage facility on Seneca Lake 53
*Resolution #94- Move into Executive Session 54
*Resolution #95- Return from Executive Session 54
APRIL 22, 2014 – WORKING TOWN BOARD MEETING 54
*Resolution #96- Approval of Agenda 54
*Resolution #97- Approval of 4/2 and 4/8 minutes 55
***Resolution #98- Amendment of zoning map from IL to R2** 55
*Resolution #99- Inventory of historic buildings 55
*Resolution #100- Approve Amendment to Health Insurance Consortium 56
*Resolution #101- Modification of personnel policy for 30-35 hour workers 57
*Resolution #102- Move into executive session 58
*Resolution #103- Return from executive session 59
MAY 7, 2014 – SPECIAL TOWN BOARD MEETING 59
*Resolution #104- Return from executive session 59
MAY 13, 2014 – REGULAR TOWN BOARD MEETING 59
***Resolution #105- Approval of agenda** 59
***Resolution #106- Approval of minutes for 4/22 and 5/7** 60
***Resolution #107- approval of claims** 60
***Resolution #108- scheduling public hearing for amendment of zoning map** 60
***Resolution #109- Move into executive session** 61
***Resolution #110- Appointment of Blake and Means to PB & BZA** 61
***Resolution #111- Approval of water sales to outside users** 61
***Resolution #112- Setting the rate for outside water users** 63
***Resolution #113- Increase of pay rate for Fred Dean** 63
MAY 27, 2014 – REGULAR TOWN BOARD MEETING 63
***Resolution #114- Approval of agenda** 63

***Resolution #115- Approval of minutes: 5/13/14** 64
***Resolution #116- Adoption of NIMS (National Incident Management System)** 64
JUNE 10, 2014 – REGULAR TOWN BOARD MEETING 65
***Resolution #117- Approval of meeting agenda** 65
***Resolution #118- Approval of minutes: 5/21 and 5/27/14** 65
***Resolution #119- Approval of claims** 65
***Resolution #120- Budget modifications** 66
***Resolution #121- Supporting Transportation Alternatives Program** 66
***Resolution #122- SEQR determination for Local Law 2 of 2014** 67
***Resolution #123- Approving Local Law no. 2 of 2014** 68
***Resolution #124- Support of a Cayuga Nature Center (CNC)/Paleontological Research Institute (PRI) grant** 70
***Resolution #125- None- (clerk's error!)** 71
***Resolution #126- Consolidated Funding Application for the Town of Ulysses Zoning Update Project** 71
JUNE 24, 2014 – WORKING TOWN BOARD MEETING 71
***Resolution #127- Approval of meeting agenda** 71
***Resolution #128- Approval of minutes 6/10/14** 72
***Resolution #129- Acceptance of Local Law proposal and public hearing** 72
***Resolution #130- Formation of Ag Committee** 72
***Resolution #131- Executive session** 75
***Resolution #132- Appointment of John Wertis as Planning Board chair** 75
***Resolution #133- Appointment of David Blake as Planning Board member** 76
JUNE 24, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions) 76
JULY 8, 2014 – REGULAR TOWN BOARD MEETING 76
***Resolution #134- Approval of meeting agenda** 76
***Resolution #135- Approval of minutes 6/24 and 6/25/14** 76
*Resolution #136- Approval of meeting agenda 77
***Resolution #137- Budget Modification** 77
***Resolution #138- Requesting the health consortium to propose a two-person plan** 77
***Resolution #139- Establishment of a 5 person Planning Board** 78
***Resolution #140- Acceptance of updated Local Law amendment proposal** 78
***Resolution #141- Acceptance of intermunicipal police agreement with the village** 79
***Resolution #142- Opting in to tax policy for renewable energy** 79
***Resolution #143- Adoption of Standard Work Day for retirement reporting** 80

JULY 10, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions) 80
JULY 15, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions) 80
JULY 22, 2014 – WORKING TOWN BOARD MEETING 81
***Resolution #144- Approval of Meeting Agenda**.....81
***Resolution #145- Approval of Minutes**.....81
***Resolution #146- Farmland Protection Program- grant submission** 81
***Resolution #147- SPCA Contract**.....82
AUGUST 12, 2014 – PUBLIC HEARING- LL3 OF 2014: A Local Law to Amend the Zoning Law (no resolutions) 82
AUGUST 12, 2014 – REGULAR TOWN BOARD MEETING 82
***Resolution #148- Approval of Meeting Agenda**.....82
***Resolution #149- Approval of Minutes: 7/10, 7/15, 7/22**.....83
***Resolution #150- Amicus Brief** 83
***Resolution #151- Setting a date for Public Information Meeting/Public Hearing for Code Enforcement law**....83
***Resolution #152- SEQR Determination for LL3 of 2014- to amend the Town of Ulysses Zoning Law**.....84
***Resolution #153- Approval of LL3- to amend the zoning law** 84
***Resolution #154- Cancelling second meeting of August** 86
***Resolution #155- Setting Public Hearing Date for Tax Cap Override** 86
***Resolution #156- Budget Modification**.....86
***Resolution #157- Approval of Claims** 87
SEPTEMBER 9, 2014 – PUBLIC HEARING- LL TO OVERRIDE TAX CAP (no resolutions) 87
SEPTMEBER 9, 2014 – REGULAR TOWN BOARD MEETING.....87
***Resolution #158- Approval of Meeting Agenda**.....87
***Resolution #159- Approval of Minutes- 8/12 PH & 8/12 RTB** 88
***Resolution #160- Approval of Claims** 88
***Resolution #161- Authorization of New Highway Truck Purchase**.....88
***Resolution #162- Budget Modifications** 89
***Resolution #163- Budget Modification**.....89
***Resolution #164- Approval of Claims- amendment**.....90
***Resolution #165- LL4- To Override Tax Cap/Levy** 90
***Resolution #166- Waiver of Liquor License Application Waiting Period** 91
***Resolution #167- Request to NYS for Different "Lookback" Date on Tax Freeze** 92
***Resolution #168- Authorizing the Supervisor to sign Stormwater Maintenance Agreements**.....94
***Resolution #169- Appointing an Alternate to the Cayuga Lake Watershed Intermunicipal Organization** 94

***Resolution #170- Adoption of Final Draft of Personnel Policy** 95
***Resolution #171- Supporting Community Supported Restaurant/Bar (Rongo)** 95
SEPT. 10, 2014 – SPECIAL TOWN BOARD MEETING 96
SEPT. 19, 2014 – SPECIAL TOWN BOARD MEETING 96
SEPT. 23, 2014 – WORKING TOWN BOARD MEETING 96
***Resolution #172- Approval of Agenda** 96
***Resolution #173- Approval of Minutes** 96
***Resolution #174- Adoption of Personnel Policy** 96
***Resolution #175- Setting Special Budget Meeting Dates** 97
OCT. 2 , 2014 – SPECIAL TOWN BOARD MEETING- Budget 97
OCT. 8, 2014 – SPECIAL TOWN BOARD MEETING- Budget 97
***Resolution #176- Putting Funds into Contingency to Purchase Property** 97
OCT. 9, 2014 – SPECIAL TOWN BOARD MEETING- Joint Town Board/Planning Board meeting 98
OCT. 13, 2014 – SPECIAL TOWN BOARD MEETING- Budget 98
OCT. 14, 2014 – REGULAR TOWN BOARD MEETING 98
***Resolution #177- Approval of Agenda** 98
***Resolution #178- Approval of Minutes** 98
***Resolution #179- Approval of Claims** 98
***Resolution #180- Budget Modifications** 99
***Resolution #181- Local Law #5- To Amend Code Enforcement Provisions** 99
***Resolution #182- Setting Budget Hearing** 100
OCT. 15, 2014 – SPECIAL TOWN BOARD MEETING- Budget 100
***Resolution #183- Moving Tentative Budget to Preliminary Budget** 100
OCT. 28, 2014 – PUBLIC HEARING- 2015 Preliminary Budget 100
OCT. 28, 2014 – WORKING TOWN BOARD MEETING 100
***Resolution #184- Approval of Agenda** 100
***Resolution #185- Approval of Minutes** 101
***Resolution #186- Approval of Minutes** 101
***Resolution #187- Adoption of 2015 Budget** 101
***Resolution #188- Rescheduling 11/11 Meeting** 102
NOV. 12, 2014 – REGULAR TOWN BOARD MEETING 102
***Resolution #189- Approval of Agenda** 102
***Resolution #190- Approval of Minutes** 102

***Resolution #191- Approval of Claims** 103
***Resolution #192- Bolton Point Contract for Shared Mgmt of Water District 3** 103
***Resolution #193- Time Change of Board Mtgs & EMS Hearing** 103
***Resolution #194- EMS Contract for 2015** 104
***Resolution #195- Setting Public Hearing for Fire Contract** 105
***Resolution #196- Appointment of Louis DiPietro as PB/BZA Clerk** 105
***Resolution #197- Budget Modifications** 105
NOV. 25, 2014 – PUBLIC HEARING- FIRE BUDGET 106
NOV. 25, 2014 – WORKING TOWN BOARD MEETING 107
***Resolution #198- Approval of Agenda** 107
***Resolution #199- Approval of Minutes** 107
***Resolution #200- Water District-3 –Decision on Remediation of Chlorination By-Products** 107
***Resolution #201- Truck Purchase for the Highway Dept.** 108
***Resolution #202- Bolton Point contract** 109
***Resolution #203- Approval of Fire Services Contract** 109
***Resolution #204- Appointment of Water Resource Council Representative- Bill George** 110
***Resolution #205- Relevy of Delinquent Water Fees** 111
***Resolution #206- Date change for Second Meeting in December** 111
***Resolution #207- Setting a Date for the Organizational Meeting** 111
***Resolution #208- Dominion Pipeline** 112
***Resolution #209- NYSEG Bills and Location of Streetlights** 114
DEC. 3, 2014 – SPECIAL TOWN BOARD MEETING- Interviews for BZA members 114
DEC. 9, 2014 – PUBLIC INFORMATION MEETING- EMS Billing 114
DEC. 9, 2014 – REGULAR TOWN BOARD MEETING 115
***Resolution #210- Approval of Meeting Agenda** 115
***Resolution #211- Approval of Minutes** 115
***Resolution #212- Approval of Meeting Agenda** 115
***Resolution #213- Appointment of New Planning Board and Board of Zoning Appeals Members** 116
***Resolution #214- Set Date for Audit of Department Financial Records** 116
***Resolution #215- Approval of Claims** 117
***Resolution #216- Approval of Budget Modifications** 117
DEC. 18, 2014 – WORKING TOWN BOARD MEETING 119
***Resolution #217- Approval of Meeting Agenda** 119

***Resolution #218- Approval of Minutes**.....119
***Resolution #219- Approval of Claims** 119
***Resolution #220- Approval of Intermunicipal Police Services Agreement** 120
***Resolution #221- Adopting Ambulance Billing Policy, Fee Schedule, and Financial Assistance Policy** 120
***Resolution #222- Authorizing the Implementation and Funding of Upfront Costs of Sidewalk Grant**.....121

JANUARY 6, 2014 – ORGANIZATIONAL MEETING

*Resolution #1- Monthly Board Meetings

BE IT RESOLVED, the Regular Monthly Board meetings of the Ulysses Town Board will be held on the second Tuesday of each month at 7:00 p.m. at the Ulysses Town Hall at 10 Elm Street, Trumansburg, NY. A monthly working meeting will be held on the 4th Tuesday of each month at 7:00 p.m.

Moved: Ms. Zahler Seconded: Mr. Hertzler

ADOPTED:
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

*Resolution #2- Designation of News Media

BE IT RESOLVED the designated news media is advised of the foregoing schedule and meeting notices will be posted, in accordance with the Open Meetings Law, on the Town Clerk's bulletin board and the Town Website.

FURTHER RESOLVED the Ithaca Journal, a newspaper regularly published and having general circulation in the Town, is hereby designated as the official newspaper of Town of Ulysses.

Moved: Ms. Thomas Seconded: Ms. Zahler

ADOPTED:
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzle aye
Mr. Kerness (absent)
Mr. Goldman aye

*Resolution #3- Auditing of Monthly Claims

BE IT RESOLVED, the Town Board will use the following procedure for review and audit of the monthly claims before presentation for Board approval at the Regular Monthly Meeting of the Ulysses Town Board:

1. Invoices are received in the Town Clerk's Office, through the mail, electronically, or personally delivered.

2. Town Clerk obtains approval of the expense, which is evidenced on the invoice with the initials or signature of the department head or person who gave rise to the claim. The Town Clerk or the department head also indicates on the invoice the general ledger account that should be charged for the expense and checks to see that each invoice is properly itemized, mathematically accurate, and contains sufficient detail to ensure that the Board members auditing the claim can determine whether the proposed payment is proper and just.

3. Town Clerk gives invoices to the Bookkeeper who inputs the invoices into the accounting software and produces a listing of all vouchers (Abstract of Vouchers) for Town Board approval at the Regular Monthly meeting. The Bookkeeper keeps an updated file of claims to be audited before the meeting, which the Town Board members can access. All claims to be submitted for approval by Board vote at the Regular Meeting shall, if at all possible, be processed and in the file of claims by the end of the day on the Monday before the Regular Meeting.

4. In addition to the Supervisor, a sub-committee of 2 Town Board members will audit the vouchers on behalf of the full board. Any other Town Board members who wish to audit the claims are welcome to do so as well. The sub-committee will rotate membership every 6 months (January to June, July to December) with Nancy Zahler and Rich Goldman serving from January to June and John Hertzler and Dave Kerness serving from July to December. Each sub-committee member will initial each invoice after review is complete. Any questions should be brought to the attention of the Town Supervisor or Bookkeeper.

5. Audit by the Town Board does not have to happen all at once. Invoices will be entered throughout the month and can be approved periodically throughout the month. All claims shall be audited by board members by 5 p.m. on the day of the Regular Board meeting.

6. The Bookkeeper produces a final Abstract of Vouchers the day of the Town Board meeting, after audit of claims is completed.

7. After Town Board votes to approve payment of the claims, the Town Clerk signs the Abstract of Vouchers and the Bookkeeper cuts checks.

8. Supervisor signs checks. Checks are given to the Clerk's office and should be double checked for accuracy against the abstract before mailing.

9. Invoices are then filed by vendor by the Town Clerk, with the most recent payment in front of the file.

All claims must be approved for payment by the Town Board except for: (1) fixed salaries or compensation for services of offices or employees regularly engaged at agreed wages by the hour, day, week, or year; (2) principal or interest on indebtedness; (3) amounts becoming due on lawful contracts for periods exceeding one year; (4) certain welfare payments (Town Law 125 & Social Services Law 86); (5) payments made pursuant to a court order; (6) mandatory payments to the State Comptroller for retirement.

FURTHER RESOLVED that the Town Board authorizes the Supervisor to pay in advance of audit of claims for utilities, postage, and approved contractual agreements which if delayed may result in loss of discounts, the accrual of service charges, or cancellation of service. All such claims shall be presented at the next regular meeting, as per Town Law section 118.

FRIENDLY AMENDMENT by Supervisor Thomas:

5. Audit by the Town Board does not have to happen all at once. Invoices will be entered throughout the month and can be approved periodically throughout the month. All claims shall be audited by board members by 5 p.m. on the day of the Regular Board meeting ***if at all possible.***

Moved: Mr. Hertzler Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #4- Meeting Minutes

BE IT RESOLVED, Draft minutes of the Town Board meetings will be produced to Town Board members by the Town Clerk within 14 days of the date of the meeting.

FURTHER RESOLVED in accordance with the Open Meetings Law, draft meeting minutes, clearly labeled with the date and "DRAFT, not yet approved" will be available to the public through the Town Clerk's Office, but not posted on the web site until approved by the Town Board.

FURTHER RESOLVED upon approval by the Town Board, copies of the official minutes of the Town Board shall be distributed electronically by the Town Clerk, unless otherwise requested, to: each Town Board member, Town Justices, Highway Superintendent, Building Inspector/Code Enforcement Officer, Environmental Planner/Zoning Officer, Chair of the Planning Board, County Representative, Attorney for the Town, and posted on the Town Clerk's Bulletin Board and on the Town of Ulysses Website within 4 days of approval by the Town Board.

Moved: Mr. Goldman Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #5- Town Mileage

BE IT RESOLVED mileage at a rate of $0.56 cents per mile, based on the IRS standard mileage rate, shall be paid to Town Officials and employees for use of their personal vehicles for Town Business and that such mileage shall be reported on the form provided by the Town Clerk.

Moved: Mr. Zahler Seconded: Mr. Hertzler

Ms. Thomas aye

Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #6- Petty Cash

BE IT RESOLVED that the Town Clerk and the Court Clerk's petty cash funds of $150 each are extended for the year 2014.

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #7- Crime Coverage

BE IT RESOLVED that the following crime coverage for Town officials, appointees and employees is hereby approved:

Money inside premises $100,000 ($1,000 deductible)
Money outside premises $100,000 ($1,000 deductible)
Forgery and alteration $100,000 ($1,000 deductible)
Employee Theft - Per Loss $50,000 ($2,500 deductible)
Excess Coverage:
Deputy Supervisor $650,000
Supervisor $650,000
Tax Collector/Town Clerk $650,000
Includes Faithful Performance

Amendment:
Adopted 1/14/14:

Moved: Mr. Goldman Seconded: Ms. Thomas
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0

*Resolution #8- Annual Fiscal Reporting

BE IT RESOLVED in lieu of the annual financial report required by Town Law Section 29(10), the Supervisor is hereby authorized to submit to the Town Clerk, within 60 days after the close of the fiscal year, a copy of his/her annual report to the State Comptroller, and that the Town Clerk shall cause a summary thereof to be published in accordance with the law (Town Law Section 29(10-a)). If the time for filing the annual report is extended 60 days by the State Comptroller, the Supervisor's time for filing a copy of the report with the Town Clerk is extended for a like period.

Moved: Ms. Zahler Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #9- Mutual Auditing of Bank Statements

BE IT RESOLVED the Town follow the recommendation of auditor Ciaschi, Dietershagen, Litte, Mickleson and Company and have the Supervisor or Bookkeeper review the reconciliation of the Town Clerk's bank statements and the Town Clerk's office review the reconciliation of the Supervisor's bank statements in order to safeguard the town's finances.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #10- Designation of Depository

BE IT RESOLVED the Tompkins Trust Company is designated as depository in which the Supervisor, Town Clerk, Justices, and other employees by virtue of their offices, shall deposit all monies coming into their hands and,

FURTHER RESOLVED the Town investments can be made at other banks and institutions as outlined in the Towns investment policy. The Town investment policy shall be reviewed and approved by the Town Board during the year and revised as necessary.

Moved: Mr. Hertzler Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye

Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #11- Annual Audit of Departments

BE IT RESOLVED that the Town Board of the Town of Ulysses will do the Annual Audit of the books for each department on January 21, 2014 at 8 a.m.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #12- Policy of Procurement

BE IT RESOLVED that the Town Procurement policy as adopted on November 17, 2010 is the ruling document for purchases. The Town Clerk will direct all department heads and Town Board members to review the Procurement Policy on the internal side of the Town website at http://ulysses.ny.us/pages/intranet/ or provide a hard copy upon request.

Moved: Ms. Zahler Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #13- Appointment of Bookkeeper

BE IT RESOLVED that the Supervisor is authorized to appoint a Town Bookkeeper, with an annual budgeted salary as set by the Town Board. The Supervisor hereby appoints Mary Bouchard, CPA as the Town Bookkeeper.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #14- Appointment of First and Second Deputy Supervisors

BE IT RESOLVED that the Town Board established the Office of first Deputy Supervisor and second Deputy Supervisor in 2012. The first Deputy Supervisor acts for and in place of the Supervisor in her/his absence. The annual budgeted salary of the first Deputy Supervisor and the second Deputy Supervisor is set by the Town Board. In accordance with Town Law, the Supervisor appoints Nancy Zahler as the first Deputy Supervisor and Michelle Wright as the second Deputy Supervisor.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #15- Appointment of Deputy Town Clerk

BE IT RESOLVED that the Town Board has established the Office of Deputy Town Clerk, to continue in 2014 at an annual budgeted salary as set by the Town Board.

FURTHER RESOLVED that the responsibilities of this office are to assist the Town Clerk in carrying out the administrative responsibilities of the office including those related to records management and tax collection, water billing, and to act for and in place of the Clerk during her / his absence. Details of the Deputy Clerk job description are set and revised by resolution of the Town Board and are outlined in Section I (Elected Officials and their Appointments) of the Town Manual of Position Descriptions. In accordance with Town Law, the Town Clerk appoints the Deputy Town Clerk. The Town Clerk appoints Patricia Halloran as Deputy Town Clerk for 2014.

Moved: Mr. Hertzler Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #16- Appointment of Deputy Highway Superintendent

BE IT RESOLVED that the Town Board has established the office of Deputy Highway Superintendent, to continue in 2014. The Deputy Highway Superintendent acts for and in place of the Highway Superintendent in her/his absence. In accordance with Town Law, the Highway Superintendent appoints the Deputy Highway Superintendent. The Highway Superintendent shall appoint David Reynolds as Deputy Highway Superintendent.

Moved: Mr. Goldman Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #17- Appointment of Court Clerk

BE IT RESOLVED that the Town Justices are authorized to employ the services of a Court Clerk to assist in the administration and bookkeeping, at the 2014 budgeted salary as set by the Town Board. The Town Justices shall appoint Angela Champion as Court Clerk for 2014.

Moved: Ms. Zahler Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #18- Establishment of Payroll Periods

BE IT RESOLVED the Town Board hereby establishes the following payroll periods:

Bi-weekly: Town Supervisor, Highway Superintendent, Town Clerk, Justices, Deputy Town Clerk, Deputy Highway Superintendent, Deputy Supervisor, Highway Department Staff, Bookkeeper, Code Enforcement Officer, Zoning Officer, Planning and Zoning Staff, Court Clerk, Temporary student and other employees, part-time Clerical, Administrative, and Support staff, Water Department staff

Monthly: Councilpersons

Annually: Historian & Deputy Historian

Voucher: contractual workers and all others not listed above

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #19- Establishment of Pay Rates

BE IT RESOLVED that the Town Board hereby establishes the following pay rates for employees and elected officials in 2014. If necessary to appoint a new employee or replace an elected official during the year of 2014, the Town Board will establish a salary commensurate with the experience and availability of funds:

Position	2014 Budgeted Appropriation	Hourly rate if applicable
Supervisor	$15,920	
Budget Officer	$14,680	
Deputy Supervisor	$15,000	$18.00/hr
Bookkeeper	$19,149	
Councilperson	$4,199 each	
Town Clerk	$48,000	
Deputy Town Clerk	$31,110	$19.29
Town Justice	$16,274 each	
Court Clerk	$38,692	
Enforcement Officer for Building Code	$30,466	
Deputy Enforcement Officer	$10,400	$18.80
Zoning Officer	$27,316	
Planner	$27,316	
Planning and Zoning Clerk	$5,000	$16.72
Highway Superintendent	$59,597	
Deputy Highway Superintendent	multiple budget lines	$21.89

Highway Machine Equipment Operators Laborer	multiple budget lines multiple budget lines	$17.13 - $20.27 $13.43
Water Distribution & Maintenance Operator	$15,387	
Water District Laborer	$4,515	$19.17
Historian	$1,530	

Moved: Mr. Hertzler Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #20- Time Reporting

BE IT RESOLVED all hourly employees shall turn in a Town of Ulysses time card by the end of the last day of the pay period. Salaried employees, and elected officials wishing to participate in the town's benefits programs, shall report time used for vacation, sick time, holiday or other time off on a Town of Ulysses time card to maintain accurate records of benefit time used. No pay will be issued without a time card that has been signed by the employee and employee's supervisor and submitted to the Bookkeeper. If the employee is submitting electronically to the Bookkeeper, the Department Head / Employee Supervisor must give electronic approval as part of the time card submission. Salaried and hourly employees (non-elected) should use this time card to submit sick, vacation, holiday and personal time off. It is the responsibility of the employee's supervisor to assure the time card is accurate.

FURTHER RESOLVED that to maintain accountability of all employees who work for the town, and to clarify supervisory roles, the following listing specifies employee supervisors. Each employee supervisor is responsible for approving time cards (if required), vacation, personal, and sick days used by each employee. Time off for each employee must be reported to Bookkeeper who will maintain records.

Employee	**Employee Supervisor**
Deputy Supervisor	*Town Supervisor*
Bookkeeper	*Town Supervisor*
Deputy Town Clerk	*Town Clerk*
Court Clerk	*Town Justices*
Enforcement Officer for Building Code	*Town Supervisor*
Deputy Enforcement Officer	*Enforcement Officer*
Zoning Officer/Planner	*Town Supervisor*
Planning and Zoning Clerk	*Zoning Officer/Planner*
Deputy Highway Superintendent	*Highway Superintendent*
Highway Machine Equipment Operators Laborer	*Highway Superintendent*
Water Distribution & Maintenance Operator	*Town Supervisor*
Water District Laborer	*Water Distribution and Maintenance Operator*

Moved: Mr. Goldman Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #21- Town Board Liaison Appointments

BE IT RESOLVED that the Supervisor proposes the following Town Board liaison appointments and request that each appointee report to the Town Board at least annually:

A. Highway Department	Mr. Kerness
B. Trumansburg Village Board of Trustees	Ms. Zahler
C. Personnel	Mr. Kerness
D. Health Insurance Consortium Board	Mr. Goldman

E. Planning Board and Board of Zoning Appeals	Members will rotate
F. Fire Department	Mr. Hertzler
G. County and other Emergency Management	Mr. Hertzler
H. Town Court	Mr. Goldman
I. Trumansburg Ulysses Youth Commission	Ms. Zahler

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #22- Town Board Appointments

BE IT RESOLVED that the Town Board makes the following appointments and request that each appointee report to the Town Board at least annually:

A. Planning Board Chairperson	Rod Hawkes
B. Board of Zoning Appeals Chairperson	George Tselekis
C. Clerk for Planning Board and Board of Zoning Appeals	Robin Carlisle-Peck
D. Board of Assessment Review	Cheryl Thompson, David Means
E. Tompkins County Environmental Management Council (EMC)	John Hertzler
F. Tompkins County Water Resources Council (WRC)	Bill George & Darby Kiley
G. Tompkins County Stormwater Coalition	Darby Kiley
H. Trumansburg Ulysses Youth Commission Reps	Sharon Bilotta & Andrea Murray
I. Recreation Partnership representative	Durand VanDoren
J. Tompkins County Youth Services Board	Nancy Zahler working on this with TCYS Director

K. Ithaca/Tompkins County Transportation Council Planning Committee	Darby Kiley
L. Ithaca/Tompkins County Transportation Council Policy Committee	Darby Kiley
M. Tompkins County Council of Governments	Liz Thomas / Nancy Zahler
N. Tompkins County Area Development	(vacant)
O. Fair Board liaison	John Hertzler
P. Historian and Deputy Historian	John Wertis, Michelle Mitrani
Q. Water District Advisory Board Chairperson	Diane Hillman
R. Tompkins County Animal Control	Liz Thomas
S. Cayuga Lake Water Shed Intermunicipal Org.	Darby Kiley
T. Trumansburg Chamber of Commerce	Nancy Zahler/Rich Goldman (alternate)

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted 1/6/14

*Resolution #23- Planning Board/Board of Zoning Appeals Appointments

Updated 2/18/2014

BE IT RESOLVED that the Town Board has appointed the following Planning Board and Board of Zoning Appeals with staggered annual appointments. Members whose terms expire in 2013 may be either replaced or reappointed. The following members being reappointed for 2014:

Currently 2 members are needed for the ZBA, 2 + an alternate are needed for the PB. Applications will be accepted through Jan. 20, 2014.

ZONING BOARD OF APPEALS		(5 year terms)		
Name/phone/email	Address	Date Appointed	Date of Oath	Term Expiration
GEORGE TSELEKIS, Chair Phone: 272-1808 GTSELEK1@twcny.rr.com	1575 Trumansburg Road Ithaca, NY 14850	1/3/2013	2/16/2013	12/2017

ROBERT HOWARTH Phone: 387-3318 howarth@cornell.edu	4124 Reynolds road Trumansburg NY 14886	2/11/2014	2/18/2014	12/2014
CARL MANN Phone: 387-3883 fawnsoda@yahoo.com	49 Cayuga St. Trumansburg, NY 14886	9/11/2012	10/11/2012	12/2015
ANDY GLASNER Phone : 266-5052 aglasner@borgwarner.com	4260 South St. Ext. Trumansburg, NY 14886	12/19/2011	3/2012	12/2016
ANDREW HILLMAN Phone: 351-7085 andrew.hillman@davey.com	3315 Swamp College Road Trumansburg NY 14886	1/28/2014	2/6/2014	12/2018
	PLANNING BOARD		(7 year term)	
ROD HAWKES, Chair Phone : 387-3726 hawkesrod@gmail.com	1554 Taughannock Blvd Ithaca, NY 14850	2/12/2008	2/2008	12/2016
JOHN WERTIS Phone : 387- 4331 BWWFarmtoday@aol.com	8144 Searsburg Rd. Trumansburg, NY 14886	2008	1/2008	12/2014
SARAH ADAMS Phone : 387-5696 H sarahadams85@gmail.com	4 Falls Road Trumansburg, NY 14886	2/8/2011	2/2011	12/2015
BRIAN CUTLER Phone : CELL 342-5952 briancutler1@gmail.com	4065 South St. Ext. Trumansburg, NY 14886	8/2013	9/2013	12/2017
STANLEY BEAMES Phone: 387-3930 Cell: 229-9157 stboomer24@yahoo.com	3011 Halseyville Road Trumansburg, NY 14886	12/19/2011	3/2012	12/2018
REBECCA SCHNEIDER Phone : 387-3816 RLS11@cornell.edu	5630 Pine Ridge Road Trumansburg, NY 14886	1/3/2013	2/5/13	12/2019
ANDY RICE Phone : 387-5446/216-5780 andrewrcss@rackercenters.org	5360 Rice Road Trumansburg NY 14886	1/28/14	2/4/2014	12/2020
RICHARD GARNER (alternate) Phone : 387-5326/592-8381 Rgbox18@yahoo.com	103 Maplewood Rd., Ithaca 18 Congress St., Trumansburg	1/28/2014	1/30/2014	12/2014
Robin Carlisle Peck, PB&ZB Clerk rjcp019@yahoo.com	8458 Main St, PO Box 244 Interlaken, NY 14847	N/A	N/A	N/A
Darby Kiley, Environmental Planner/Zoning Officer Ulysses.planner@gmail.com		N/A	N/A	N/A

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 5-0

Date Adopted: 2/11/14

*Resolution #24- Designation of Town Attorney

BE IT RESOLVED that the Town Attorney for the Town be Mariette Geldenhuys, Esq. and that she and her associates be consulted in accordance with the Retainer Agreement with the Town of Ulysses signed April 20, 2009 and

Further Resolved that the 2014 Addendum to Retainer Agreement which sets hourly fees for billing at $190 (Attorney) and $125, (Paralegals) is adopted. All other provisions for the 2009 Retainer Agreement shall remain in full force and effect subject to revision.

Further Resolved that the Town Board authorizes the Town Supervisor to sign the Addendum to the Retainer Agreement for 2013.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 5-0
Date Adopted: 1/6/14

*Resolution #25- Designation of Information Technologies Contractor

BE IT RESOLVED that the Town Board authorizes the Town Supervisor to sign the Information Technologies contract with Jeff Burns at the rate of $45/hour.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #26- Designation of Cleaning Contractor

BE IT RESOLVED that the Town Board enter into a cleaning contract with Radhika "Vanessa" Zavatski for the purpose of cleaning the town hall on a weekly basis for a period from April 16 through December 31st in the amount of $440 per month.

Moved: Ms. Zahler Seconded: Mr. Kerness

Ms. Thomas (*ineligible for voting)
Ms. Zahler aye

Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 4-0
Date Adopted: 3/25/14
Amendment: Adopted 3/25/14:

*Resolution #27- Designation of Maintenance Contractor

BE IT RESOLVED that the Town Board authorizes the Town Supervisor to sign the Town Hall maintenance contract at the rate specified in the 2014 contract with Mainstay Builders.

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #28- Distribution of Policies to Employees and Officials

BE IT RESOLVED that the Town of Ulysses has adopted policies for a Code of Ethics, Personnel and Benefits, Procurement, Claims, Meeting Rules and Procedures, Investment, Alcohol and Controlled Substance Testing, Planning Board and Zoning Board Attendance and Training, and Emergency Preparedness. The Town Clerk shall provide to each newly elected official and to any other elected or appointed official or employee these policies, and any other planning documents or local laws upon request and these documents shall be also be maintained on the internal part of the town website. Each employee or elected official shall sign the Code of Ethics form documenting that they have reviewed and understand the policy.

Moved: Mr. Hertzler Seconded: Ms. Thomas

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness (absent)
Mr. Goldman aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #29- *(STRICKEN from agenda)*

*Resolution #30- Special Needs Requirements

BE IT RESOLVED any individual having any special needs and wishing to attend a meeting please advise the Town Clerk of the special requirements at least one week prior to the meeting (ADA).

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #31- Use of Resolution/Motion Index System

BE IT RESOLVED that the Town Clerk will continue with the Resolution/Motion Index System initiated in 2009, identifying the Resolution/Motion number, date approved, and Title. This index of resolutions will be updated at least quarterly.

FURTHER RESOLVED that the Town Clerk will send a final electronic version of each certified resolution to the Town Board and place the final version on the Town's file sharing network and on the website.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #32- Appointment of Records Access Office and Backup Officer

BE IT RESOLVED that the Town of Ulysses appoints the Town Clerk as Records Access Officer with the backup Records Access Officer of Michelle Wright.

Moved: Mr. Hertzler Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #33- Prohibition of Gift Acceptance

BE IT RESOLVED that in accordance with the New York State Constitutional prohibition against gifts by municipalities as described in Article III, Section 1, the Town of Ulysses will not give bonuses, donations, or other gifts of recognition for service (retirement, annual appreciation, or otherwise) to any organizations,

volunteers, or other individuals in the employment of the Town or otherwise providing service to the Town or the community. The Town may, however, hold recognition events and provide refreshments.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #34- Amendments to Organization Resolutions

BE IT RESOLVED that any and all of these Organizational Resolutions be and remain subject to amendment throughout the year by the Town Board.

The Town Clerk shall provide a certified copy of the finalized Organizational Meeting minutes and any amended versions to all Town Board members, and place the most recent version on the web under Meeting Minutes.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

*Resolution #35- Amendments to Organization Resolutions

WHEREAS, Highway Law #142-d allows co-operative agreements for highway services and sharing of labor, equipment and supplies; and

WHEREAS, General Municipal Law Article 5-G allows and encourages municipal co-operations, by joint or contract basis, performance of powers and duties among themselves; and

WHEREAS, it is deemed beneficial to the Town of Ulysses to allow for shared highway agreements of equipment and services with other nearby municipal highway departments;

NOW THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor pursuant to Highway Law #283 to enter into agreements for shared services and equipment with other municipalities and authorize, within existing budget constraints, the Town's Highway Superintendent pursuant to Highway Law #284 to take such action to implement said agreements consistent with Town highway needs and availability, and maintain sufficient liability coverage to protect the town in such joint efforts.

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Adopted date: 1/6/14

JANUARY 14, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #36- Approval of Agenda

BE IT RESOLVED, the agenda for the Tuesday, January 14 be accepted with the aforementioned modifications.

Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

*Resolution #37- Approval of Vouchers

BE IT RESOLVED that the 2013 claims for vouchers #539-585, totaling $49,312.50, and 2014 claims for vouchers #1-23, totaling $118,214.13 be accepted.

Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

*Resolution #38- Approval of Budget Modifications for 2013 budget

A1220.1	Supervisor PS	increase	$	353.45
A1220.13	Budget Officer PS	decrease	$	353.45

To cover supervisor salary line out of budget officer line (both are Liz Thomas pay lines.)

A1410.11	Deputy Town Clerk PS	increase	$ 658.84
A1410.4	Town Clerk CE	decrease	$ 658.84

To cover additional Deputy Town Clerk wages due to change from salaried to hourly.

A1420.4	Attorney CE	increase	$3,966.00
A915.4	Assigned Funds – Legal	decrease	$3,702.41
A1450.4	Elections CE	decrease	$ 263.59

To cover attorney from previous years' assigned legal funds (brought to zero); rest from unspent elections budget.

A1460.4	Records Management CE	increase	$ 3.76
A1450.4	Elections CE	decrease	$ 3.76

To cover additional records management costs.

A1620.4	Town Hall CE	increase	$1,587.63
A1620.2	Town Hall EQ	decrease	$1,463.56
A1650.4	Central Communications CE	decrease	$ 124.07

To cover additional Town Hall maintenance costs neglected in prior years.

A1670.4	Printing & Mailing	increase	$2,786.50
A1650.4	Central Communications CE	decrease	$2,786.50

To cover additional costs of postage, and for a second newsletter sent out.

B1420.4	Attorney CE	increase	$5,718.75
B3620.11	Deputy Safety Office PS	decrease	$5,718.75

To cover additional attorney costs due to zoning law change.

DA5130.1	Machinery PS	increase	$5,408.53
DA5130.4	Machinery CE	decrease	$5,408.53

To cover additional personnel costs in the highway.

DA5140.1	Brush & Weeds PS	increase	$ 851.82
DA5140.4	Brush & Weeds CE	decrease	$ 851.82

To cover additional personnel costs in the highway.

DA9030.8	Social Security – DA Fund	increase	$ 419.46
DA9060.8	Medical Insurance – DA Fund	decrease	$ 419.46

To cover additional Social Security tax due to increased wages.

DB5110.4	Highway Maintenance CE	increase	$1,636.32
DB915	Assigned Unappropriated Fund Bal	decrease	$1,636.32

To cover Highway Maintenance CE, budget balances of which were previously used to cover shortfalls on other budget lines.

SW3 8310.43	Water Administration CE	increase	$ 306.32
SW3 8340.4	Water Transport/Distribution CE	decrease	$ 306.32

To cover additional administration costs.

SW8340.1	Water Laborer PS	increase	$ 319.30
SW8340.2	Water Transport/Distribution EQ	decrease	$ 319.30

To cover additional labor expenses.

SW9030.83	Water Social Security	increase	$ 41.00
SW9040.83	Water Workers Compensation	decrease	$ 41.00

To cover additional Social Security expense due to increased salaries.

BE IT RESOLVED that the aforementioned modifications to the 2013 budget be accepted as discussed.

Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

*Resolution #39- Approval of 1/6/14 minutes

BE IT RESOLVED that the Organizational Meeting minutes from 1/6/14 be approved with the discussed changes.

Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	abstain
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 3-0
Date Adopted: 1/14/14

*Resolution #40- Nomination of Delegate for Assoc. of Towns mtg.

BE IT RESOLVED that the Town Board nominates Supervisor Elizabeth Thomas as delegate to the Association of Towns 2014 annual meeting in New York City.

Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

*Resolution #41- Increase of Clerk's Petty Cash for Tax Collection

BE IT RESOLVED that the clerk's office increase its petty cash balance to $300 in order to keep separate the change for taxes and licenses.
Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

*Resolution #42- Authorizing the Building Code Enforcement Officer to Appoint a Deputy

BE IT RESOLVED that the Town Board authorizes the Building Code Enforcement Officer to appoint a Deputy Building Code Enforcement Officer, at a rate not to exceed $20/hour, for a maximum of $10,400 annually.
Moved: Thomas Seconded: Zahler

ADOPTED:

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	(absent)
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 1/14/14

JANUARY 28, 2014 – WORKING TOWN BOARD MEETING

*Resolution #43- Town Board Moves into Executive Session

BE IT RESOLVED that the board move into executive session to discuss matters leading to the appointment of particular persons to fill vacancies on Planning Board and Board of Zoning Appeals.

Moved: Ms. Thomas Seconded: Ms. Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #44- Return from Executive Session

BE IT RESOLVED that the Ulysses Town Board return from executive session.
Moved: Ms. Thomas Seconded: Ms. Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #45- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda for 1/28/14 with the additions of an update on the tax cap if time permits, and a second executive session at the end of the meeting to discuss matters leading to the appointment of particular persons to fill vacancies on the Planning Board and Board of Zoning Appeals.

Moved: Ms. Thomas Seconded: Ms. Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #46- Approval of Minutes for 12/2/13

BE IT RESOLVED that the Ulysses Town Board approves the meeting minutes for 12/2/13.

Moved: Ms. Thomas Seconded: Ms. Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #47- Approval of Minutes for 12/10/13

BE IT RESOLVED that the Ulysses Town Board approves the meeting minutes for 12/10/13 with the grammatical changes as discussed.
Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #48- Referral of Re-zoning Request to the Planning Board

WHEREAS, James Curran, Property owner of 1607 Trumansburg Rd, Town of Ulysses Tax Parcel Number 33.-1-8.12, has requested a rezoning for the eastern portion of his property from R2-Moderate Density Residence District to IL-Light Industrial District; and
WHEREAS, the Town of Ulysses Zoning Law Section 3.5 includes procedures for requests for rezoning;
BE IT HEREBY RESOLVED that the Town of Ulysses Town Board finds merit in the rezoning request for the eastern portion of Tax Parcel Number 33.-1-8.12 and refers the proposal to the Planning Board for review and a recommendation.

Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #49- Authorizing Vehicle for Water District

BE IT RESOLVED THAT the Ulysses Town Board authorizes the Town Supervisor to oversee and complete the purchase of a vehicle to use for maintenance of Water District 3; and
BE IT RESOLVED THAT the purchase will be made in accordance with the Town of Ulysses Procurement Policy; and
BE IT RESOLVED that the purchase may not exceed $21,000.

Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #50- Executive Session for Planning, Zoning Appointments

BE IT RESOLVED that the Ulysses Town Board move into executive session to discuss matters leading to the appointment of particular persons to fill vacancies on the Planning Board and Board of Zoning Appeals.
Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #51- Return from Executive Session

BE IT RESOLVED that the Ulysses Town Board returns from executive session and back into an open meeting at 10:27pm.

Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #52- Appointment of Andrew Hillman to BZA

BE IT RESOLVED that the Ulysses Town Board appoints Andrew Hillman to serve as a full member of the Board of Zoning Appeals for a five (5) year term beginning immediately and expiring on December 31, 2018.

Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #53- Appointment of Andy Rice to Planning Board

BE IT RESOLVED that the Ulysses Town Board appoints Andy Rice to serve as a full member of the Planning Board for a seven (7) year term beginning immediately and expiring on December 31, 2020.

Moved: Thomas Seconded: Zahler

ADOPTED:

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

Vote: 5-0
Date Adopted: 1/28/14

*Resolution #54- Appointment of Richard Garner to Planning Board

BE IT RESOLVED that the Ulysses Town Board add to the agenda the appointment of Richard Garner to serve as alternate on the Planning Board for one (1) year, beginning immediately and expiring on December 31, 2014.

Moved: Thomas Seconded: Zahler

ADOPTED:
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 1/28/14

FEBRUARY 11, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #55- Executive Session for Planning, Zoning Appointments

BE IT RESOLVED that the Ulysses Town Board move into Executive Session to discuss matters leading to the appointment of particular persons for the vacancies on the Planning Board and Zoning Board of Appeals.

Moved: Ms. Thomas Seconded: Mr. Goldman

ADOPTED:
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #56- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda for the February 11, 2014 meeting.

Moved: Ms. Thomas Seconded: Mr. Kerness

ADOPTED:
Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #57- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims that were reviewed and entered into the system in the amount of $65,514.23.

Moved: Ms. Thomas Seconded: Mr. Kerness

ADOPTED:

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

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #58- Approval of Additional Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of four (4) additional claims that have not yet been entered into the system (as they were received today) in the amount of $1366.36.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #59- Approval of Minutes of 12/17/13

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 12/17/13; the version sent on 2/6/14.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #60- Approval of Minutes of 1/14/14 and 1/28/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 1/14/14 sent on 2/4/14, (with Ms. Bouchard's budget modifications); and the minutes of 1/28/14, sent on 2/11/14.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #61- Authorizing the acceptance and adoption of the multi-jurisdictional all-hazard mitigation plan update for the Town of Ulysses

WHEREAS, the Tompkins County Planning Department, with the assistance from Barton & Loguidice, P.C., has gathered information and prepared the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York; and

WHEREAS, the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the Town of Ulysses has reviewed the 2013 Hazard Mitigation Plan Update, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

WHEREAS, the Town of Ulysses will consider the Tompkins County HMP Update during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the Town of Ulysses, as a participating jurisdiction, adopts the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York, dated December 2013.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #62- Appointment of Robert Howarth to the BZA

BE IT RESOLVED that the Ulysses Town Board appoints Robert Howarth to fill the vacancy resulting from the resignation of Richard Coogan and serve as a full member of the Board of Zoning Appeals for the remainder of Richard Coogan's term, for one (1) year beginning immediately and expiring on December 31, 2014.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 2/11/14

*Resolution #63- Adjournment of Meeting

BE IT RESOLVED that the Town Board adjourn the Regular Town Board Meeting of 2/11/14.
Moved: Mr. Goldman Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 2/11/14

FEBRUARY 24, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions)

FEBRUARY 25, 2014 – WORKING TOWN BOARD MEETING

*Resolution #64- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda with the aforementioned change for the February 25, 2014 meeting.

Moved: Mr. Goldman Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler (absent)

Vote: 4-0
Date Adopted: 2/25/14

*Resolution #65- Approval of Minutes of 2/11/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the February 11, 2014 meeting, as edited by Ms. Thomas and Ms. Zahler; along with the new format of indentations.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas aye
Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler (absent)

Vote: 4-0
Date Adopted: 2/25/14

*Resolution #66- Adjustment of Minutes Format- Creation of Appendix

WHEREAS the Town Board of Ulysses is allowed to set policy on how meeting minutes are prepared; and
WHEREAS the Town Board encourages the public to contribute their ideas to the board in many ways, including during *Privilege of the Floor* at their regularly scheduled meetings; and
WHEREAS the record of public comment is important, but the text can be long especially when submitted in writing;
THEREFORE BE IT RESOLVED that in order to clearly and easily differentiate between text documenting Town Board discussions or resolutions from text documenting public comments, the Town Board requests the Town Clerk place both written comments submitted by community members and summaries of public comments in an appendix at the end of individual meeting minutes.
Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 2/25/14

*Resolution #67- Reduction of Late Water Bill Penalty

RESOLVED that the Town of Ulysses sets the late fee for paying water bills at 10% per billing cycle if left unpaid 30 days after the due date.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 2/25/14

MARCH 11, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #68- Approval of Agenda of 2/25/14

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda of March 11, 2014 with the addition of:
1) a resolution authorizing the Supervisor to sign the annual contract with Cornell Cooperative Extension for youth services
2) a resolution authorizing the Supervisor to sign the annual contract for TC Soil and Water Conservation Service

3) a resolution addressing the NYS Energy Plan
4) a resolution authorizing purchase of a truck for Zoning and Code Enforcement
5) moving the personnel policy discussion agenda item to the end of meeting
6) an Executive Session if needed after the last Privilege of the Floor

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #69- Approval of Minutes of 2/25/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the February 25, 2014 meeting as amended by the Town Clerk.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #70- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 1-54 that were reviewed and entered into the system in the amount of $100,560.88.
Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #71- Authorizing a Zoning/code Enforcement Vehicle Purchase

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the Supervisor to purchase a vehicle with a cost not to exceed $25,000 for use by the Zoning and Code Enforcement Officers.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #72- Approval of CCE Contract

BE IT RESOLVED that the Town Board authorizes the Town Supervisor for the Town of Ulysses to sign the annual contract with the Cornell Cooperative Extension for youth services provided through the Trumansburg-Ulysses Joint Youth Commission.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #73- Approval of Stormwater Contract with TCSWCS

BE IT RESOLVED that the Town Board authorizes the Town Supervisor for the Town of Ulysses to sign the annual contract with Tompkins County Soil and Water Conservation Service to provide stormwater management for professional and technical assistance.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #74- REFERRAL TO PLANNING BOARD FOR PROPOSED OPEN DEVELOPMENT AREA (Town Law section 280(a)):

WHEREAS, the Town of Ulysses Board of Zoning Appeals adopted a resolution on March 5,

2014, referring the following question to the Town Board: Whether an open development area should be established pursuant to Town Law section 280-a(4) for Town of Ulysses tax parcel number ("TPN") 18.-1-5.1 and 18.-1-5.2; and
WHEREAS, access from Taughannock Boulevard to TPN 18.-1-5.1 and 18.-1-5.2 is via a right of way across the lands of an adjacent property owner; and
WHEREAS, the same right of way and the driveway located therein also provides access from Taughannock Boulevard to TPN 18.-1-2, 18.-1-3 and 18.-1-4, and it would be in the best interest of the Town and the owners of these parcels to consider all parcels served by the same right of way for inclusion in a proposed open development area; and
WHEREAS, Town Law section 280-a(4) requires that the Town Board refer the matter to the Planning Board for its advice;
NOW, THEREFORE, BE IT RESOLVED that the Town Board will consider establishment of an open development area pursuant to Town Law §280-a(4), to include the following properties: TPN 18.-1-5.1, 18.-1-5.2,18.-1-2, 18.-1-3 and 18.-1-4 ; and be it further
RESOLVED that the Town Board hereby refers the proposed establishment of an open development area as described above to the Town of Ulysses Planning Board for advice, as required by Town Law §280-a(4); and be it further
RESOLVED that the Town Board hereby directs the Planning Board to provide its advice to the Town Board in a written report; and that the Planning Board include any proposed conditions for an open development area in its report.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #75- Approval of Claims

WHEREAS, the 2014 Draft New York State Energy Plan (Draft Plan), which sets forth a vision for New York's energy future, was released for public comment on January 7, 2014, with a revised deadline for comments on April 30, 2014, and
WHEREAS, the Town of Ulysses agrees with the statement in the Introduction to the Draft Plan, "The boldness of our solutions should match the magnitude of our challenges," and applauds the Governor's new initiatives on renewable energy and clean technology, in particular the State's reaffirmation of its commitment to an 80% reduction in greenhouse gas emissions by 2050, with an interim goal of a 50% reduction by 2030, and
WHEREAS, public policy decisions taken to implement the Draft Plan in the coming years will to a large degree determine whether or not New York State reaches these goals, and
WHEREAS, success in meeting these goals will require specific measurable targets for transitioning to renewable energy sources and reducing greenhouse gas emissions that are tied to specific actions across all sectors to achieve these targets, and
WHEREAS, such targets and actions are not currently included in the Draft Plan, and
WHEREAS, the Regional Sustainability Plans developed for all ten regions of New York State in 2013 under the Governor's Cleaner Greener Communities program required each region to develop such measurable targets and specific actions that could be undertaken within the regions to achieve those targets, and

WHEREAS, an example of such a target from the Southern Tier Regional Sustainability Plan is to reduce on-site building fuel and electricity consumption by 10% in residential and commercial sectors and 7.5% in the industrial sector within the next 5 years, and an example of such an action to achieve that target is to facilitate use of combined heat and power in private development projects and public facilities, and
WHEREAS, many actions needed to reach the State's greenhouse gas emission reduction goals can only be undertaken at the State level, now therefore be it
RESOLVED, That the Town of Ulysses calls upon the Governor, NYSERDA, and the State Legislature to revise the Draft Energy Plan to include specific measurable targets to transition to a renewable energy future, in particular those specified in the attached list, including specific actions that need to be undertaken across all sectors to meet the State's goals for greenhouse gas reductions by 2030 and 2050,
RESOLVED, further, That the projected energy mix for New York State in the plan should reflect these targets, actions and greenhouse gas emission reduction goals,
RESOLVED, further, That copies of this resolution shall be sent to the Chair of the New York State Energy Planning Board; John B. Rhodes, NYSERDA President and CEO; Governor Andrew Cuomo; Senator Dean Skelos and Senator Jeffrey Klein, Senate Republican Conference Majority Leaders; Senator Andrea Stewart-Cousins, Senate Democratic Conference Leader; Assemblyman Sheldon Silver, Majority Leader; Assemblyman Brian Kolb, Assembly Minority Leader; Audrey Zibelman, Chair, New York State Public Service Commission; Senator George D. Maziarz, Chair of the Senate Energy and Telecommunications Committee; Assemblywoman Amy Paulin, Chair of the Assembly Energy Committee, Senator James Seward; Senator Michael Nozzolio; Senator Thomas O'Mara; and Assemblywoman Barbara Lifton.
SEQR ACTION: TYPE II-20

Attachment to Resolution No. 1 4664 A from the Town of Ulysses:
Providing Comments on and Recommending Important Revisions to the 2014 Draft New York State Energy Plan
Draft Plan Elements Supported by Town of Ulysses:
The Town of Ulysses applauds the commitment to an 80% reduction in greenhouse gas emissions by 2050, with an interim goal of a 50% reduction by 2030 as the most important element.
Emphasis on building resiliency to the impacts of climate change.
Initiative to expand microgrids and distributed energy.
Initiatives to transition to renewable energy sources.
NYSERDA initiatives to provide assistance to communities to integrate and cross-reference land use, smart growth and transportation capital projects for consistent outcomes.
Challenges for the Town of Ulysses and other New York State Municipalities:
Residents and businesses have experienced and suffered from recent weather events at cost to NYS and local taxpayers for recovery. We anticipate greater expense due to such events in the coming years.
Communities across the state will experience economic and social impacts from changes and uncertainties in the energy supply mix and price structures for existing and new sources of energy without advance planning for required transitions.

Revisions Suggested to the Final Energy Plan
Specific measures must be included to implement the Community Transitions Program established as part of the NYS Energy Highway Blueprint. Any plan meant to establish bold solutions to new challenges must meet those challenges with new solutions by making sure that new opportunities and incentives are available in the communities that have built their employment and tax base on the older technologies; renewable technology incentives should be offered to companies to build in those communities formerly housing fossil fueled or nuclear fueled plants.
Establish a clear path to achieve stated goals, most importantly by establishing specific state interim targets. For example, projections for electricity on page 59 of Volume II: Sources indicates an electrical energy generation mix of 40% natural gas by 2030 but only 5.5% non-hydro renewable generation by that same date.

Greenhouse gas emissions goals cannot be achieved through that energy mix and a projection showing an energy mix that would achieve the State's goals should be included in the Plan.
Technology exists to meet forecasted demand through tougher building standard and energy efficiency methods. NYS should use its authority to require new buildings to achieve net-zero energy use by a specific target date.
Tompkins County, the home of Cornell University, is the home of state-of-the-art research demonstrating the potential energy generating capacity using currently available sources of renewable energy, such as those provided by researchers Jacobson, Howarth et. al. (Energy Policy 57, 2013) and Morris et. al. (Pace Law School Climate and Energy Center, New York's Renewable Portfolio Standard: Where To From Here? In addition, New York State has the opportunity to benefit from relevant ideas and analysis contained in the work of knowledgeable and reputable non-New York Groups such as Union of Concerned Scientists (UCS), multi-university peer-reviewed studies, and United States National Academy of Sciences reports, all of whose work is directly related to and even includes specifics about New York State's possible energy futures. Policy and practice changes should be specified to incorporate these findings into the Final Plan.
Include a greater level of detail about reductions in demand that could be achieved through energy efficiency improvements and demand-response requirements.
Tompkins County is also the home of state-of-the-art research regarding the contribution of methane (CH4) and other greenhouse gases to climate problems, especially on a 20-30 year time horizon. The plan should address the risk from methane emissions in addition to those included in the Draft Plan regarding the negative impacts of carbon dioxide (CO2) on the longer time frame.
Increasing NYS reliance on natural gas and policy support promoting a substantial build-out of natural gas infrastructure will inhibit the chances for successful achievement of the overall goal. New York should instead be investing more in clean, renewable energies, such as solar, wind, tidal, and geothermal to achieve a transition to a safer, cleaner energy future. Establish interim targets with reductions every five years and include specific activities to promote continuous action to reduce greenhouse gas emissions.
Establish defined targets for clean vehicular transportation to achieve and surpass the Zero Emissions Vehicle memorandum of understanding recently signed by Governor Cuomo with seven other states.
The Draft Plan emphasizes market-based solutions to our energy transition. We believe that a balanced approach that includes implementation of regulations or tax policies aimed at penalizing polluting energy sources and encouraging efficiency and renewable energy will be necessary to dramatically change the market in favor of renewable energy and efficiency in time to meet the State's greenhouse gas reduction goals; this complementary approach should be incorporated in the Final Plan.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 3/11/14

*Resolution #76- REQUESTING AN EXTENSION ON NYS MORATORIUM ON HYDROFRACKING

WHEREAS, New York State has historically led the nation in matters of advancing social progress, including the abolition of slavery, women's suffrage, civil rights and environmental stewardship; and
WHEREAS, scientific evidence shows that the heavy industrial process of unconventional gas extraction by hydraulic fracturing poses serious risk of water contamination, air pollution, and health impacts; and

WHEREAS, the New York State Medical Society, representing 30,000 medical experts, the American Academy of Pediatrics of New York, the American Lung Association of New York and many independent medical experts and scientists have called on Governor Andrew Cuomo and the New York State legislature to continue New York's moratorium on hydraulic fracturing and to conduct further health studies including a comprehensive health impact assessment; and

WHEREAS, serious concerns over water contamination arise based on data from Pennsylvania and the gas industry on well casing integrity showing an initial 5% or higher failure rate and as much as 50% or more over 30 years; and

WHEREAS, high-volume hydraulic fracturing threatens to negatively impact property values, disrupt municipal tax-bases and could effectively create an additional unfunded state mandate – as has been raised by the New York State Association of Counties - by imposing costs and strains on municipalities such as road damage and increased demands on municipal services, etc.; and

WHEREAS, research on the economic and social impacts of hydraulic fracturing raises concerns regarding increased crime rates and hazards for first responders, as well as an influx of workers who send their paychecks out-of-state while raising local rental housing prices and disrupting existing businesses and economies; and

WHEREAS, in addition to emissions of carbon dioxide and other heat-trapping gases associated with gas development activities, hydraulic fracturing gas development releases methane in the atmosphere, which is at least 72 times more potent in the atmosphere than carbon dioxide on a 20-year timescale and 25 times on a 100-year timescale, thereby making the process potentially disastrous for climate change; and

WHEREAS, New York communities have been significantly affected by the impacts of Hurricanes Irene and Sandy as well as lesser storms including Tropical Storm Lee, extreme weather events that are connected to/exacerbated by climate change due to increases in heat-trapping gases in the atmosphere, costing New Yorkers tens of billions of dollars in damages and lost business opportunities; and

WHEREAS, significant action is necessary to address climate change, action which the federal government has to date failed to take, including energy conservation and advancing a clean energy infrastructure and making a significant economic transition to renewable sources; and

WHEREAS, we need to expand local employment opportunities in our communities and for our young people in sustainable, safe long-term jobs and careers, and invest in industries that will create jobs for decades to come - in contrast to reliance on the "boom to bust" economic cycle associated with extraction of non-renewable resources; and

WHEREAS, expansion of renewable energy and energy efficiency present the opportunity to create a significant number of jobs for New Yorkers and for New York State to lead the nation on a visionary energy policy that will protect our water, air, land and public health while developing climate solutions; and

WHEREAS, Governor Cuomo's Administration has already demonstrated significant leadership on innovative clean energy programs including the investment of $1.5 billion in New York Sun, opening 360 electric vehicle charging stations that will be available for both public and county fleet vehicles, establishing the successful Regional Economic Development Councils, and creating the innovative Start-Up NY; and

WHEREAS, the Town of Ulysses will work with Governor Cuomo and New York State Agencies as is most effective to implement existing renewable energy and efficiency programs as well as to partner on economic development initiatives including the New York State Regional Economic Development Councils and the Start-Up NY as vehicles to catalyze investment and jobs programs;

NOW THEREFORE BE IT RESOLVED that the Town of Ulysses urges Governor Cuomo, and the New York State agencies which he leads, to take swift action in developing and adopting an economic development plan that will significantly reduce the state's greenhouse gas emissions as well as rapidly create and deploy renewable energy and energy efficiency programs throughout municipalities in New York State;

And that the Town of Ulysses stands ready to work with the Governor to achieve these goals that will in the process create safe, sustainable jobs for New Yorkers and pioneer the path forward for the nation to solve the climate crisis and provide real, clean energy solutions for generations to come.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 4-0
Date Adopted: 3/11/14

*Resolution #77- Regarding Rezoning Request for 1607 Trumansburg Rd

WHEREAS, James Curran, Property owner of 1607 Trumansburg Rd, Town of Ulysses Tax Parcel Number 33.-1-8.12, has requested a zoning change for the eastern portion of his property from R2-Moderate Density Residence District to IL-Light Industrial District; and
WHEREAS, the Town of Ulysses Zoning Law Section 3.5 includes procedures for requests for rezoning; and
WHEREAS, the Town Board passed a resolution on January 28, 2014 referring the rezoning request to the Planning Board; and
WHEREAS, the Planning Board discussed the request on February 4, February 18, and March 4, 2014, and passed a resolution recommending that the Town Board **not** approve the request because the zoning law does not reflect the goals of the Comprehensive Plan and the proposed zoning change could potentially impact the goals of the Comprehensive Plan; and
WHEREAS, the Planning Board's March 4, 2014 resolution also requested that the Town Board prioritize the zoning revisions to reflect the Future Land Use Plan of the Town of Ulysses Comprehensive Plan; and
WHEREAS, the 2009 Town of Ulysses Comprehensive Plan Future Land Use Plan includes this area around Krums Corners in the Office and Technology Mixed Use Area; and
WHEREAS, the Planning Board began working on creating the language for the Office and Technology Mixed Use District in 2011, the PB then worked on other issues, and now the PB would like to continue the work; and
WHEREAS, the Town is aware of an upcoming rezoning or development district request in the vicinity of Krum Corners;
BE IT HEREBY RESOLVED that the Town of Ulysses Town Board **denies** the request for rezoning for the eastern portion of 1607 Trumansburg Rd, Town of Ulysses Tax Parcel Number 33.-1-8.12, from R2-Moderate Density Residence District to IL-Light Industrial District;
BE IT ALSO RESOLVED that the Town Board will not consider other requests in the area around Krum Corners until the Zoning Law is amended to include the goals of the Comprehensive Plan for the Office and Technology Mixed Use Area;
BE IT ALSO RESOLVED that the Town Board requests that the Planning Board continue work on the zoning language and boundaries of the Office and Technology Mixed Use Area as outlined in the 2009 Comprehensive Plan.

Moved: Ms. Thomas Seconded: Mr. Kerness

Ms. Thomas aye
Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman nay
Mr. Hertzler abstain

Vote: 3-0

Date Adopted: 3/11/14

MARCH 25, 2014 – WORKING TOWN BOARD MEETING

*Resolution #78- Approval of meeting agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda as amended for March 25, 2014.

Moved: Ms. Zahler Seconded: Mr. Hertzler

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0
Date Adopted: 3/25/14

*Resolution #79- Approval of 3/11 minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the March 11, 2014 meeting as edited by Ms. Thomas on 3/19/14 and Ms. Zahler on 3/20/14.
Moved: Mr. Goldman Seconded: Mr. Kerness

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0
Date Adopted: 3/25/14

*Resolution #80- SEQR for Establishing an Open Development Area

STATE ENVIRONMENTAL QUALITY REVIEW FOR ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4

WHEREAS, this action is the establishment of an open development area for Tax Parcel Numbers 18.-1-2, 18.-1-3, 18.-1-4, 18.-1-5.1, and 18.-1-5.2; and

WHEREAS, this is an Unlisted Action for which the Town of Ulysses Town Board is acting as lead agency in an environmental review with respect to this action; and

WHEREAS, the Town Board, at a meeting held on March 25, 2014, has reviewed and accepted as adequate the Short Environmental Assessment Form, Parts 1 and 2 for this action, prepared by Town staff;

NOW, THEREFORE BE IT RESOLVED that the Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review, for the above referenced action as proposed, based on information in the SEAF Part 1 and for the reasons set forth in the SEAF Part 2, and therefore, a Draft Environmental Impact Statement will not be required.

Moved: Ms. Zahler Seconded: Mr. Kerness

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0
Date Adopted: 3/25/14

*Resolution #81- Establishment of an Open Development Area

ESTABLISHING AN OPEN DEVELOPMENT AREA FOR TAX PARCEL NUMBERS 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4

WHEREAS, access from Taughannock Boulevard to Tax Parcel Numbers 18.-1-2, 18.-1-3, 18.-1-4, 18-1-5.1, and 18-1-5.2 is via a right of way across the lands of adjacent property owners; and

WHEREAS, three of the parcels (1577, 1575, and 1573 Taughannock Blvd, Tax Parcel Numbers 18.-1-2, 18.-1-3 and 18.-1-4) have existing residential structures, and two parcels, Tax Parcel Numbers 18-1-5.1 and 18-1-5.2, are vacant; and

WHEREAS, pursuant to Town Law section 280-a(4), on March 11, 2014, the Town Board referred the proposed establishment of an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 to the Planning Board for its advice; and

WHEREAS, as its March 18, 2014 meeting, the Planning Board adopted a resolution recommending that an open development area for the above referenced parcels be established, subject to certain conditions; and

WHEREAS, the Trumansburg Fire Department and EMS stated that the right of way provides sufficient access for emergencies; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617, the establishment of said open development area is an Unlisted action for which the Town of Ulysses Town Board, acting as lead agency in an environmental review with respect to the establishment of the open development area, has, on March 25, 2014, made a negative environmental determination of environmental significance, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1 and 2, maps, and other materials;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulysses hereby establishes an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 be established, subject to the following conditions as specified by the Planning Board and approved by the Town Board:
There will be no future subdivision of the parcels unless the Planning Board makes a determination that the access is sufficient for any future parcels;
The right of way granting access to the parcels shall remain in place;
The driveway to the parcel will consist of asphalt, another hard surface or gravel and will be sufficient to support the passage and weight of emergency vehicles with at least a 20 ft wide entrance on new driveways;
Any land disturbance within the open development area and within the Slope Overlay Area is subject to Site Plan Approval by the Planning Board; and

Prior to Site Plan Approval and/or building permit issuance, the Fire Department and EMS must approve access to the property; and
All future deeds and easements for all of the parcels in the open development area shall contain the following provision: "This conveyance is made and accepted subject to the open development area conditions approved by the Town Board of the Town of Ulysses on March 25, 2014."
Moved: Ms. Zahler Seconded: Mr. Kerness

Ms. Thomas (*ineligible for voting)
Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 4-0
Date Adopted: 3/25/14

*Resolution #82- Approval of Funds for Court Office Renovation

The Ulysses Town Board congratulates Justice Dresser for his grant award from the Justice Court Assistance Program in the amount of $4,500 to be used to update the Court Office facilities as spelled out in the grant proposal; also

RESOLVED that the remaining funds of $2,734.18 from the last JCAP grant may also be used for this office upgrade using Mainstay Builders as the contractor; and

RESOLVED that the total for the upgrade of the office and equipment shall not to exceed the overall amount of grant money received totaling $7,234.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Discussion: Mr. Kerness questions why the board is voting on this as the procurement policy allows the supervisor to make a decision and notify the board.
Ms. Thomas (*ineligible for voting)
Ms. Zahler aye
Mr. Kerness nay
Mr. Goldman aye
Mr. Hertzler aye

Vote: 3-1
Date Adopted: 3/25/14

*Resolution #83- Planning Board appointment

The Ulysses Town Board appoints Richard Garner to serve as a full member of the Planning Board for the remaining five (5) year term of outgoing member Stan Beames. The term begins immediately and expires on December 31, 2018.

Further RESOLVED that the Town of Ulysses thanks Stanley Beames for his many years of excellent service to the Town.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Ms. Thomas	(*ineligible for voting)
Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 4-0
Date Adopted: 3/25/14

*Resolution #84- Use of Consent Agenda

RESOLVED, the Ulysses Town Board will adopt the practice of using a consent agenda that includes non-controversial routine decisions with the understanding that any item can be removed from the consent agenda for discussion at the request of a single member.

FURTHER RESOLVED, all items on the consent agenda will be approved with one vote in favor of the consent agenda.

Moved: Mr. Goldman Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 3/25/14

APRIL 2, 2014 – SPECIAL TOWN BOARD MEETING – (no resolutions)

APRIL 11, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #85- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda of April 8, 2014 with the changes of taking up new business of the sidewalk to ShurSave, moving the joint emergency planning discussion to after the first privilege of the floor, and adding a resolution on health insurance into the personnel policy discussion.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #86- Approval of 3/25 minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for March 25, 2014 as edited by Ms. Thomas and Ms. Zahler on 4/3/14.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #87- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims, voucher #1-31 that were reviewed and entered into the system in the amount of $52,325.90, and those previously paid in the amount of $19,498.13.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #88- Approval of Stone for Jacksonville Park

BE IT RESOLVED that the Ulysses Town Board approve up to four truckloads of stone from the highway department for Jacksonville Park.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #89- Pursuance of Sidewalk Grant

BE IT RESOLVED that the Ulysses Town Board approve the pursuance of federal funding for a sidewalk to the ShurSave in conjunction with the Village of Trumansburg.

Moved: Ms. Thomas Second: Ms. Zahler

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #90- Development of Joint Emergency Plan

BE IT RESOLVED that the Ulysses Town Board approve the development of a joint emergency preparedness plan with the Village of Trumansburg.

Moved: Ms. Thomas Second: Ms. Zahler

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #91- Budget Modification to Celebrations line

BE IT RESOLVED that the Ulysses Town Board approve an increase to the Celebrations budget line A7550.4, taking it out of contingency budget line A1990.4 to cover the costs of Winter Fest with the village in the amount in $308.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #92- Joint Historical Survey with Village

BE IT RESOLVED that the Ulysses Town Board approves joining with the Village on a joint architectural and landmark survey of historic buildings in both the Village of Trumansburg and Jacksonville.

Moved: Ms. Zahler Second: Mr. Kerness

Ms. Thomas	aye

Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #93- Opposing LPG storage facility on Seneca Lake

WHEREAS, The Town Board of the Town of Ulysses recognizes the importance of the Finger Lakes water shed to the State and to the local community; and

WHEREAS, it has come to the attention of the Town Board that a plan has been proposed for storage of LP gas in large quantities, adjacent to and beneath Seneca Lake; and

WHEREAS, the Town Board is keenly aware of the role played by all the Finger Lakes in providing drinking water for a large segment of the surrounding populations, Seneca Lake's designation as a scenic by-way, its role as a recreational asset and in promotion of area tourism as well as its importance to the fish and wild-life of the Finger Lakes area; and

WHEREAS, it is the understanding of the Town Board that a specific site, Well 58, proposed for such storage had previously been plugged and abandoned by the prior owner, New York State Electric and Gas Corp. and deemed no longer appropriate for storage of the type proposed by the current owner; and

WHEREAS, the Town Board is deeply concerned with reports of the failure of structures of the same type being suggested for such storage at Seneca Lake due to earth tremors of the same severity sometimes experienced in up-state New York as well as reports of leakage in similar structures that are neither designed nor built specifically for the purpose proposed; and

WHEREAS, negative environmental consequences to the lake and the Finger Lakes Water Shed would be possible in the event of a leak at the proposed storage site; and

WHEREAS, the Town Board is aware that the Department of Environmental Conservation has expressed similar concerns over such site failures both here and at other similar facilities around the country; now, therefore be it

RESOLVED, that the Town Board of the Town of Ulysses joins other municipalities and Senator Michael Nozzolio in respectfully requesting that the New York State Department of Environmental Conservation withhold approval of any plan for mass storage of LP Gas adjacent to or under Seneca Lake; and it is further

RESOLVED, that a copy of this resolution is forwarded to the United States Environmental protection Agency, Senator Michael Nozzolio, Senate Leader Dean Skelos, Senate Leader Jeff Klein, Senate Minority Leader Andrea Stewart-Cousins, Assembly Leader Sheldon Silver, Assembly Minority leader Brian Kolb, Assemblyman Philip Palmesano, the Mayor of Watkins Glen, the Schuyler County Legislature, the Yates County Legislature, the Ontario County Board of Supervisors, and the Reading Town Board.

Moved: Ms. Zahler Second: Mr. Kerness

Ms. Thomas aye
Ms. Zahler aye

Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #94- Move into Executive Session

BE IT RESOLVED that the Ulysses Town Board move into executive session at 10:30pm to discuss matters pertaining to employment, promotion, or demotion of a particular person.

Moved: Ms. Thomas Second: Mr. Kerness

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

Vote: 5-0
Date Adopted: 4/8/14

*Resolution #95- Return from Executive Session

BE IT RESOLVED that the Ulysses Town board return from executive session.

Moved: Ms. Thomas Second: Ms. Zahler

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

Vote: 5-0
Date Adopted: 4/8/14

APRIL 22, 2014 – WORKING TOWN BOARD MEETING

*Resolution #96- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the meeting agenda of April 22, 2014 with the additions of the healthcare resolution and a forum discussion under old business Moved: Ms. Thomas Seconded: Mr. Hertzler

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

Vote: 5-0
Adopted 4/22/14

*Resolution #97- Approval of 4/2 and 4/8 minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for April 2 and April 8, 2014 as edited by Ms. Thomas and Ms. Zahler.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 4/22/14

*Resolution #98- Amendment of zoning map from IL to R2

BE IT RESOLVED that the Town of Ulysses amend the zoning map to change 6-8 parcels from IL (Light Industrial) District to R2 (Moderate Density Residential) District according to the map shown at the April 22 meeting. And,

BE IT RESOLVED that local law language be developed to amend the zoning map, and
FURTHER RESOLVED that the planning board be informed of the town board actions.

Moved: Mr. Kerness Seconded: Mr. Goldman

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

Vote: 4-1
Date Adopted: 4/22/14

*Resolution #99- Inventory of historic buildings

BE IT RESOLVED that the Ulysses Town Board approves joining with the Village of Trumansburg on a joint architectural and landmark survey of historic buildings in both the Village of Trumansburg and the Hamlet of Jacksonville; and
RESOLVED that the Town will contribute $2,500 to this project upon its completion; and
RESOLVED that the Village of Trumansburg Planning Board Chair will oversee this project and ensure its completion by the end of 2014.
RESOLVED that the Town of Ulysses will be provided with a copy of the survey upon completion.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Ms. Thomas	aye
Ms. Zahler	aye

Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 4/22/14

*Resolution #100- Approve Amendment to Health Insurance Consortium

WHEREAS, the Town of Ulysses is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "**Consortium**"), a municipal cooperative organized under Article 5-G of the New York General Municipal Law; and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "**Agreement**"), which provides for the operation and governance of the Consortium; and

WHEREAS, Article 47 of the New York Insurance Law (the "**Insurance Law**") and the rules and regulations of the New York State Superintendent of Insurance set forth certain requirements for governance of municipal cooperatives which offer self-insured municipal cooperative health insurance plans; and

WHEREAS, Section 4705(a)(8) of the Insurance Law provides the governing board of self-insured municipal cooperative must include representation of unions, which are the exclusive collective bargaining representatives of employees who covered by the plan offered by such self-insured municipal cooperative; and

WHEREAS, Section K of the Agreement currently in place provides for representation on the Consortium's Board of Directors (the "Board") by the Chair of the Joint Committee on Plan Structure and Design (as defined in the Agreement); and

WHEREAS, by resolution adopted on September 26, 2013, the Consortium's Board approved an amendment to the Agreement to (a) increase the number of labor representatives on the Board; and (b) provide for future increases to the number of labor representatives on the Board in the event number of participants in the Consortium increases, all as more fully set forth in the 2014 Amendment to the Municipal Cooperative Agreement attached hereto as Exhibit "A" (the "**2014 Amendment**"); and

WHEREAS, Section T of the Agreement requires that any change or amendment to the Agreement shall require the unanimous approval of the Participants, as authorized by their respective legislative bodies; and

WHEREAS, the Town of Ulysses has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2014 Amendment, now therefore be it

RESOLVED that the Council/Board of Trustees/Legislature of the Town of Ulysses approves the following:

Section 1. The 2014 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium attached to this Resolution is approved.

Section 2. The Town of Ulysses Clerk is hereby authorized to execute this Resolution to indicate its approval, deliver a copy thereof to the Board of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Section 3. This Resolution shall take effect immediately.

"**EXHIBIT A**"

2014 AMENDMENT TO THE MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM

5. The Union Members on the Joint Committee on Plan Structure and Design shall select from among the Union Members an individual to serve as an additional at-large voting Labor Member on the Board of Directors of the Consortium. If the number of municipal members on the Consortium rises to seventeen (17), the union members of the Joint Committee on Plan Structure and Design shall select from among the Union Members an additional at-large voting Labor Member on the Board of Directors of the Consortium. The at-large voting Labor Member(s) along with the Joint Committee Chair shall collectively be the "Labor Representatives" as defined in Section C(11) of this Agreement. <u>If the number of municipal members on the Consortium rises to twenty-three (23), the Union Members may select from among their members a third At-Large Labor Representative to serve as a Director. Thereafter, for every increase of five (5) additional municipal members added to the Consortium Union Members may select from among their members one (1) At-large Labor Representative to serve as Director. Attached hereto as Addendum "B" is a table illustrating the addition of At-Large Labor Representatives as set forth in this Section. Any At-Large Labor Representative designated according to this section shall have the same rights and obligations as all other Directors.</u>

Moved: Mr. Goldman Seconded: Ms. Zahler

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

Vote: 4-1
Date Adopted: 4/22/14

*Resolution #101- Modification of personnel policy for 30-35 hour workers

WHEREAS, the Town of Ulysses wishes to modify its current Personnel Policy to more accurately reflect the variety of work schedules among its employees and to assure fair treatment of all of its employees, and
WHEREAS, the 2014 budget includes sufficient funds to provide health insurance for the proposed new tier of employment, now therefore be it
RESOLVED that the Town of Ulysses revise its current Personnel Policy to include a new Class B to the existing employment tiers and that Section 1.2 be amended as follows:
Definitions of Employees
The following definitions are to be used only and solely for interpreting the provisions of this policy. These definitions do not relate to any other rule, policy, or law.

Class "A" employees – any employee whose work entails 35 or more hours per week. Full time elected officials are entitled to Class "A" benefits.

Class "B" employees - any employee whose work entails 30 or more hours and less than 35 hours.

Class "C" employees - any employee whose work entails 20 or more hours and less than 30 hours.

Class "D" employees – employees whose work entails less than 20 hours per week.

All employees under designation Class "D" shall not receive any of the following benefits: health insurance, sick or personal time, bereavement pay, and holiday pay.
FURTHER RESOLVED, employees in the newly created Class B be eligible to receive individual or family health insurance coverage at an employee contribution rate of 25% and,

RESOLVED, the implementation of the new Class B and coverage for any employees included in this Tier and the new contribution rate become effective May, 1, 2014, and
RESOLVED, the current Personnel Policy Section 1.2 be further amended as follows:

Elected Official – Elected positions should refer to the Association of Towns Handbook published for specific positions.

For the purposes of benefits described in the Employee Handbook, "Elected Official" refers to the following elected officials of the Town of Ulysses:

- Town Clerk (considered Class "A" exempt): A clerk, with the approval of the town board, may work less than full time and receive pro-rated health benefits.
- Superintendent of Highways (considered Class "A" exempt) A superintendent, with the approval of the town board, may work less than full time and receive pro-rated health benefits.
- Town Supervisor, (considered a Class "B" exempt) A supervisor, with the approval of the town board, may work fewer than 30 hours and receive pro-rated health benefits.
- Town Board Members (considered Class "D" exempt)
- Town Justices (considered Class "D" exempt)

AND FURTHER RESOLVED that **Section 5.3 Time Records** be amended as follows:
All employees shall turn in a time card by the end of the last day of the pay period. Salaried employees shall do the same stating time used for vacation, sick time, holiday or other time off to maintain accurate records of benefit time used. No pay or benefits will be issued without the presence of a time card with two signatures: the employee and the employee's supervisor. Elected officials wishing to receive health insurance must maintain and submit an accurate, signed record of their time worked by the end of each pay period to the bookkeeper.
FURTHER RESOLVED, these amendments become effective May 1, 2014.

Moved: Ms. Zahler Seconded: Mr. Hertzler

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

Vote: 4-1
Date Adopted: 4/22/14

*Resolution #102- Move into executive session

RESOLVED that the Ulysses Town Board move into executive session for matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Moved: Mr. Goldman Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Kerness	aye

Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 4/22/14

*Resolution #103- Return from executive session

Resolved that the Ulysses Town Board return from executive session.

Moved: Ms. Zahler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 4/22/14

MAY 7, 2014 – SPECIAL TOWN BOARD MEETING

*Resolution #104- Return from executive session

RESOLVED that the Ulysses Town Board move into executive session for matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Moved: Ms. Thomas Second: Mr. Goldman

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

Vote: 4-0
Date Adopted: 5/7/14

MAY 13, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #105- Approval of agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the May 13, 2014 meeting with the following changes:
1) Presentation from Solar Tompkins directly after the approval of the claims
2) Change item 7c to read "Zoning Regulations for Parks and Recreation"
3) Add an Executive Session –prior to Mariette's departure (mid-meeting)

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #106- Approval of minutes for 4/22 and 5/7

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the April 22 and May 7, 2014 meetings as amended by the Town Clerk based on comments from Town Board members.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #107- approval of claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 10-66 that were reviewed and entered into the system in the amount of $210,890.17.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #108- scheduling public hearing for amendment of zoning map

RESOLVED that the Town Board of the Town of Ulysses accepts the proposed Local Law for amending the Town of Ulysses Zoning Map for purposes of the public hearing, and

RESOLVED that the Town Board hold a Public Hearing on Tuesday, June 10, 2014 at 6:30 p.m. at the Ulysses Town Hall, 10 Elm St, Trumansburg, for the purpose of hearing public comment on the proposed Zoning Map Amendment, and

RESOLVED that the Town Clerk shall arrange for publication of notice of the public hearing in the Ithaca Journal at least ten days prior to the public hearing.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #109- Move into executive session

RESOLVED that the Ulysses Town Board move into executive session at 9:05pm for the advice of counsel and matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #110- Appointment of Blake and Means to PB & BZA

RESOLVED that the Ulysses Town Board appoints David Blake to the position of Alternate to the Planning Board for the remainder of 2014, and
RESOLVED that the Ulysses Town Board appoints David Means to the position of Alternate to the Board of Zoning Appeals for the remainder of 2014.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #111- Approval of water sales to outside users

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Water Sale Agreement to outside users as presented in the following contract:

THIS AGREEMENT is made as of the 13th day of May 2014, by and between the TOWN

OF ULYSSES, a municipal corporation with offices at 10 Elm Street, Trumansburg, NY 14886 (hereafter referred to as "the Town") and Willie's Water, of 7460 Route 96, Ovid, New York, 14521, hereafter referred to as "the Customer". WHEREAS, the Town has water available for sale in Water District 3 of the Town; and

WHEREAS, the Town by resolution dated July 29, 2010 determined that, in order to protect the health, safety and welfare of Town residents, no water sold by the Town of Ulysses shall be used for any purposes related to gas drilling, hydrofracturing or any related purposes;

WHEREAS, the Customer wishes to purchase water from the Town;

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein set forth and agreed upon, the parties agree as follows:

The Town hereby agrees to sell and furnish to the Customer water from Water District 3.
The water will be furnished to the Customer as follows:
The Customer will access the water at a designated metered hydrant, which is locked and is accessible only by the Customer; or upon prior arrangement with the Administrator of the Water District.
The Customer agrees that none of the water purchased pursuant to this Agreement will be used for any purposes related to gas drilling, hydrofracturing or any related purposes. Any violation of this provision will result in the immediate termination of this Agreement by the Town.
The Customer agrees and acknowledged that, if the Customer purchases water from the Town and delivers the water by truck to third parties, the quality of the water so delivered (including, but not limited to, portability) is not in any way guaranteed by the Town of Ulysses. The Customer shall be solely responsible for the quality of any water delivered by truck to third parties and shall indemnify the Town and hold the Town harmless from any liability or claims related to the quality of such water.
The rate for the water purchase pursuant to this Agreement will be established by resolution of the Town Board from time to time.
The Customer will receive no more than 40,000 gallons of water per day, unless a larger volume is approved by resolution of the Town Board.
The Customer will receive a bill from the Town on a monthly basis, unless a monthly bill amounts to less than $20.00, in which case billing will be done on a quarterly basis. All bills are due and payable within 30 days after receipt thereof. There will be a late fee of 10% of the amount due for all payments not received by the due date. Upon the customer's failure to pay a bill by the due date, the Town, at its option, may terminate this Agreement.
In addition to termination of this Agreement by the Town pursuant to paragraphs 3 and 6 above, the Town may terminate this Agreement at any time upon 10 days' notice to the Customer.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed as of the date set forth below.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #112- Setting the rate for outside water users

BE IT RESOLVED that the Town Board of the Town of Ulysses set the rate for the bulk outside water users at 1 times the rate charged to bulk water users within Water District 3.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

*Resolution #113- Increase of pay rate for Fred Dean

RESOLVED that the Ulysses Town Board authorizes an increase in pay for J. Fred Dean to $18.18/hour.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 5/13/14

MAY 27, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #114- Approval of agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the May 27, 2014 meeting with the following additions: general announcements from Ms. Thomas, an update on the sidewalk under new business, and a review of the next meeting's agenda.

Moved: Ms. Thomas Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 5/27/14

*Resolution #115- Approval of minutes: 5/13/14

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the May 27, 2014 meeting with the following additions: general announcements from Ms. Thomas, an update on the sidewalk under new business, and a review of the next meeting's agenda.

Moved: Ms. Thomas Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 5/27/14

*Resolution #116- Adoption of NIMS (National Incident Management System)

WHEREAS, Homeland Security Presidential Directive / HSPD-5, 28 Feb 2003 established the National Incident Management System (NIMS); and
WHEREAS, the NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management; and
WHEREAS, the NIMS provides a consistent nationwide approach for Federal,
State, and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and
WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and
WHEREAS, beginning October 1, 2004 all Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent provided by law, for providing Federal preparedness assistance through grants, contracts or other activities to local governments;
NOW THEREFORE, be it resolved that the Town of Ulysses hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.
Moved: Ms. Thomas Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 5/27/14

JUNE 10, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #117- Approval of meeting agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the May 27, 2014 meeting with the following additions: general announcements from Ms. Thomas, an update on the sidewalk under new business, and a review of the next meeting's agenda.

Moved: Ms. Thomas Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 5/27/14

*Resolution #118- Approval of minutes: 5/21 and 5/27/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the May 21, 2014 meeting as edited by Ms. Zahler and Ms. Thomas; and the minutes of May 27 as edited by Ms. Thomas on 6/4.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 6/10/14

*Resolution #119- Approval of claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 101 to 144 and other recurring payments in the amount of $58,814.33.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 6/10/14

*Resolution #120- Budget modifications

Resolved that the Town of Ulysses modify the 2014 budget as follows:

A1110.4	Town Justice CE	increase	$6,089.93
A915.6	Assigned Funds –Court	decrease	$6,089.93

To cover expenditures made from Court Grant Funds

A5132.2	Town Barn-EQ	increase	$ 609.99
A1990.4	Contingency	decrease	$ 609.99

To budget for new computer at town barn.

A9040.8	Workers Comp A Fund	increase	$ 369.00
A1990.4	Contingency	decrease	$ 369.00

To cover additional Workers Compensation costs.

DA9040.8	Workers Comp DA fund	increase	$1,480.00
DA915	Unappropriated Fund Balance	decrease	$1,480.00

To cover additional Workers Compensation costs.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 6/10/14

*Resolution #121- Supporting Transportation Alternatives Program

Supporting Transportation Alternatives Program application for project entitled, Pedestrian Commuting in Trumansburg: Safe Routes to School & Daily Needs Sidewalk Project

Whereas, the New York State Department of Transportation is accepting applications for the Transportation Alternatives Program (TAP), funded by the 2012 Federal Transportation Bill, which includes a reimbursement program for municipalities to receive up to 80% of total cost for projects such as creating new sidewalks; and

Whereas, the Town of Ulysses and Village of Trumansburg have been working collaboratively since March to develop an application that includes three sections of sidewalks – two in the Village: on South Street from Main Street to Tamarack Lane and on Lake Street from Main Street to the bridge over Trumansburg Creek; and one in the Town: along Trumansburg Rd from the fairgrounds to Kinney and ShurSave; and

Whereas, the Village of Trumansburg is acting as the applicant/sponsor for the application and, if successful, will be the signatory for the contract with NYS Department of Transportation; and

Whereas, the Town and Village will need to develop an agreement for implementing the project, so that the Town will be financially responsible for costs associated with the sidewalk project in the Town; and

Whereas, the Town will be responsible to cover the full cost of the Town's project and will be reimbursed for 80% of the cost; the source of the remaining 20% can be in the form of local funds or in-kind services; and

Whereas, the Town has an established Capital Reserve A Fund to be used for sidewalk project matching funds; and

Whereas, the Village of Trumansburg has estimated that the cost of winter maintenance will cost approximately $500 annually and have agreed by resolution on June 9th to use their equipment and personnel for said maintenance; and

Whereas, the Town will be financially responsible for winter maintenance;

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ulysses supports the Village of Trumansburg's Transportation Alternatives Program application for project entitled, Pedestrian Commuting in Trumansburg: Safe Routes to School & Daily Needs Sidewalk Project, where the total project cost is $1,081,591 and the portion in the Town of Ulysses is $396,726; and

RESOLVED, that the Town will provide the 20% local share with $49,345 of local funds split between the 2015 and 2016 budget, and $30,000 of in-kind services; and

RESOLVED, that the Town will properly manage the budget so that the upfront costs will be available in the budget years specified in the project timeline.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 4-1
Date Adopted: 6/10/14

*Resolution #122- SEQR determination for Local Law 2 of 2014

SEQR DETERMINATION FOR LOCAL LAW NO. 2 OF 2014- A LOCAL LAW TO AMEND THE TOWN OF ULYSSES ZONING LAW BY AMENDMENT OF THE ZONING MAP

WHEREAS, this action is the adoption of a Local Law to amend the Town of Ulysses Zoning Law by amendment of the Zoning Map; and

WHEREAS, this as a Type I action for which the Town of Ulysses Town Board is Lead Agency in an environmental review with respect to the enactment of the proposed local law; and

WHEREAS, the Town Board, at a public meeting held on June 10, 2014, has reviewed and accepted as adequate the Full Environmental Assessment Form (FEAF), 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 FEAF Part 1 and for the reasons set forth in the FEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 6/10/14

*Resolution #123- Approving Local Law no. 2 of 2014

A LOCAL LAW TO AMEND THE TOWN OF ULYSSES ZONING LAW BY AMENDMENT OF THE ZONING MAP

WHEREAS, the Ulysses Town Board ("the Town Board") adopted a Comprehensive Plan for the Town on September 28, 2009; and

WHEREAS, the Town Board adopted Local Law No. 3 of 2013 on December 17, 2013, which amended the Zoning Law of the Town of Ulysses previously adopted on Local Law No. 4 of 2007 on November 28, 2007 and August 30, 2005; and

WHEREAS, pursuant to page 1 of Article I of the Ulysses Zoning Law of 2013, the purpose of the Zoning Law of the Town of Ulysses is, in part, to promote the health, safety, and general welfare of the community, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overuse of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, parks and to restrict and regulate the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes in order to preserve, foster and enhance the native beauty and rural character of one of the most picturesque and charming communities in the Finger Lakes region of New York State; and

WHEREAS, the Town of Ulysses Zoning Law provides that the boundaries of the zoning districts "are shown on the map entitled 'Zoning Map, Town of Ulysses, Tompkins County, New York,' as adopted by the Town Board and amended from time to time. Said map and all notations on it or amendments to it are incorporated by reference into this Zoning Law and made part of it," and "the regulations, restrictions and boundaries set forth in this Zoning Law may be amended, supplemented, changed or repealed by the Town Board pursuant to local law." (Town of Ulysses Zoning Law, Article II, Section 2.9 and 2.11); and

WHEREAS, the Town Board has determined that further amendment of the Zoning Map is necessary to implement the objectives in the Comprehensive Plan and better achieve the purposes of the Zoning Law; and

WHEREAS, the amendments to the Zoning Map include changing a portion of the IL-Light Industrial District to R2-Moderate Density Residence District for the following Tax Parcel Numbers: Part of 33.-1-8.11, 33.-5-1, Part of 34.-2-3.123, 34.-2-5.1, 34.-2-6, Part of 34.-2-7.2, 34.-2-8, 34.-2-9.2; and

WHEREAS, the amendments to the Zoning Law are in accordance with the provisions of the Comprehensive Plan, including the following objectives in the Comprehensive Plan:

"Use the Future Land Use Plan to guide officials' decision-making as it relates to future development" (p. 22); and
"Update the Town's Zoning Law to ensure consistency with the Future Land Use Plan" (p. 22);and
"Limit future commercial development to designated areas as defined on the Future Land Use Plan including Transitional Commercial and Office and Technology Mixed Use" (p. 23); and

WHEREAS, in 2011, the Town Board appointed the Planning Board to work on the Office and Technology Mixed Use Area and on April 1, 2014, the Planning Board discussed that the task of developing the Office and Technology Mixed Use Area language and boundary is a significant effort and much larger in scope than the Planning Board can handle, however, they were willing to provide a list of uses to revise the current IL-Light Industrial District language as a short-term solution to longer term holistic approach to the Route 96 corridor; and

WHEREAS, on April 16, 2014, the Board of Zoning Appeals denied a use variance request to restore a vacant residence in the IL-Light Industrial District, and the Board of Zoning Appeals passed a resolution urging the Town Board to move forward with zoning amendments in this area of Trumansburg Rd/State Route 96; and

WHEREAS, in April 2014, the Town Environmental Planner suggested two short-term options for amending the zoning – (1) amend the zoning language to allow residential uses in the IL-Light Industrial District, or (2) amend the zoning map to change a portion of IL-Light Industrial District to R2-Moderate Density Residence District; and

WHEREAS, on April 22, 2014, the Town Board passed a resolution to move forward with the zoning map amendment by redesignating a portion of IL- Light Industrial District to R2-Moderate Density Residence District; and

WHEREAS, a public hearing on the proposed local law amending the Zoning Law was held on June 10, 2014, notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation on May 26, 2014, 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 May 9, 2014, 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 *June 10, 2014 and recommended one modification: That the Town examine that entire area for rezoning in line with the Comprehensive Plan, rather than addressing only a small portion of the area;* and

WHEREAS, the Town Board considered this recommendation and concluded that the current Zoning Map amendment is a short-term solution to address existing nonconforming residences, that the Comprehensive Plan shows that this area is outside of the Office and Technology Mixed Use Area, and that the longer term goal is to take a holistic review of the zoning along the State Route 96 corridor; and

WHEREAS, in light of the Tompkins County Planning Department's recommendation for amendment of the above-referenced provision, adoption of the amended Zoning Law requires the vote of a majority of the Town Board members plus one (i.e., four votes); 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 a Type I Action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of this local law, has, on *June 10, 2014*, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full 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. 2 of 2014, and authorizes and directs the Town Clerk to file said local law with the New York State Secretary of State as required by law.

Moved: Ms. Thomas Seconded: Mr. Kerness

The town clerk called a roll call vote:

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

Vote: 5-0
Date Adopted: 6/10/14

*Resolution #124- Support of a Cayuga Nature Center (CNC)/Paleontological Research Institute (PRI) grant

WHEREAS the Cayuga Nature Center is a highly valued organization within the Town of Ulysses which for decades has served to educate children and their families about nature and the natural environment, and

WHEREAS the Cayuga Nature Center property is extensive and the lodge, along with its exhibits, has needed extensive upgrades for many years; and

WHEREAS the Paleontological Research Institute (PRI) as the new leadership and management of the CNC, has a proven track record of providing the public with excellent scientific education and will serve to compliment the mission of the CNC.

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulysses fully supports and endorses the grant proposal to fund upgrades of the CNC building, grounds and exhibits.

Moved: Mr. Hertzler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 6/10/14

*Resolution #125- None- (clerk's error!)

*Resolution #126- Consolidated Funding Application for the Town of Ulysses Zoning Update Project

Whereas, the New York State Consolidated Funding Application is currently open for New York State Energy Research Development Authority (NYSERDA) Cleaner, Greener Communities Program, Phase II Category 2 Planning Initiatives, such as implementing zoning amendments; and

Whereas, in 2009, the Town of Ulysses adopted a Comprehensive Plan that included a number of goals and action items for creating specific area plans and updating the Town Zoning based on a future land use plan; and

Whereas, the Town spent four years working on the language for creating two new zoning districts and, outside funding is needed to continue to fulfill the goals of the Comprehensive Plan; and

Whereas, NYSERDA requires a minimum cost-share of 25% that the Town will provide with in-kind services of staff and board members;

Be it therefore
Resolved, that the Town of Ulysses Town Board hereby authorizes the Supervisor to sign letters of support and commitment as required for the Town's application for funding through NYSERDA's Cleaner, Greener Communities Program.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 6/10/14

JUNE 24, 2014 – WORKING TOWN BOARD MEETING

*Resolution #127- Approval of meeting agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the June 24, 2014 meeting with the following changes: add an executive session under new business, and a recognition of Rod Hawkes.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0

Date Adopted: 6/25/14

*Resolution #128- Approval of minutes 6/10/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the June 10, 2014 meeting as edited by Ms. Zahler and Ms. Thomas, and the minutes of June 10, 2014 Public Hearing on the proposed zoning map change.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 6/25/14

*Resolution #129- Acceptance of Local Law proposal and public hearing

RESOLVED that the Town Board of the Town of Ulysses accepts the proposed Local Law for amending the Town of Ulysses Parks and Recreation Zone for purposes of the public hearing,

RESOLVED that the Town Board hold a Public Hearing on August 12, 2014 at 6:30 p.m. at the Ulysses Town Hall, 10 Elm St, Trumansburg, for the purpose of hearing public comment on the proposed amendment to the Town of Ulysses Park and Recreation Zone, and

RESOLVED that the proposed Local Law be sent to Tompkins County Planning Department for the 239 review, and

RESOLVED that the Town Clerk shall arrange for publication of notice of the public hearing in the Ithaca Journal at least ten days prior to the public hearing.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 6/25/14

*Resolution #130- Formation of Ag Committee

WHEREAS, on February 26, 2013 the Town of Ulysses adopted an Agriculture and Farmland Protection Plan; and

WHEREAS, the Town of Ulysses Agriculture and Farmland Protection Plan was subsequently reviewed and approved by the Tompkins County Agricultural and Farmland Protection Board and has been approved by the New York State Department of Agriculture and Markets; and

WHEREAS, the Town of Ulysses Agriculture and Farmland Protection Plan lists as a Primary Implementation Strategy to "Establish by resolution an Agriculture Committee to assist the Town Board in implementation of the Plan and to generally advise the Town Board on matters impacting agriculture in the Town of Ulysses", and designated that the Agriculture Committee will work with Town staff, as well as with County and State agencies and organizations that support agriculture and land conservation;

Now therefore be it RESOLVED, that the Town Board of the Town of Ulysses hereby establishes the

Purpose, Structure, Operational Parameters, and Membership of the Town of Ulysses Agriculture Committee

Section 1
The purpose of the Agriculture Committee is to advise the Town Board and other Town agencies on matters pertaining to the preservation, promotion, and ongoing operation of agricultural activity and enterprises in the Town of Ulysses. As described in the Agriculture and Farmland Protection Plan Section 6, the Agriculture Committee will work with Town Staff, Cooperative Extension, and other knowledgeable organizations and individuals to strengthen the agricultural economy, to improve public understanding of farming, to establish appropriate tax policies that support agriculture, and to enhance land use policies to better protect farmland.

Section 2
A. Committee; Personnel; Appointment; Organization. There is hereby established in the Town of Ulysses a permanent committee to be known and designated as the "Town of Ulysses Agriculture Committee" which shall consist of citizens appointed by the Town Board representing a broad range of agricultural experience. The committee shall consist of nine (9) individuals who are engaged in farming, agri-business, an agriculture-or agriculture support-related vocation, or generally knowledgeable about land use planning and / or agricultural land conservation, or own large tracts of agricultural land in the Town. One of the committee members may be a farmer in the Town of Ulysses who owns or rents farmland in Ulysses but does not reside in the Town; all other members of the committee shall be Ulysses residents. The committee make-up consists of: one (1) agricultural support/marketing; five (5) farmers, one (1) landowner with leased land, and two (2) open seats. A Town Board member will serve as an ex-officio membership shall consist of representatives from the Town Board, Planning Board, Town Staff, and Cornell Cooperative Extension and will only be eligible to serve on the committee while he/she holds the Town office. The voting members of the said committee first appointed, shall serve for terms as follows: three (3) appointees for one (1) year terms; three (3) appointees for two (2) year terms and three (3) appointees for a three (3) year term. Thereafter, all appointments shall be for terms of three (3) years and vacancies shall be filled for the unexpired term only. The members of the committee shall receive no compensation for their services.

The committee shall organize within sixty (60) days after the appointment of its total membership for the remainder of that calendar year and thereafter annually and select from among its voting members a chairperson and such other officers as it may deem necessary. Said committee may establish rules of order and should meet at least twice annually. Additional Committee meetings will be set according to its rules of order and as needed to complete tasks and meet its general responsibilities. The Agriculture Committee shall report to the Town Board at least annually on its activities and interface with other boards or agencies as may request its assistance.

B. Assistance. The Agriculture Committee may request technical assistance and/or specialized advice from any resource it may deem appropriate, including but not limited to other local residents; other Town of

Ulysses officials; Tompkins County Planning; Tompkins County Soil and Water Conservation; Tompkins County Agriculture and Farmland Protection Board; Finger Lakes Land Trust; American Farmland Trust; New York Agricultural Land Trust; and NYS Department of Agriculture and Markets. The Town Board shall authorize a clerk to assist with committee work.

C. Funds for Committee Operations. As a citizen advisory committee, the Agriculture Committee may not authorize any expenditure of Town funds or enter into any contract arrangements for payment of services. Funds necessary for proper committee operation or technical assistance may be requested by the committee from the Town Board and, in accordance with customary procedures, the Town Board may authorize such funds and approve the expenditure thereof, and execute contracts in support of approved expenditures.

Section 3
Responsibilities of Committee. In accordance with the Town of Ulysses Agriculture and Farmland Protection Plan, the tasks of the committee may include (not listed in order of priority):

1. Recommend methods, review proposals, and develop plans for the implementation of the goals of the Plan and, report their findings to the Town Board.

2. Develop an annual work plan, in accordance with Section 6 of the Plan, "Maintenance of the Plan". As deemed necessary, work with the Town Board to amend and update the Plan. A formal review of the document should be considered every five years.

3. Monitor trends in agriculture and local farming activity and determine existing issues facing farmers and those in related endeavors and recommend reasonable and desirable solutions to the Town Board.

4. Monitor local development so as to identify future issues and pressures on agricultural land, and recommend reasonable and desirable solutions to the Town Board to preserve such lands.

5. Identify opportunities to help promote direct marketing and commodity marketing opportunities for local farmers and to expand value-added agricultural operations in the Town.

6. Identify methods whereby the Town Board, County or State governments can encourage existing farmers to continue in active agricultural operation, and that can help connect people interested in farming with available farmland in the Town of Ulysses.

7. When requested by the Town Board or other agencies engaged in and environmental review of proposed private or public development and/or infrastructure projects, provide input regarding the impacts on agriculture of such projects. Study and comment on proposals by local, county, state or federal governments that may impact on local farms and farmlands, including zoning and other land use policies.

8. Inform local farmers that the Agriculture Committee exists and can offer advice and assistance in many cases, and invite participation in Committee activities. Facilitate the local presentation of educational programs by Cooperative Extension and other experts.

9. Encourage and assist applications to farmland preservation programs and, when such applications are submitted provide input into the review thereof.

10. Encourage appropriate conservation strategies, best-practice, and sustainable agricultural activities.

11. Address any other issue referred to it by the Town Board or other local agencies having to do with agricultural related activities.

12. Recommend to the Town Board reasonable and desirable changes to this listing of responsibilities.

Moved: Ms. Zahler Seconded: Ms. Thomas

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

Vote: 5-0
Date Adopted: 6/25/14

*Resolution #131- Executive session

RESOLVED that the Town Board enter executive session at 10:17pm, for matters relating to the appointment of a particular person.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 6/25/14

The board retuned from executive session at10:46pm.

*Resolution #132- Appointment of John Wertis as Planning Board chair

RESOLVED that the Town Board of the Town of Ulysses appoints John Wertis as the Chair of the Planning Board for the remainder of 2014; and

RESOLVED that the Town Clerk notify Mr. Wertis of the appointment.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 6/25/14

*Resolution #133- Appointment of David Blake as Planning Board member

RESOLVED that the Town Board of the Town of Ulysses appoints David Blake as a full member of the Planning Board to fill out the term of Rod Hawkes; and

RESOLVED the term shall expire in December 2016; and

RESOLVED the Town Clerk shall notify Mr. Blake of this resolution

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 6/25/14

JUNE 24, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions)

JULY 8, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #134- Approval of meeting agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the July 8, 2014 meeting with the following additions: zoning change having to do with parks and recreation; a short discussion on the meeting with the village on 7/15; and an executive session for the advice of counsel.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #135- Approval of minutes 6/24 and 6/25/14

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the June 24, 2014 and June 25, 2014 as edited by Ms. Thomas.

Moved: Ms. Thomas Seconded: Mr. Kerness

Mr. Kerness initiated a discussion on the length of the minutes and requested that only action items are recorded. Ms. Zahler felt that some concise summary of discussion is helpful both to her as a board member and to members of the public seeking to understand the various points of view on issues. Mr. Kerness felt that any summary is an interpretation and those interested in details can listen to the verbatim audio tape online.

Ms. Parlato offered to include even more concise summaries of discussion, which was agreeable to most board members.

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

Vote: 4-0
Date Adopted: 7/8/14

*Resolution #136- Approval of meeting agenda

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 100-133 in the amount of $14,976.98 with an additional $4524.19 of non-vouchered bills.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #137- Budget Modification

BE IT RESOLVED that the Ulysses Town Board modify budget line A1410.4 Town Clerk CE; to increase it by $1,000 from A1990.4 Contingency.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #138- Requesting the health consortium to propose a two-person plan

Move that the Town of Ulysses request that the consortium develop an employee plus one dependent health care plan for the board to review as an option for 2015.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye

Mr. Kerness	aye	
Mr. Goldman	aye	
Mr. Hertzler	aye	

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #139- Establishment of a 5 person Planning Board

To establish a Planning Board consisting of 5 persons who function in the manner prescribed by law.

Moved: Ms. Thomas Seconded: Mr. Kerness

Discussion: As the current seven-member Planning Board has several vacancies and it is difficult to find people willing to serve, Ms. Thomas felt that it would be a good time to reduce the size to five members. The town board will continue to recruit 1-2 alternates to assure a quorum. Only Ms. Zahler and Planning Board Chair John Wertis Sr. disagreed and felt that the larger number offers more points of view. They also both felt that members could be found to serve. Mr. Goldman and Mr. Hertzler clarified that it would be possible to increase the number in the future if needed.

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

Vote: 4-1
Date Adopted: 7/8/14

*Resolution #140- Acceptance of updated Local Law amendment proposal

WHEREAS, on June 24, 2014 the Town Board of the Town of Ulysses scheduled a public hearing for August 12, 2014 at 6:30 p. m. at the Ulysses Town Hall, 10 Elm St, Trumansburg, for the purpose of hearing public comment on the proposed amendments to the Town of Ulysses Zoning Law, including Park/Recreation District, and

WHEREAS, the Town Board made minor revisions to the language discussed on June 24, 2014,

THEREFORE BE IT

RESOLVED that the Town Board of the Town of Ulysses accepts the July 8, 2014 version of the proposed Local Law for amending the Town of Ulysses Zoning Law, including Park/Recreation District for purposes of the public hearing,

RESOLVED that the proposed Local Law be sent to Tompkins County Planning Department for the General Municipal Law §239 review, and

RESOLVED that the Town Clerk shall arrange for publication of notice of the public hearing in the Ithaca Journal and other required notification at least ten days prior to the public hearing.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #141- Acceptance of intermunicipal police agreement with the village

WHEREAS, the Village of Trumansburg wishes to be able to protect its police officers when they are assisting other law enforcement agencies to respond to incidents originating in the Town of Ulysses, outside the Village, and

WHEREAS, to provide such protections the Village needs the Town of Ulysses to authorize the Village of Trumansburg to have jurisdiction in the Town of Ulysses when responding to requests from other law enforcement agencies, and

WHEREAS, the Village and the Town have developed an intermunicipal agreement to grant and define said jurisdiction, now therefore be it

RESOLVED, that the Town of Ulysses approve the proposed Intermunicipal Agreement on Policing as presented/amended to take effect July 14, 2014.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #142- Opting in to tax policy for renewable energy

WHEREAS, the Town of Ulysses wishes to encourage the development of clean, alternative means of producing energy, and

WHEREAS, the Town, itself, grants exemptions for such development under Section 487 of the New York State Real Property Tax Law regarding assessment for local property tax purposes related to construction of solar, wind, or farm waste energy systems, and

WHEREAS, over the next 15 years, our residents would have a tax incentive to install clean energy systems with tax savings intended to help pay for the installation costs.

NOW THEREFORE BE IT RESOLVED, we urge Tompkins County to opt-in to Section 487 of the New York State Real Property Tax Law so that residential alternative energy installations will be exempt from County taxes; and

BE IT FURTHER RESOLVED that a certified copy of this resolution will be sent to Michael Lane, Carol Chock and Dan Klein of the Tompkins County Legislature before their July 15th public hearing.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 7/8/14

*Resolution #143- Adoption of Standard Work Day for retirement reporting

BE IT RESOLVED that the Town of Ulysses-(location code 30607) hereby establishes the following work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping records or their record of activities.

Title	Standard work day	Name	Current term	Participates in time-keeping system (yes/no)	ROA result	ROA not submitted
Elected officials						
Town Supervisor	8	Elizabeth Thomas	1/1/14-12/31/17	Yes	N/A	
Town Clerk	8	Carissa Parlato	1/1/14-12/31/17	Yes	N/A	
Appointed officials						
Court Clerk	8	Angela Champion	1/1/14-12/31/14	Yes	N/A	

Moved: Ms. Thomas Seconded: Mr. Hertzler

Discussion: While no one disagreed with the full time Clerk positions, the question was raised, but not fully answered, as to whether the designation of the supervisor as full time would require a change in health benefits from Class B to Class A. Ms. Parlato agreed to check with the State Retirement system.

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

Vote: 3-0
Date Adopted: 7/8/14

JULY 10, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions)

JULY 15, 2014 – SPECIAL TOWN BOARD MEETING (no resolutions)

JULY 22, 2014 – WORKING TOWN BOARD MEETING

*Resolution #144- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the July 22, 2014 meeting with the following additions: general announcements and a short discussion of the animal control contract.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 7/22/14

*Resolution #145- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the July 8, 2014 as edited by Ms. Zahler.

Moved: Ms. Zahler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 7/22/14

*Resolution #146- Farmland Protection Program- grant submission

WHEREAS, in 2013, the Town of Ulysses adopted an Agriculture and Farmland Protection Plan with a Vision Statement as follows: "Ulysses will be home to a healthy and diverse collection of farms that employ a variety of marketing strategies, are supported by community members and local policies, and contribute to economically viable and environmentally sound agricultural enterprises." And

WHEREAS, one of the goals of the 2013 Agriculture and Farmland Protection Plan states that farmers in the Town of Ulysses interested in the State's PDR program should be encouraged and supported in their application by the Town and with County support, and

WHEREAS, the Tompkins County Agriculture and Farmland Protection Board has identified Glenwood Farms, an 80-acre livestock farm on Glenwood Heights Road in the Town of Ulysses within the Agricultural District as a high priority farm for protection through the use of this year's PDR funding, and

WHEREAS, the owners of Glenwood Farms have expressed interest in applying for PDR funding, and

WHEREAS, should funding be received, the Town of Ulysses and Tompkins County will work together on project implementation and will co-hold the Conservation Easement,

NOW THEREFORE BE IT
RESOLVED, that the Town of Ulysses Town Board authorizes the submission of a Farmland Protection Implementation Project proposal to the New York State Department of Agriculture and Markets on behalf of Glenwood Farms.

Moved: Mr. Kerness Seconded: Mr. Hertzler

Discussion:
Ms. Zahler is concerned that not enough people knew about the funding/had the opportunity to apply.
Ms. Thomas expressed that she would prefer to wait to submit an application until the town's Ag Committee is up and running and can be involved in the process.

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

Vote: 4-1
Date Adopted: 7/22/14

*Resolution #147- SPCA Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the 3-year agreement with Tompkins County Animal Control for services during the period from 1/1/2015 to 12/31/2017 as spelled out in the 2014 Animal Control Services Agreement.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 7/22/14

AUGUST 12, 2014 – PUBLIC HEARING- LL3 OF 2014: A Local Law to Amend the Zoning Law (no resolutions)

AUGUST 12, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #148- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Aug. 12, 2014 meeting with the following additions: a highway report due to recent flooding, a short update on the amicus brief.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #149- Approval of Minutes: 7/10, 7/15, 7/22

BE IT RESOLVED that the Ulysses Town Board approve the minutes for July 10 (as edited by Ms. Thomas); July 15; and July 22 (as edited by Ms. Thomas and Ms. Zahler), 2014.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #150- Amicus Brief

BE IT RESOLVED that the Ulysses Town Board file an opposition to allow the re-argument of the Dryden and Middlefield cases.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #151- Setting a date for Public Information Meeting/Public Hearing for Code Enforcement law

RESOLVED that the Ulysses Town Board hold a public information session at 7pm followed by a public hearing at 7:30pm on Tuesday, Sept. 23.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Ms. Thomas	aye

Ms. Zahler aye
Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #152- SEQR Determination for LL3 of 2014- to amend the Town of Ulysses Zoning Law

RESOLUTION OF THE ULYSSES TOWN BOARD MAKING SEQR DETERMINATION FOR LOCAL LAW NO. 3 OF 2014- A LOCAL LAW TO AMEND THE TOWN OF ULYSSES ZONING LAW:

WHEREAS, this action is the adoption of a Local Law to amend the Town of Ulysses Zoning Law; and
WHEREAS, this as a Type I action for which the Town of Ulysses Town Board is Lead Agency in an environmental review with respect to the enactment of the proposed local law; and
WHEREAS, the Town Board, at a public meeting held on August 12, 2014, has reviewed and accepted as adequate the Full Environmental Assessment Form (FEAF), 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 FEAF Part 1 and for the reasons set forth in the FEAF Parts 2 and 3, and, therefore, an Environmental Impact Statement will not be required.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #153- Approval of LL3- to amend the zoning law

RESOLUTION OF THE ULYSSES TOWN BOARD APPROVING LOCAL LAW NO. 3 OF 2014- A LOCAL LAW TO AMEND THE TOWN OF ULYSSES ZONING LAW

1. WHEREAS, the Ulysses Town Board ("the Town Board") adopted a Comprehensive Plan for the Town on September 28, 2009; and

2. WHEREAS, the Town Board adopted Local Law No. 2 of 2014 on June 10, 2014 and Local Law No. 3 of 2013 on December 17, 2013, which amended the Zoning Law of the Town of Ulysses previously adopted on Local Law No. 4 of 2007 on November 28, 2007 and August 30, 2005; and

3. WHEREAS, pursuant to page 1 of Article I of the Ulysses Zoning Law of 2013, the purpose of the Zoning Law of the Town of Ulysses is, in part, to promote the health, safety, and general welfare of the community, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light

and air, to prevent overuse of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, parks and to restrict and regulate the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purposes in order to preserve, foster and enhance the native beauty and rural character of one of the most picturesque and charming communities in the Finger Lakes region of New York State; and

4. WHEREAS, the amendments to the Zoning Law are in accordance with the provisions of the Comprehensive Plan, and clarify definitions and standards; and

5. WHEREAS, on June 25, 2014, the Town Board accepted the Local Law language and set the public hearing date of August 12, 2014; and

6. WHEREAS, on July 23, the Town Clerk sent notification of the Zoning Law amendment to the following: Tompkins County, Village of Trumansburg, Town of Enfield, Town of Ithaca, Town of Lansing, Seneca County, Town of Covert, Schuyler County, Town of Hector, and NYS Parks Finger Lakes Region; and

7. WHEREAS, a public hearing on the proposed local law amending the Zoning Law was held on August 12, 2014, notice of such hearing was published in the Ithaca Journal, the official newspaper of the Town and a newspaper of general circulation on July 25, 2014, 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

8. WHEREAS, pursuant to General Municipal Law §239(l) and (m), on July 9, 2014, 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 August 12, 2014 and determined that the proposal does not have any negative inter-community or county-wide impacts; and

9. 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 a Type I Action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of this local law, has, on August 12, 2014, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Full 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 2014, and authorizes and directs the Town Clerk to file said local law with the New York State Secretary of State as required by law.

A discussion ensued on the clarity of the language in the law and whether it was understandable to citizens. The group also discussed whether a golf course is an appropriate permitted use in the Park and Recreation district.

The board recessed from 9:59-10:04pm and voted on the resolution upon return:

Moved: Ms. Thomas Seconded: Mr. Hertzler

A roll call vote was called by the clerk:

Ms. Thomas aye

Ms. Zahler	aye
Mr. Kerness	aye
Mr. Goldman	aye
Mr. Hertzler	aye

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #154- Cancelling second meeting of August

BE IT RESOLVED that the Town Board of the Town of Ulysses is cancelling the second meeting of the month on August 26, 2014.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #155- Setting Public Hearing Date for Tax Cap Override

BE IT RESOLVED that the Town Board of the Town of Ulysses will hold a Public Hearing on the proposed Local Law # 4 to override the NYS tax levy limit as allowed by General Municipal Law. The Public Hearing will be on 9/9 at 6:30pm at the Ulysses Town Hall at 10 Elm St. Trumansburg, NY.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-1
Date Adopted: 8/12/14

*Resolution #156- Budget Modification

BE IT RESOLVED that the Ulysses Town Board approves budget modifications as stated:

A1410.4	Town Clerk CE	increase	$2,500.00
A1990.4	Contingency	decrease	$2,500.00

Increased costs for Town Clerk due to new personnel

A9040.8	Workers Comp A Fund	increase	$ 530.22
A1990.4	Contingency	decrease	$ 530.22

To cover additional Workers Compensation costs for 2013 due to PERMA audit.

B1420.4 Attorney CE increase $2,500.00
B1990.4 Contingency Account (B Fund) decrease $2,500.00
To cover additional Attorney costs due to zoning changes.

B9040.8 Workers Comp B Fund increase $ 715.41
B1990.4 Contingency B Fund decrease $ 715.41
To cover additional Workers Compensation costs for 2013 due to PERMA audit.

DA9040.8 Workers Comp DA fund increase $ 159.80
DA915 Unappropriated Fund Balance decrease $ 159.80
To cover additional Workers Compensation costs for 2013 due to PERMA audit.

DB9040.8 Workers Comp DB fund increase $2,084.44
DB915 Unappropriated Fund Balance decrease $2,084.44
To cover additional Workers Compensation costs for 2013 due to PERMA audit.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 8/12/14

*Resolution #157- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 100-140, plus non-vouchered items, totaling $88,372.88.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 8/12/14

SEPTEMBER 9, 2014 – PUBLIC HEARING- LL TO OVERRIDE TAX CAP (no resolutions)

SEPTMEBER 9, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #158- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Sept. 9, 2014 meeting with the addition of a resolution to purchase trucks for highway (under New Business).

Moved: Ms. Zahler Seconded: Mr. Hertzler

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #159- Approval of Minutes- 8/12 PH & 8/12 RTB

BE IT RESOLVED that the Ulysses Town Board approve the minutes of the 8/12/14 Public Hearing and the 8/12/14 Town Board meeting.

Moved: Ms. Hertzler Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #160- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payments of claims 100 to 133 plus non-vouchered regular payments totaling $39,567.20.

Moved: Mr. Kerness Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #161- Authorization of New Highway Truck Purchase

RESOLVED that the town board of the Town of Ulysses authorizes Town Highway Superintendent James Meeker to purchase two trucks based on quotes provided by VanBortel Ford as outlined in the Letter of Intent from Supervisor Elizabeth Thomas.

Moved: Ms. Thomas Seconded: Mr. Kerness

Discussion: Mr. Goldman inquired as to whether this purchase was already in the budget. Ms. Thomas responded in the affirmative.

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #162- Budget Modifications

BE IT RESOLVED that the Ulysses Town Board approves budget modifications as stated:

A7510.4	Historian CE	increase	$1,194.00
A1990.4	Contingency	decrease	$1,194.00

For replacement historical marker costs (will be reimbursed by insurance)

A7520.4	Historical Property CE	increase	$3,500.00
A1990.4	Contingency	decrease	$3,500.00

To cover cost of surveying historical properties in town and village.

Moved: Ms. Zahler Seconded: Mr. Kerness

Discussion- Mr. Hertzler expressed concern on the shared historical survey project due to the fact that the town is paying more although fewer houses in the town were surveyed.

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

Vote: 4-1
Date Adopted: 9/9/14

*Resolution #163- Budget Modification

BE IT RESOLVED that the Ulysses Town Board accepts the proposed local law #5 of 2014
a local law to amend the enforcement provisions of local law #1 of 2007, which provides for administration and enforcement of the NYS Uniform Fire Prevention and Building Code, Zoning Code and Stormwater Law; and

FURTHER RESOLVED that the Ulysses Town Board amends the time for a Public Information meeting to 6:00pm on Tuesday, Sept. 23 and a Public Hearing at 6:30pm.

Moved: Ms. Thomas Seconded: Mr. Kerness

Ms. Thomas	aye
Ms. Zahler	aye

Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #164- Approval of Claims- amendment

Resolved that the Ulysses Town Board amend the approval of claims 100 to 133 for vouchered items totaling $40,860.73 and non-vouchered items totaling $18,414.21 for a total of $59,274.84.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #165- LL4- To Override Tax Cap/Levy

TO ADOPT LOCAL LAW NO. 4 of 2014, 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 l Law §3-c, and

WHEREAS, subdivision 5 of General Municipal Law §3-c expressly authorizes a municipality to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the governing body, and

WHEREAS, at its meeting on August 12, 2014 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 for a public hearing to be held by said Town on September 9, 2014 at 6:30 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, notice of said public hearing was duly advertised in the Ithaca Journal on September 1, 2014;

THEREFORE BE IT RESOLVED that the Town of Ulysses Town Board enacts LOCAL LAW NUMBER 4 of 2014, 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, 2015 and ending December 31, 2015 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 2015 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. Kerness

Discussion- Ms. Zahler stated this law is necessary to allow the board flexibility. It is her goal to develop a budget within the tax cap, but they need to be able to account for costs beyond the town's control.
Ms. Thomas agrees. For example, last year EMS went up 11%. The override is necessary to continue offering services that the town is mandated to supply.

Mr. Kerness thinks that the town has enough in the fund balance to pay for extra costs.

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

Vote: 4-1
Date Adopted: 9/9/14

*Resolution #166- Waiver of Liquor License Application Waiting Period

WHEREAS, Robert and Christine Hayes, (Horshack, LLC) submitted a Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine and beer to be sold at 1710 Trumansburg Road, Ithaca, NY; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Town of Ulysses has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, however, this time period may be waived by the municipality; and

WHEREAS, the Ulysses Town Board wishes to assist the applicant in expediting the application process so as to allow a new business to achieve the greatest level of success by advancing this approval process; now, therefore be it

RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Ulysses Town Board hereby waives the requirement that written notice of the application be given to the Town at least thirty (30) days prior to submitting this application; and be it further

RESOLVED, that the Town Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

Moved: Ms. Zahler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #167- Request to NYS for Different "Lookback" Date on Tax Freeze

Requesting New York State Revise the Time Period Considered When Computing Savings Associated with Shared Services, Efficiencies, and Reforms in the Government Efficiency Plan Required by the State's Property Tax Freeze Law

WHEREAS, the New York State Department of Taxation and Finance released Publication 1030 dated July 14, 2014, providing guidance on the Property Tax Freeze Credit, and

WHEREAS, the Property Tax Freeze Credit is a State-funded program that reimburses qualifying New York State homeowners for increases in local property taxes on their primary residence, and

WHEREAS, in order for the credit to be available to the homeowners in a local taxing jurisdiction, the jurisdiction must comply with the New York State Property Tax Cap and, after the first year, must also develop a "Government Efficiency Plan" that documents the way the jurisdiction proposes to generate sustained savings equal to one percent of its property tax levy for at least three years through efficiencies, shared services, and reforms, and

WHEREAS, the State legislation that enacted the property tax freeze expressly requires the consideration of "past efficiencies, shared services, and reforms" in determining whether the cost-saving requirements of the law have been met, and

WHEREAS, this "look-back" provision is intended to recognize and reward local governments that took actions such as those now being advocated by the State long before the enactment of the property tax freeze legislation, and that are generating recurring annual savings for local taxpayers, and

WHEREAS, the State's property tax freeze legislation does not limit the look-back period provided to local governments, thereby providing the State Division of Budget great latitude to consider accomplishments of

local governments that have proven to be sustainable and are continuing to generate annual savings to local taxpayers today, and

WHEREAS, the State Division of Budget has chosen to exercise this latitude in an extraordinarily narrow and limited manner, allowing consideration of only those measures put in place since 2012, the initial year of the State's cap on local property tax levies, and

WHEREAS, the Tompkins County, along with other municipalities within Tompkins County, has been a leader in shared services, consolidations, and efficiencies and has assembled a remarkable list of achievements long-before the 2012 look-back period established by the Division of Budget, and

WHEREAS, major examples of such collaborations involving the County and other local governments include Tompkins Cortland Community College, Tompkins County Area Transit, the Consolidated Emergency Dispatch Center and Interoperable Public Safety Communications system, a centralized Assessment Department, and most recently, the Greater Tompkins Municipal Health Insurance Consortium, and

WHEREAS, the restrictive "look-back" period established by the State ignores the substantial and sustained property tax savings associated with each of these consolidations and shared service arrangements, and

WHEREAS, the savings associated with the Greater Tompkins Municipal Health Insurance Consortium alone approaches $1 million annually, the equivalent of 1.3% of the aggregate property tax levies of every local government within Tompkins County, including the Town of Ulysses, thereby far exceeding the State's threshold for the property tax freeze credit, and

WHEREAS, because the Health Consortium began operations in 2011, or one year prior to the "look-back" period established by the State, the savings that continue to be generated by the Health Benefits Consortium will not count toward the savings threshold of any local government other than the City of Cortland in Cortland County which joined the Consortium in 2012, and

WHEREAS, without a longer look-back period the Town of Ulysses, Tompkins County and other local governments within the County will be in a far worse position under the property tax freeze law than those local governments that chose not to initiate any such reforms or generate such savings in the past, and

WHEREAS, the Town of Ulysses concurs with the member municipalities of the Tompkins County Council of Governments that believe that a longer look-back period will afford more municipalities the opportunity to show that savings have been achieved through collaborations such as those sought by the State, now therefore be it

RESOLVED, that the Town of Ulysses requests the State move the "look-back" date to at least January 1, 2000, so as to reward, rather than punish, local governments that initiated consolidations, shared services, and reforms in the past,

RESOLVED, further, That copies of this resolution be sent to Assemblywoman Barbara Lifton, Senators Thomas O'Mara, Michael Nozzolio, and James Seward, Governor Andrew Cuomo, the New York State Division of Budget Director Robert Megna, and to the New York Association of Towns.

Moved: Ms. Zahler Seconded: Mr. Kerness

Ms. Thomas aye
Ms. Zahler aye

Mr. Kerness aye
Mr. Goldman aye
Mr. Hertzler aye

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #168- Authorizing the Supervisor to sign Stormwater Maintenance Agreements

WHEREAS, The Town of Ulysses Local Law No. 3 of 2007 for Stormwater Management and Erosion and Sediment Control includes provisions for the Town to approve maintenance agreements for stormwater management facilities; and

WHEREAS, the maintenance agreements will be developed by the Town Stormwater Management Officer, the Attorney from the Town, and appropriate agents for the property owner;

NOW, THEREFORE BE IT RESOLVED, that the Town Board delegates the Town Supervisor to sign maintenance agreements for stormwater management facilities.

Moved: Mr. Goldman Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #169- Appointing an Alternate to the Cayuga Lake Watershed Intermunicipal Organization

WHEREAS, the Town of Ulysses is an active member of the Cayuga Lake Watershed Intermunicipal Organization (IO); and

WHEREAS, Darby Kiley is the appointed Town representative but having an alternate is beneficial for meeting attendance and participation;

NOW, THEREFORE BE IT RESOLVED, that the Town Board appoints Ken Zeserson as the Town's alternate representative to the Cayuga Lake Watershed Intermunicipal Organization.

Moved: Mr. Goldman Seconded: Mr. Hertzler

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

Vote: 5-0

Date Adopted: 9/9/14

*Resolution #170- Adoption of Final Draft of Personnel Policy

Resolved that the Town of Ulysses Town Board adopts the personnel policy of 9/9 as its final draft with the understanding that the draft be discussed with employees before final adoption.

Moved: Ms. Zahler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 9/9/14

*Resolution #171- Supporting Community Supported Restaurant/Bar (Rongo)

WHEREAS the business formerly called The Rongovian Embassy ("The Rongo") on Main Street in Trumansburg was the cultural and social hub of the Village and Town of Ulysses for more than 30 years and

WHEREAS the business foundered in recent years due to diverse factors such as undercapitalization and management problems causing it to shutter its doors in 2012 and,

WHEREAS a community team has emerged intent upon resurrecting this historic bar/restaurant and

WHEREAS this team comprises a core of leaders from various walks of life in Ulysses including our business, hospitality and musical communities among others and

WHEREAS this team has apparently obtained sufficient funding to restore "The Rongo" to its former place as a hub of our community and

WHEREAS an experienced management team has been retained by the emerging entity to guide it into a profitable and successful future and,

WHEREAS this idea to date has encountered nothing by enthusiastic affirmation by the vast majority of Ulysses and Trumansburg residents informally consulted by the Town Board,

THEREFORE BE IT RESOLVED that the Town of Ulysses supports the idea of resurrecting "The Rongo" as we believe it can once again be a desirable community and social resource for the people of Ulysses, and urges the NYS Liquor Authority to look favorably upon the application submitted by "The Rongo" to serve alcoholic beverages in the restaurant which establishment will once again assume an important position in the social life and economic fabric of the Town of Ulysses

AND FURTHER RESOLVED that this recommendation from the Town of Ulysses be forwarded to State Senator Tom O'Mara and Assemblywoman Barbara.

Moved: Mr. Hertzler Seconded: Mr. Goldman

Ms. Thomas abstain

Ms. Zahler	aye	
Mr. Kerness		abstain
Mr. Goldman	aye	
Mr. Hertzler	aye	

Vote: 3-2
Date Adopted: 9/9/14

SEPT. 10, 2014 – SPECIAL TOWN BOARD MEETING

(no resolutions)

SEPT. 19, 2014 – SPECIAL TOWN BOARD MEETING

(no resolutions)

SEPT. 23, 2014 – WORKING TOWN BOARD MEETING

*Resolution #172- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Sept. 23, 2014 meeting with the addition of an executive session right after Privilege of the Floor.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 9/23/14

*Resolution #173- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes of the 9/9/14 Public Hearing and the 9/9/14 Town Board meeting as edited by Ms. Zahler.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 9/23/14

*Resolution #174- Adoption of Personnel Policy

WHEREAS the town board has updated its personnel policy, and
WHEREAS the proposed policy has been discussed and shared with employees and managers,

NOW THEREFORE BE IT RESOLVED that the personnel policy as amended on 9/23/14 be adopted and take effect on Jan. 1, 2015.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 9/23/14

*Resolution #175- Setting Special Budget Meeting Dates

BE IT RESOLVED that Special Meetings of the Town Board will be held on Oct. 2, 5pm; Oct. 8, 8am; and Oct. 13, 10am-12pm to review the 2015 budget.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 9/23/14

OCT. 2 , 2014 – SPECIAL TOWN BOARD MEETING- Budget

(no resolutions)

OCT. 8, 2014 – SPECIAL TOWN BOARD MEETING- Budget

*Resolution #176- Putting Funds into Contingency to Purchase Property

BE IT RESOLVED that Ulysses Town Board put $10,000 into Contingency for the purpose of purchasing property.

Moved: Mr. Goldman Seconded: Ms. Thomas

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

Vote: 4-1
Date Adopted: 10/8/14

OCT. 9, 2014 – SPECIAL TOWN BOARD MEETING- Joint Town Board/Planning Board meeting

(no resolutions)

OCT. 13, 2014 – SPECIAL TOWN BOARD MEETING- Budget

(no resolutions)

OCT. 14, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #177- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Oct. 14, 2014 meeting with the changes as noted.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 3-0
Date Adopted: 10/14/14

*Resolution #178- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 9/10, 9/19, 9/23, 9/23, 10/2.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 3-0
Date Adopted: 10/14/14

*Resolution #179- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 1 through 53 in the amount of $148,986.54.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 3-0
Date Adopted: 10/14/14

*Resolution #180- Budget Modifications

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

A1410.1	Town Clerk PS	increase	$12,000
A1990.4	Contingency	decrease	$12,000

(Town clerk overall salary increase to account for full time work rather than budgeted 30 hours per week.)

A6497.2	Econ Development, Equipment & Capital	increase	$6,000
A1990.4	Contingency	decrease	$6,000

(As per the TCCOG agreement, this is payment to the Town of Caroline for full coverage of broadband in all of Tompkins County. To account for this cost, the budget line A6497.2 was created.)

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 3-0
Date Adopted: 10/14/14

*Resolution #181- Local Law #5- To Amend Code Enforcement Provisions

WHEREAS the Town of Ulysses needs additional tools that go beyond what exists in Local Law #1 of 2007 to enforce provisions of the New York State Uniform Fire Prevention and Building Code that address unsafe structures and properties with significant exterior property maintenance violations; and

WHEREAS in these situations, the new law provides additional enforcement tools, including, but not limited to, enabling the town to arrange for the needed repairs and then add the costs of these repairs to the property owner's tax bill; and

WHEREAS the final version of this law was presented to the Ulysses Town Board on September 10, 2014; and

WHEREAS the public hearing date was set by resolution of the Town Board on August 12, 2014 and amended on August 26, 2014 to be held on the date of September 23, 2014; and

WHEREAS notice of the public hearing was printed in the Ithaca Journal on September 15, 2014; and

WHEREAS a public information meeting and public hearing were held on September 23, 2014;

THEREFORE BE IT RESOLVED that the Ulysses Town Board hereby adopts Local Law #5 of 2014: A Local Law to amend the enforcement provisions of the Local Law #1of 2007, which provides for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code.

Moved: Ms. Zahler Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 10/14/14

*Resolution #182- Setting Budget Hearing

BE IT RESOLVED that the Town Board of the Town of Ulysses set a date of October 28, 2014 at 8 p.m. at the Town Hall, 10 Elm Street, Trumansburg, NY for the Public Hearing on the Preliminary Budget.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 4-0
Date Adopted: 10/14/14

OCT. 15, 2014 – SPECIAL TOWN BOARD MEETING- Budget

*Resolution #183- Moving Tentative Budget to Preliminary Budget

BE IT RESOLVED that the Town Board of the Town of Ulysses moves the Tentative 2015 Budget to Preliminary.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 4-0
Date Adopted: 10/15/14

OCT. 28, 2014 – PUBLIC HEARING- 2015 Preliminary Budget

OCT. 28, 2014 – WORKING TOWN BOARD MEETING

*Resolution #184- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Oct. 28, 2014 meeting with the addition of a date change for the 11/11 meeting.

Moved: Ms. Zahler Seconded: Mr. Hertzler

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

Vote: 4-0
Date Adopted: 10/28/14

*Resolution #185- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 10/8, 10/13, 10/14 and 10/15.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 10/28/14

*Resolution #186- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 10/9 with the edits sent out by Ms. Thomas.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 10/28/14

*Resolution #187- Adoption of 2015 Budget

Whereas the 2015 budget has been discussed for 2 months and significant discussion occurred,
Therefore I move the 2015 budget dated 10/15/2014 be adopted.

Moved: Mr. Kerness Seconded: Mr. Hertzler

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

Vote: 4-1
Date Adopted: 10/28/14

*Resolution #188- Rescheduling 11/11 Meeting

BE IT RESOLVED that the normally scheduled town of Ulysses board meeting of 11/11 will be changed to 11/12 due to the observance of Veteran's Day.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 10/28/14

NOV. 12, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #189- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Nov. 12, 2014 meeting with the addition of an executive session at the end.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 11/12/14

*Resolution #190- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 10/28, both the Public Hearing and the Regular Meeting, as edited by Ms. Zahler orally at the 11/12 meeting.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0

Date Adopted: 11/12/14

*Resolution #191- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 1 to 39 in the amount of $ 42,849.58.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/12/14

*Resolution #192- Bolton Point Contract for Shared Mgmt of Water District 3

WHEREAS the Town of Ulysses Water District 3 is an independent extension of the Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC, also identified as the Bolton Point Municipal Water System) and

WHEREAS the Bolton Point staff have the expertise and licensing to properly oversee and maintain public water systems; and

WHEREAS the contract between the Town of Ulysses and the SCLIWC will benefit Water District 3 by performing the highly technical maintenance that requires specialized equipment, providing backup for routine maintenance for the Ulysses Water District Operator who has other duties with the Town of Ulysses Highway Department, and perform functions that require specific licenses.

THEREFORE, BE IT RESOLVED that the Town of Ulysses Town Board accepts the agreement with the SCLIWC for operation and maintenance services and authorizes the Town Supervisor to sign this agreement on behalf of the town.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 11/12/14

*Resolution #193- Time Change of Board Mtgs & EMS Hearing

Mr. Goldman made a motion to start the regular town board meeting on Dec. 9 at 6:30pm and move the 2nd meeting of the month to Dec. 17 at 7pm.

Moved: Mr. Goldman Seconded: Ms. Zahler

Ms. Thomas	aye

Ms. Zahler	aye	
Mr. Hertzler		abstain
Mr. Kerness	aye	
Mr. Goldman	aye	

Vote: 4-0
Date Adopted: 11/12/14

*Resolution #194- EMS Contract for 2015

WHEREAS, the Town Board established the Town of Ulysses Ambulance District by resolution adopted on March 12, 2013; and

WHEREAS, pursuant to Town Law §198(10-f) (a) (ii) and (iii), the Town Board is authorized to contract with a municipal corporation on behalf of an ambulance district for provision of ambulance services; and

WHEREAS, the Village of Trumansburg (hereafter referred to as "The Village"), a municipal corporation, maintains an ambulance department with a basic and advanced life support transporting ambulance service; and

WHEREAS, the Town wishes to provide ambulance services to its residents in the Town of Ulysses Ambulance District; and

WHEREAS, such emergency services are vital and necessary to the health and welfare of the inhabitants of the Town; and

WHEREAS, in joint cooperation as contemplated by General Municipal Law 122-b, the Town and the Village wish to cooperate to provide an ambulance service to persons situated in the Town of Ulysses Ambulance District;

NOW, THEREFORE, BE IT RESOLVED THAT:
The Town Board of the Town of Ulysses, on behalf of the Town of Ulysses Ambulance District, hereby approves and authorizes execution of the attached Agreement between the Village and the Town, whereby the Village will provide the Town with basic and advanced life support emergency medical ambulance services, which complies with the regulations of the New York State Department of Health, Bureau of Emergency Medical Services to serve the emergency medical needs of those persons within the boundaries of the Town of Ulysses Ambulance District. Services to be provided include Basic Life Support transport and treatment and arranging for or providing Advanced Life Support Treatment. And be it further

RESOLVED THAT, pursuant to the Agreement, the Town shall pay the Village the sum of $294,001.75 for such services, on or before March 1, 2015. And be it further

BE IT FURTHER RESOLVED THAT, pursuant to Town Law §198(11), the Agreement shall be executed by the signatures of a majority of the members of the Town Board.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye	
Ms. Zahler	aye	
Mr. Hertzler	aye	
Mr. Kerness		nay

Mr. Goldman aye

Vote: 4-1
Date Adopted: 11/12/14

*Resolution #195- Setting Public Hearing for Fire Contract

BE IT RESOLVED that the Town Board of the Town of Ulysses sets a Public Hearing to be on the date of November 25, 2014 at 7 p.m. at the Town Hall for the purpose of hearing comments on the Fire Agreement between the Town of Ulysses and the Village of Trumansburg.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/12/14

*Resolution #196- Appointment of Louis DiPietro as PB/BZA Clerk

WHEREAS the Town of Ulysses needs to fill the upcoming vacancy for the Clerk of the Planning Board and Board of Zoning Appeals; and

WHEREAS the Town of Ulysses advertised widely for the position and received a large pool of applicants; and

WHEREAS an interview committee interviewed four candidates, all of whom had good to excellent qualifications.

BE IT RESOLVED that the Town Board of the Town of Ulysses appoints Louis DiPietro as the Clerk for the Town of Ulysses Planning Board and Zoning Board of Appeals.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/12/14

*Resolution #197- Budget Modifications

BE IT RESOLVED that the Ulysses Town Board approves budget modifications as follows:

A1220.4 Supervisor CE increase $670.65
Bi-monthly cost for payroll comes out of this line as well as all Town Board related legal ads

A1420.4 Attorney CE increase $54.75
Attorney utilized in 2014 more than expected

A5182.4 Street Light CE increase $429.05
2014 costs exceeding estimates

A7550.4 Celebrations CE increase $2000.00
WinterFest 2013 incorrectly posted in 2014

A8810.4 Cemeteries CE increase $260.00
There was an increase of the rate charged by Jeff Brown in 2014 from $667 three times a year to $766.67 three times a year.

A9060.8 Medical/Dental Insurance increase $2,877.41
2014 costs exceeding estimates

A1990.4 Contingency Account A Fund decrease $1,367.79
A917 Unassigned A Fund Balance decrease $4,924.07

B1420.4 Attorney CE increase $6,133.44
Attorney utilized in 2014 more than expected: zoning changes and site plan review process start-up

B3620.4 Safety Inspection CE increase $690.26
Training of new employee in 2014

3620.2 Safety Inspection EQ decrease $6,823.70
New vehicle is not being purchased this year

DB9060 Medical Insurance increase $741.77
2014 costs exceeding estimates

DB915 Assigned Unapprop DB Fund Baldecrease $741.77

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/12/14

NOV. 25, 2014 – PUBLIC HEARING- FIRE BUDGET

(no resolutions)

NOV. 25, 2014 – WORKING TOWN BOARD MEETING

*Resolution #198- Approval of Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the Nov. 25, 2014 meeting with the following additions: an announcement after Privilege of the Floor; resolutions for new truck, pipeline, and a contract with Bolton Point.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #199- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the meetings of 11/12, as amended by Ms. Zahler.

Moved: Ms. Zahler Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #200- Water District-3 –Decision on Remediation of Chlorination By-Products

WHEREAS it is a violation of Subpart 5-1.52 of the New York State Sanitary Code to exceed the Maximum Contaminant Level of 80 ug/l (micrograms/liter) of total trihalomethanes (TTHMs) in a municipal water system; and

WHEREAS the yearly average of water tests for total trihalomethanes at the designated testing location in Town of Ulysses Water District 3 has consistently exceeded the limit since August 2013; and

WHEREAS on June 27, 2014 the Tompkins County Board of Health passed a resolution ordering the Town of Ulysses to submit an engineering report and plan by January 15, 2015 indicating how the annual maximum contaminant level will be reduced to under 80 ug/l; and

WHEREAS this plan must be implemented and operational by September 15, 2015; and

WHEREAS Tim Steed, from Hunt Engineers, provided a model of the age of water in Water District 3 which relates to the level of TTHMs in the system, and analyzed the effectiveness and cost of many remediation options including:

1. Operational changes such as flushing, varying the water tank levels, and reducing the chlorine levels
2. Installation of a water tank mixer
3. Installation of a mixer/aerator for the water tank
4. Reducing the diameter of water mains
5. Adding charcoal filters either at each point of use or at the point of entry to the system
6. Connecting to the Village of Trumansburg well water supply
7. Modifying the tank inlet to increase the flow through the water tank including a new inlet pipe on Iradell Road or a separate inlet pipe on Van Dorn Road and

WHEREAS in Mr. Steed's conclusions he recommends the installation of a tank treatment (i.e. aerator/mixer) to address the immediate Board of Health violation,

WHEREAS Mr. Steed's model indicated that because the water district was overbuilt to provide the Village of Trumansburg with a second source of water, the water tank is by-passed altogether during times of low water usage, but he feels enough aerated water will enter the system to reduce the TTHMs to under the 80 ug/l threshold even in the most remote ends of the water system.

THEREFORE BE IT RESOLVED that the Ulysses Town Board authorizes the Town Supervisor, Water District Operator and Engineer for the Town to move forward on bids to find the most appropriate mixer/aerator system to install in the water tank on Van Dorn Road with the goal of reducing the overall TTHMs within the Ulysses Water District 3; and further

RESOLVED that the Town Supervisor, Water District Operator and Engineer for the Town will present the contract for the system to the Town Board for final approval.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #201- Truck Purchase for the Highway Dept.

RESOLVED The Town Board of the town of Ulysses authorizes Town Highway Superintendent James Meeker to purchase two trucks based on quotes provided by VanBortel Ford as outlined in the Letter of Intent from Supervisor Elizabeth Thomas, and

RESOLVED the Town Board authorizes the purchase of the

2015 Ford F-350 XL quoted at $45,809.60, not to exceed $48,000, and the
2015 Ford F-150 XL quoted at $22,159, not to exceed $26,000.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #202- Bolton Point contract

RESOLVED that the Ulysses Town Board approves the change in the indemnification language in section 5 of the Operation and Maintenance Agreement by and between the Southern Cayuga Lake Intermunicipal Water Commission and the Town of Ulysses to the language approved by the Attorney for the Town of Ulysses and the Town's insurance provider, NYMIR.

FURTHER RESOLVED that the Ulysses Town Board authorizes the Town Supervisor to sign a revised agreement that include the changes to the indemnification language.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #203- Approval of Fire Services Contract

WHEREAS, a fire protection district known as “the Fire Protection District of the Towns of Ulysses, Hector and Covert” (hereafter referred to as “the Fire Protection District”) has been duly established in the said towns; and

WHEREAS, the Fire Protection District encompasses the following territory in the Town of Ulysses: All of the Town of Ulysses, excepting the area within the limits of the incorporated Village of Trumansburg; and

WHEREAS, the Village of Trumansburg (hereafter referred to as “the Village”) maintains a volunteer fire department, with adequate and suitable apparatus, equipment and training for the furnishing of fire protection services within the Fire Protection District; and

WHEREAS, Town Law §184 permits a town to contract with a village which maintains adequate and suitable apparatus and appliances for the furnishing of fire protection services in such fire protection district; and

WHEREAS, the Town wishes to contract with the Village to provide fire protection services in the Fire Protection District; and

WHEREAS, a public hearing as required by §184 of the Town Law was duly advertised, and was held on November 25, 2013 at 7:00 p.m. at the Town of Ulysses Town Hall,

NOW, THEREFORE, BE IT RESOLVED THAT:
The Town Board of the Town of Ulysses hereby approves and authorizes execution of the attached Agreement between the Village and the Town, whereby the Village will provide the Town with fire protection capable of responding to fire related and health related emergencies on an ongoing basis within the Fire Protection District, for the period from
January 1, 2015 until December 31, 2015. And be it further

RESOLVED that, pursuant to the Agreement, the Town shall pay the Village the sum of $165,803.11 for such services, on or before March 1, 2015. And be it further

RESOLVED that, the Supervisor of the Town of Ulysses is hereby authorized to execute the Agreement on behalf of the Town of Ulysses.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #204- Appointment of Water Resource Council Representative- Bill George

WHEREAS William George has served as the Ulysses representative to the Water Resource Council for 3 years and has expressed interest in continuing his service to the town; and

WHEREAS it is important to have representation on the Water Resource Council given the many miles of waterways and lakeshore within the Town of Ulysses and the importance of clean water to our community.

THEREFORE BE IT RESOLVED that the Town Board of Ulysses appoints William George for another 3-year term on the Water Resources Council.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #205- Relevy of Delinquent Water Fees

WHEREAS, $7,324.68 of delinquent water charges, inclusive of penalties and related surcharges, for the last 4 billing periods spanning from November 2013 to October 2014 remain unpaid and due to the Town as of November 12, 2014 need to be re-levied onto the 2015 Town and County Tax Bills; and

WHEREAS, Town Code Chapter 261 and Town Code Chapter 210 provides for all delinquent accounts for payment of water and sewer rents and related charges to be placed on the ensuing years tax roll as a re-levy;

NOW THEREFORE BE IT RESOLVED, that the Ulysses Town Board approves delinquent water charges of $7,324.68, for re-levy to the 2015 Town and County Tax Roll; and be it further

RESOLVED, that a certified copy of this resolution along with a listing of those re-levied water charges will be delivered to Tompkins County Assessment Department by the Town Receiver of Taxes for the purpose of adding these delinquent charges to the 2015 Town and County Tax Roll.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #206- Date change for Second Meeting in December

WHEREAS the second meeting of the Ulysses Town Board was changed from its regularly scheduled date of December 23, and rescheduled on December 17; and

WHEREAS a meeting of the Board of Zoning Appeals is on that evening and would conflict with the Town Board meeting,

BE IT RESOLVED that the second meeting of the Ulysses Town Board be held on Thursday, Dec. 18.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #207- Setting a Date for the Organizational Meeting

WHEREAS an Organizational Meeting is required by Town Law to be held before the first regularly scheduled meeting of the year.

THEREFORE BE IT RESOLVED that the Ulysses Town Board sets the Organizational Meeting for January 7, 2015 at 8 a.m.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #208- Dominion Pipeline

WHEREAS, air pollution caused from compression stations is a concern for not just the town they exist within, but for the entire region surrounding compression stations and the climate as a whole; and,

WHEREAS, gas drilling and related infrastructure, like pipelines, are a safety concern with respect to all New York State residents; and,

WHEREAS, Dominion Transmission Inc. (DTI), which is headquartered in Richmond, Virginia, has proposed the New Market Project, which is comprised of approximately 200 miles of new and existing pipeline and other infrastructure including two new compression stations and also connects to existing compression stations including the Borger Compression Station in Dryden; and,

WHEREAS, the New Markets Project will use existing pipelines, some of which are 50 years old, to connect Dominion's main pipeline, which brings gas north from the fracking fields of Pennsylvania to the Finger Lakes, Syracuse, and points east to Albany; and,

WHEREAS, to handle the increased volume, Dominion intends to build two large new compressor stations in Chemung County (Horseheads) and Madison County (Georgetown), expand a compressor station in Montgomery County, and modify its existing compressor stations in Utica and Schenectady, as well as the Borger Compression Station in Tompkins County; and,

WHEREAS, due to the scope of the project described above it can be assumed that gas transported in this pipeline system will have an increased pressure in existing pipelines relative to the current status; and,

WHEREAS, the Town of Ulysses recognizes the possibility of similar projects to be proposed within the boundaries of Ulysses in the future; and,

WHEREAS, Tompkins county fire-fighters and emergency responders are often volunteers and currently not trained or equipped to respond to catastrophic events such as uncontrolled gas fires, explosion, and widespread exposure of the public to gas and airborne toxic chemicals that could be released during an incident that are more likely to occur in high pressure lines; and,

WHEREAS, the Federal Energy Regulatory Commission (FERC) is the agency responsible for reviewing and authorizing interstate transmission projects; and,

WHEREAS, FERC issued a Notice of Intent on September 18, 2014 to conduct a less rigorous Environmental Assessment (EA) on the Dominion New Market Pipeline project, which set only one hearing date and which established only a 30-day comment period; and,

WHEREAS, it is not evident that there was proper notification to either property owners or affected Tompkins County officials regarding this project; Tompkins County would also fall under the category of those who are "potential right-of-way grantors," as they either own roads or road rights-of way along the route; and,

WHEREAS, hearings have been held in the past when significant changes were contemplated to the Borger Compressor Station in Dryden, so it is a reasonable request for one to be held in this instance, either in combination with or following an informational meeting by Dominion about the project; and,

WHEREAS, it has been projected that energy prices are increased if gas is to be exported and priced on the international market; and,

WHEREAS, the Tompkins County Comprehensive Plan contains an element specifically calling for a 20 percent reduction of greenhouse gas emissions by 2020 and 80 percent by 2050. NYS has drafted similar goals, but rough estimates show the Dominion New Markets Project will increase greenhouse gas emissions;

THEREFORE BE IT RESOLVED
That the Town of Ulysses requests that full information be distributed to all Tompkins County municipalities within the path of the Dominion New Markets Project; and,

RESOLVED that the clock for a 90 day comment period be re-set upon such distribution of information; and,

RESOLVED that a full Environmental Impact Statement (EIS) be prepared opposed to an Environmental Assessment (EA); and,

RESOLVED that a scoping hearing be held in Tompkins County; and, RESOLVED that FERC should attain an independent analysis, which includes:

- Detailed information for each of the compressor stations, including emissions of direct carbon, methane, and other gasses; and,
- Independently verified information for current gas leakage along the length of the existing pipeline, along with an independent projection of leakage expected from the increased pressure along the length of the pipeline and in each of the affected counties; and,
- The potential impact regarding use of aging pipe to carry the increased volume and pressure of an additional 112,000 Dekatherms of gas per day; and,
- A thorough analysis of all direct, indirect, and cumulative impacts within each of the counties and for the project as a whole; and,
- Safety analysis regarding increased risk of pipeline failure along segments of pipe or at joints due to corrosion, degradation or other stresses that may have occurred over time or due to older welding methodology; and,
- Analysis of risk regarding fire or explosion at the proposed volume and pressure; and,
- The response capability and the need for additional training of first responders; and,
- Maximum allowable operating pressure, as well as how it will be verified and how it will be disclosed; and,
- Examine, consider, and disclose prior safety and compliance records of Dominion; and,
- Conduct a noise impact analysis on local residents and businesses based on the current plan and projected expansion;

RESOLVED that a comprehensive health impact assessment be conducted to evaluate potential effects in short and long terms to residents adjacent to and at expanding distances from each of the compressor stations. This should include effects of potential exposure to volatile organic compounds, nitrogen oxides, ground-level ozone and any other potential hazardous air pollutants. Design alternatives should be explored to protect the public from potential exposure.

RESOLVED that a copy of this resolution be forwarded to FERC, NYS Public Service Commission, Governor Cuomo, The Town of Dryden (Supervisor Sumner), Michael Lane (Chair of the Tompkins County Legislature), NYS Senator Thomas O'Mara, NYS Assemblywoman Barbara Lifton, NYS Senator James Seward, NYS Senator Mike Nozzolio, U.S. Senator Kristen Gillibrand, U.S. Senator Charles Schumer, U.S. Department of Environmental Conservation, U.S. Department of Energy, U.S. Environmental Protection Agency.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 11/25/14

*Resolution #209- NYSEG Bills and Location of Streetlights

Mr. Kerness moved to suspend payment of streetlights where locations are unknown until NYSEG provides us with the location and justification for billing.

Moved: Mr. Kerness Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 11/25/14

DEC. 2, 2014 – SPECIAL TOWN BOARD MEETING- Interviews for PB members

(no resolutions)

DEC. 3, 2014 – SPECIAL TOWN BOARD MEETING- Interviews for BZA members

(no resolutions)

DEC. 9, 2014 – PUBLIC INFORMATION MEETING- EMS Billing

(no resolutions)

DEC. 9, 2014 – REGULAR TOWN BOARD MEETING

*Resolution #210- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the December 9, 2014 with the addition of the new police agreement at the end.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 12/9/14

*Resolution #211- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for the regular meeting on 11/25; the public hearing on 11/25; and the Planning Board and BZA interviews on 12/2 and 12/3.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 12/9/14

*Resolution #212- Approval of Meeting Agenda

Whereas the Town Board of Ulysses is required by Section 2019-a of the Uniform Justice Court Act to annually audit and review the Ulysses Town Court records and dockets and then enter this fact into the minutes of the Town Board's proceedings.

Therefore Be It Resolved that the Town Board of Ulysses did conduct an audit and review of the records and dockets of the Ulysses Town Court on January 21, 2014 and found the records to be satisfactory and

Resolved that the Town Clerk will send a copy of the audit to the New York State Office of Court Administration.

Moved: Ms. Thomas Seconded: Mr. Kerness

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	aye

Mr. Goldman aye

Vote: 5-0
Date Adopted: 12/9/14

*Resolution #213- Appointment of New Planning Board and Board of Zoning Appeals Members

WHEREAS vacancies on the Planning Board and Board of Zoning Appeals need to be filled in order to ensure a quorum is available to do the business before them,

THEREFORE BE IT RESOLVED that the Town Board of Ulysses appoints:

David Diaz as a full member of the Planning Board to fill out the vacated seat for a term ending 12/31/2017(Rich Garner's seat);

Craig Salino as an alternate to the Planning Board for a one-year term ending 12/31/2015;

David Means as a full member of the Board of Zoning Appeals to fill out the vacated seat with a term ending 12/31/2016 (Andy Glasner's seat);

Stephen Morreale as a full member of the Board of Zoning Appeals upon receipt of resignation of a current member; and

Cheryl Thompson as an alternate to the Board of Zoning Appeals for a term of one year ending 12/31/2015 (taking David Means seat).

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 4-0
Date Adopted: 12/9/14

*Resolution #214- Set Date for Audit of Department Financial Records

WHEREAS the Town Board of Ulysses is required to either audit or have an outside audit of the financial records of the Offices of the Town Clerk, the Town Supervisor and the Town Courts.

THEREFORE BE IT RESOLVED that the Town Board of Ulysses will conduct such audit of the financial records on Jan. 15, 2015 at 8 a.m.

Moved: Ms. Thomas Seconded: Mr. Kerness

Ms. Thomas aye
Ms. Zahler aye

Mr. Hertzler aye
Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 12/9/14

*Resolution #215- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approve payment of claims 1 to 50 in the amount of $75,869.72.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 12/9/14

*Resolution #216- Approval of Budget Modifications

BE IT RESOLVED that the Ulysses Town Board approves budget modifications as follows:

A1220.4 Supervisor CE increase $500
Bi-monthly payroll services

A1220.11 Bookkeeper PS decrease $500
Decreased cost due to Mary's resignation

A1420.4 Attorney CE increase $1500
2014 costs exceeding estimates

A1450.4 Elections decrease $1500
No costs in 2014

A5182.4 Street Lighting CE increase $400
2014 costs exceeding estimates

A3510.4 Dog Control decrease $400
No further costs for 2014

A9060.8 Medical/Dental Insurance increase $5,978.01
Exceeding 2014 estimates

A917 Unassigned A Fund Balance decrease $5,978.01
VERY rough approximation of remaining balance: $374,000

B1420.4 Attorney CE increase $2,590
Above normal work zoning and planning

B1990.4 B Fund Contingency decrease $1784.59
Zero balance in contingency

B1670.4 Mailing decrease $805.41
Remaining balance approximately $700

B3620.4 Safety Inspection CE increase $133.75
Training for Alex and cell phone payment

B3620.2 Safety Inspection EQ decrease $133.75
From the unpurchased truck

B9060.8 Medical Insurance increase $842.56
Exceeding 2014 estimates

B3620.2 Safety Inspection EQ decrease $842.56
From the unpurchased truck

DA5130.1 Machinery PS increase $1931.70
Old equipment broke down

DA5140.1 Brush and Weeds PS decrease $1931.70
Additional funds: approximately $3200 remaining

DA5142.4 Snow Removal CE increase $1180.41
Unusually heavy winter

DA5130.4 Machinery CE decrease $1180.41
Additional funds: approximately $25,000

DB5110.1 Highway Maintenance PS increase $2772.14
Old equipment broke down

DB5110.4 Highway Maintenance CE decrease $2772.14
Additional funds: approximately $10,000

DB9030 Social Security increase $301.39
Exceeding 2014 estimates

DB915 Unassigned DB Fund Balance decrease $301.39
VERY rough approximation of remaining balance: $143,000

DB9060 Medical Insurance increase $3275.20
Exceeding 2014 estimates

DB915 Unassigned DB Fund Balance decrease $3275.20
VERY rough approximation of remaining balance: $143,000

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 12/9/14

DEC. 18, 2014 – WORKING TOWN BOARD MEETING

*Resolution #217- Approval of Meeting Agenda

BE IT RESOLVED that the Ulysses Town Board approve the agenda for December 18, 2014.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 12/18/14

*Resolution #218- Approval of Minutes

BE IT RESOLVED that the Ulysses Town Board approve the minutes for 12/9, both the regular meeting and public information meeting, as edited by Ms. Thomas.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 5-0
Date Adopted: 12/18/14

*Resolution #219- Approval of Claims

BE IT RESOLVED that the Ulysses Town Board approves one claim to NYMIR in the amount of $18,093.49.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Mr. Kerness aye
Mr. Goldman aye

Vote: 5-0
Date Adopted: 12/18/14

*Resolution #220- Approval of Intermunicipal Police Services Agreement

WHEREAS, the Village of Trumansburg wishes to be able to protect its police officers when they are assisting other law enforcement agencies or Tompkins County Emergency Management to respond to incidents originating in the Town of Ulysses, outside the Village, and

WHEREAS, to provide such protections the Village needs the Town of Ulysses to authorize the Village of Trumansburg to have jurisdiction in the Town of Ulysses when responding to requests from other law enforcement agencies, or Tompkins County Emergency Management; and

WHEREAS, the Village and the Town have developed an intermunicipal agreement to grant and define said jurisdiction, now therefore be it

RESOLVED, that the Town of Ulysses approve the proposed Intermunicipal Agreement on Policing as presented /amended to take effect January 1, 2015.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 12/18/14

*Resolution #221- Adopting Ambulance Billing Policy, Fee Schedule, and Financial Assistance Policy

WHEREAS, the Town adopted a resolution to form an ambulance district on March 12, 2013 (which took effect on April 11, 2013) for the purpose of contracting for ambulance services within the area of the Town located outside the Village of Trumansburg ("the District"); and

WHEREAS, the Town entered into a contract with the Village to provide basic and advanced life support emergency medical ambulance services ("Ambulance Services") to the District from January 1 through December 31, 2015; and

WHEREAS, pursuant to General Municipal Law §122-b and Town Law §198(10-f)(b), after an Ambulance District is established, the Town Board is authorized to fix a schedule of fees or charges to be paid by people requesting the use of Ambulance Services in the Town, provide for the collection of such fees and charges, or formulate rules and regulations for the collection thereof by the individuals, municipal corporations, associations or other organizations furnishing Ambulance Services to the District under contract; and

WHEREAS, the Town Board wishes to only charge for EMS services and transportation when a patient is transported by ambulance to the hospital; and

WHEREAS, the Town Board does not want ambulance billing to deter those in the Ulysses Ambulance District who need medical emergency care from calling for help, and wants to assure that payment of a patient's billable ambulance fee shall not be a financial hardship for those with limited incomes;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Ulysses hereby adopts the Ulysses Ambulance Billing Policy, effective January 1, 2015, a copy of which is attached hereto and made a part hereof; and

The Town of Ulysses hereby adopts a Schedule of Fees for Ambulance Transport and Treatment, effective January 1, 2015, a copy of which is attached hereto and made a part hereof; and

The Town of Ulysses hereby adopts the Ambulance Billing Financial Assistance Policy effective January 1, 2015, a copy of which is attached hereto and made a part hereof.

The adopted policies and fees may be amended by resolution of the Ulysses Town Board, and

FURTHER RESOLVED, a certified copy of this resolution will be sent to the Village of Trumansburg as the Billing Entity.

Moved: Ms. Zahler Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 12/18/14

*Resolution #222- Authorizing the Implementation and Funding of Upfront Costs of Sidewalk Grant

RESOLUTION authorizing the implementation and funding of 100% upfront costs of the Federal-aid eligible costs for the NYS DOT (New York State Department of Transportation) Federal-aid project for the purpose of creating sidewalks.

WHEREAS, a project for the Village of Trumansburg called "Pedestrian Commuting in Trumansburg: Safe Routes to School & Daily Needs Sidewalk Project", PIN 395053 (known as "the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% local funds; and

WHEREAS, the NYS DOT shall only enter into two-party local agreements between NYSDOT and a qualified primary Project Sponsor and shall not enter into three-party State-Local Agreement (SLA) agreements; and

WHEREAS, the Village of Trumansburg is the primary Sponsor for the Project; and

WHEREAS, the Project includes a sidewalk of approximately 1,481 feet in length that will exist within the boundaries of the Town of Ulysses outside the boundaries of the Village of Trumansburg on Route 96; and

WHEREAS, the Ulysses Town Board adopted resolution #89 of 2014 to approve the pursuance of federal grant funding for sidewalks in conjunction with the Village of Trumansburg; and

WHEREAS, the Ulysses Town Board adopted resolution #121 of 2014 to approve the Project scope and funding; and

WHEREAS, the Town of Ulysses desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the section of sidewalk that exists within the boundaries of the Town of Ulysses outside the village on Route 96; and

WHEREAS, NYS DOT does not require a copy of resolutions and agreements from parties not identified as a Project Sponsor; and
NOW, THEREFORE, the Town of Ulysses Board, duly convened does hereby

RESOLVED, that the Ulysses Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED that the Village of Trumansburg is the Project Sponsor and will thus create an accounting for all funds paid to, and subsequently reimbursed by, the NYS DOT for the Town of Ulysses part of the project; and further

RESOLVED that the Town of Ulysses will pay the Village for all costs associated with the sidewalk within the Town boundaries outside the village and that the Village will submit all reimbursement requests to the NYS DOT on behalf of the Town and then forward NYS DOT reimbursement payments to the Town within two weeks of receipt; and further

RESOLVED, that the Ulysses Town Board hereby authorizes the Town Supervisor to pay in the first instance 100% of the Federal and non-Federal share of the cost associated with the portion of the sidewalk project that exists within Town boundaries outside of the Village of Trumansburg; and it is further

RESOLVED, that any cash funds needed to meet the 20% (not to exceed a maximum of $78,000) local match of the Town portion of the Project will come from account A878 Capital Reserve or fund balance for labor hours (and associated benefits), materials and/or equipment usage hours; and it is further

RESOLVED, that the Town expects to attribute in-kind services for a portion of the 20% local match; and further

RESOLVED, that the 80% of funds (not to exceed a maximum of $389,000) to be reimbursed by Federal aid will be paid up front from either fund balance or A878 Capital Reserve and subsequently reimbursed through the Village of Trumansburg; and it is further

RESOLVED, that in the event the full Federal and non-Federal share of the costs of the project exceeds the amount appropriated above, the Ulysses Town Board shall convene as soon as possible to decide to either appropriate said excess amount immediately upon the notification by the Town Supervisor or reduce the scope of the project, and it is further

RESOLVED, that upon review by the Attorney for the Town, the Ulysses Town Board hereby authorizes the Town Supervisor to execute all necessary Agreements, payments for project costs and reimbursement requests for Federal aid in collaboration with the Village of Trumansburg, and it is further

RESOLVED, that a certified copy of this resolution be filed with the Village of Trumansburg and NYS DOT, and it is further

RESOLVED, this Resolution shall take effect immediately.

Moved: Ms. Thomas Seconded: Mr. Kerness

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

Vote: 5-0
Date Adopted: 12/18/15