

Town of Ulysses  
Regular Town Board Meeting  
December 13, 2011

*APPROVED WITH EDITS 02/14/12*

Present: Supervisor Roxanne Marino; Councilpersons Elizabeth Thomas, Lucia Tyler, David Kerness; Deputy Supervisor Sue Poelvoorde; Environmental Planner Darby Kiley; Zoning/Planning Secretary Robin Carlisle Peck; Highway Supervisor Jim Meeker

Others Present: Tompkins County Legislator James Dennis, JoAnn Lapadula, David Lapadula, and Linda Dresser

Supervisor Marino called the meeting to order at 7:02 p.m. She informed the Board that an Executive Session to discuss legal matters is added as the last point of business on the agenda.

**BUDGET MODIFICATIONS**

Supervisor Marino stated as the Town approaches the end of the fiscal year, budget modifications are needed.

Mr. Kerness moved, seconded by Ms. Thomas the following:

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
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			\$ 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
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			\$ 10,985.00
Revenue line			
599	Approp Fund Balance	increase	\$ 6,335.00
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			\$ 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

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

Adopted

**APPROVAL OF CLAIMS**

Ms. Marino moved, seconded by Mr. Kerness the following:

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.

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

Adopted

**APPROVAL OF MINUTES**

Ms. Thomas moved, seconded by Ms. Tyler the following:

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.

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

Adopted

**REPORTS OF REPRESENTATIVES**

**Tompkins County: (Board - Jim Dennis, Sheriff Department)** – Mr. Dennis reported that the County Legislature approved their budget and outlined issues that affected the 2012 budget. The County will be hiring a Highway Manager. Mr. Meeker is on this selection committee. Bob DeLuca, Mental Health Director passed away. He was very well respected locally and across the state. A search for his replacement is underway.

Attendance at the public hearing on the dSGEIS for Hydrofracking was estimated at about 1000 people. More work is underway to ban the practice in New York State.

Mr. Dennis stated the Southern Tier did well in the first round of grants through the new Economic Development Councils program. Details on the awards are listed on Tompkins County’s website.

**Trumansburg Fire Department & EMS** – no one in attendance.  
Ms. Marino reviewed the report provided by Chief Fulton.

**Trumansburg Village Representative** – no one in attendance.  
Ms. Thomas stated she attended the meeting. The Village is back to work updating their zoning law. Ms. Nottke is the new President of the Trumansburg Chamber of Commerce. She will invite the Town Board to a meeting. The second-source water issue is still ongoing, as the option of connecting with the Interlaken/Ovid system will not work. They are now working with Tompkins County on an aquifer study. The Village is adding an additional Fire Inspector fee.

**PRIVILEGE OF THE FLOOR** – no public comment.

**TOWN REPORTS**

Ms. Marino stated she wanted to acknowledge the newly elected and re-elected folks from this past year’s election. Ms. Thomas and Mr. Kerness will continue to serve on the Town Board for four more years. Roger Rector will be leaving office after 30+ years of service. The Board would

like to express their appreciation to the work and time Mr. Rector has given the Town. Mark Dresser will begin his term as Town Justice beginning on January 1, 2012.

**Highway Superintendent James Meeker** stated it was a busy month. They installed several new driveway culverts and some for the Black Diamond Trail. They assisted the Village with projects. The crew is preparing the trucks for winter. He did receive an appreciation note from the citizens group supporting the Black Diamond Trail for the culvert installation.

**Town Clerk** – No report available as Ms. Georgia is still out of the office. Ms. Marino stated they might need to revisit the coverage for Ms. Georgia and Michelle Townsend, Court Clerk who will be going out for surgery. The return date for Ms. Georgia is still undetermined. Ms. Townsend is now scheduled for surgery.

**Planning Board Environmental Planner Darby Kiley** stated the Planning Board met on December 6, 2011. They reviewed a two-lot subdivision south of the hamlet of Jacksonville along Route 96 that will include a cluster housing development. The developer brought preliminary plans to get input from the Planning Board on the merits of the project. The project as proposed will include 21 single-family homes with rentable units. The Planning Board asked the developer to determine what the maximum build out would be under the current zoning. In addition, the Planning Board will need Town Attorney Geldenhuys' assistance on the subdivision. The project is in compliance with the Comprehensive Plan.

Ms. Kiley noted that Tompkins County Planning is coordinating a sustainability intern program. They are encouraging Town's to take advantage of the program to accomplish tasks. Possible projects in the Town of Ulysses could be developing an open space plan, architectural design guidelines, Jacksonville special area design, sustainable agriculture or the Car-Share van program. The County needs a decision by December 20, 2011.

The Board discussed the merits of trying out the program and the potential projects that could be pursued. They agreed to allow Ms. Kiley to research the program and if appropriate obtain an intern. The Town currently has a Trumansburg high school student working on Critical Environmental areas.

Ms. Kiley reported that Martin Kelly, the new part-time Code Inspector, has started. He is working with Alex and has been doing fire inspections to catch up on a backlog of projects.

**Supervisor Roxanne Marino** reported that she stood in for Carissa Mann Parlato to receive the grant for the Youth Commission. The amount of the grant is \$2,150 designated for the Town's Youth Employment program.

A coalition of municipalities is building to join in on the amicus brief to protect communities right to home rule. Ms. Marino noted she is receiving a lot of interest from other communities. The Middlefield oral arguments went well. The judge is accepting additional material until January 20, 2011. A final ruling is expected by March 2012.

## **Town Board Members and Committees**

Mr. Kerness reported that Rod Hawkes, Planning Board member, is updating the Conservation Zone and the Lakeshore Zone. He is editing both documents so the two are similar in format and language.

Ms. Tyler reported that the Tompkins County Environmental Management Council (EMC) completed their comments on the dSGEIS for Hydrofracking and will be sharing them with the Towns with the intent that Towns could incorporate the EMC's comments into their statements. She already forwarded the comments to Ms. Thomas to be included in the Town of Ulysses comments. She stated the Health Care Consortium meeting was cancelled.

Ms. Thomas reported that work on the Memorandum of Understanding (MOU) for the Youth Commission budget is moving forward. She also shared results from a study that Janice Johnson, Tompkins County Youth Program coordinator, presented at the meeting. The results indicated how important it is to continue to support Youth Programming in the Town of Ulysses as issues of alcohol abuse and low self-esteem are still high in Ulysses.

Ms. Thomas reported on a meeting held including folks in Tompkins County interested in promoting trails. The group formed as an off-shoot of the Trails Conference held in Ithaca earlier this fall. Representatives from Cornell, NYS Parks, the Finger Lakes Trail, and surrounding communities shared their trail system information. Representatives from the citizens group supporting the Black Diamond Trail expressed their appreciation to the Town of Ulysses for the culvert work done.

Tompkins County Council of Governments (TCCOG) Gas Drilling Committee is reorganizing and is looking to retire some committees as interest to serve is decreasing. The Towns with planners seem to be more engaged with the task force. They are not sure how to get additional people involved.

The Community Science Institute gave a great presentation about the aquatic life of Taughannock and Trumansburg Creeks. Water quality test results show that Trumansburg Creek is stressed with phosphorus and e-coli. The discharge levels from the Village's sewage treatment plant exceed their SPDES permit 90% of the time. Concern was expressed at the meeting why DEC does not interpret this as a problem. The Board stated they would like to have this information sent to the Village. Mr. Kerness stated he thought the Federal regulations would require a municipality to act on a problem if they are made aware of it.

## **OLD BUSINESS**

### **Solar Panel Lease Opportunity**

Ms. Marino stated she sent the Board information on this solar panel lease proposal. The timing is very short to decide, as an answer is needed by December 23, 2011. Tompkins County is supportive of this project and is moving forward with a lease. The County Attorney, Planning Staff and County Engineer have reviewed and approved of the lease proposal.

Ms. Tyler stated she questioned why the payment is for 15 years yet the warranty for workmanship is only for 5 years. The Board discussed other issues with the lease including what happens if the company goes bankrupt – what are repercussions, who would remove – and who performs the structural design analysis. The Board agreed additional information was needed before making a final decision. They would like additional information to review at the December 19, 2011 meeting. Mr. Meeker questioned the electric usage table and expressed concern about the structural integrity review of the Town Barn.

Ms. Marino stated she will follow up with the company and request additional information and asked the Board to get her any additional questions they may have about the lease project soon so that she will have the answers by the December 19 meeting.

**EMS Contract for 2012**

Ms. Marino stated she emailed the Board the latest version of the contract with the changes in bold. The Board reviewed the document as presented. A question remains on the intent of the language in section 7. Grounds for Termination, about the 5% interest on the unpaid funds with respect to the timeframe this is intended to cover. Ms. Marino will have Ms. Geldenhuys request clarification from the attorney working with the Village on the EMS structure. The Board expressed their continued discomfort with the contract wording but acknowledged that they must have a contract in place to ensure fire and ambulance coverage for the Town for 2012.

Ms. Thomas moved, seconded by Ms. Marino

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.

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

Adopted

Ms. Marino reminded that Board that they have to start work to form an ambulance district, as it must be completed within the first 3 months of 2012.

**Comments on DEC SGEIS & Proposed Regulations**

Ms. Marino stated Ms. Thomas sent the dSGEIS draft comments to all the members. Ms. Tyler noted that the EMC comments were not incorporated. The Board requested Ms. Thomas to incorporate the EMC comments and prepare for final review and acceptance at the December 19, 2011 meeting. Mr. Kerness stated he would prefer to have wording in the cover letter that clearly states that the Town Board is against hydrofracking, which supports the fact that an overwhelming response in the community is to ban this practice.

**Town of Ithaca Water Agreement Amendment**

Ms. Marino stated that the Board has a copy of the agreement with the Town of Ithaca to amend the water service agreement for Water District Number 3 to deal water loss in an equitable manner. She went over some corrections that need to be made to the agreement. She did not hear from Ithaca Town Supervisor Herb Engman whether the Town of Ithaca Town Board passed the resolution accepting the agreement.

Ms. Marino moved, seconded by Mr. Kerness

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.

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

Adopted

**NEW BUSINESS**

**Town Insurance Quotes**

Ms. Marino distributed information on the insurance quotes they received from NYMIR and from the current agent, E.C. Cooper. The Board reviewed the information at length discussing the merits of each policy.

Ms. Thomas moved, seconded by Mr. Kerness

BE IT RESOLVED that the Town Board of the Town of Ulysses accepts the NYMIR Insurance quote.

Ms. Tyler requested a friendly amendment that this be approved pending further clarification of the umbrella clause, worker's compensation coverage and clarification of the training offered. She requested our current agent be provided an opportunity to respond to the coverage issues.

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

Motion failed

The Board discussed how to proceed agreeing to have Ms. Marino request additional information from EC Cooper to be presented at the December 19, 2011 meeting.

**Upcoming Meetings Schedule & Topics**

The Board reviewed and agreed to the upcoming meeting and topic schedule as follows:

December 19, 2011 – Fire Protection Agreement Public Hearing & Special Town Board Meeting  
January 6, 2012 – Organizational Meeting  
January 10, 2012 – Regular Town Board Meeting  
January 24, 2012 – Special Town Board Meeting

**Executive Session**

Ms. Marino moved, seconded by Mr. Kerness to adjourn to Executive Session, unanimously approved at 9:25 p.m.

The Board adjourned the Executive Session at 9:44 p.m and resumed the Regular Town Board Meeting.

Ms. Marino moved, seconded by Mr. Kerness to adjourn the meeting, unanimously approved at 9:45 p.m.

Respectfully submitted,

Robin Carlisle Peck  
Planning/Zoning Secretary