

Town of Ulysses
Fire Protection Public Hearing
Special Town Board Meeting
December 19, 2011

APPROVED WITH EDITS 02/14/12

Present: Supervisor Roxanne Marino; Councilpersons David Kerness, Kevin Romer, Elizabeth Thomas, and Lucia Tyler; Zoning/Planning Secretary Robin Carlisle Peck; Deputy Supervisor Sue Poelvoorde.

Others Present: Don Smith and Bruce Fredericks

Supervisor Marino opened the Public Hearing at 7:02 p.m. She stated this is a legally noticed public hearing for the Fire and Rescue Squad Protection Agreement between the Town of Ulysses and the Village of Trumansburg for 2012. The agreement was posted on the Town website, the decision to hold the public hearing was made on December 5, 2011, and the legal notice was published in the Ithaca Journal on December 8, 2011.

Ms Marino asked if there any other comments from the Board. No comments were offered. She asked if the public present had comments.

Mr. Bruce Fredericks, residing at 11 Maplewood Road and President of the Westshore Homeowners Association, stated he is against the Trumansburg EMT paid services in Ulysses. He cannot see the practicality of this, if he understands correctly, taxpayers are being assessed \$329 on average for EMT services in their tax bills. If he is correct the residents that use this service will also be charged via insurance. He considers this double taxation. The services would be paid via taxes and insurance. He is also concerned regarding the level of service, as he is 4.2 miles from Bangs Ambulance vs. 7.8 miles from Trumansburg Ambulance. If it is an emergency and the situation requires time-sensitive treatment, e.g. cardiac arrest, he would prefer Bangs rather than Trumansburg. He also inquired why a public entity wants to get into a business that is already established by a private entity.

Mr. Don Smith, residing at 1329 Taughannock Blvd, stated he does not support EMT services from Trumansburg. In 2009 they had a situation at their residence needing EMS. Twenty minutes from the time of the phone call lapsed with no ambulance, his wife called and was informed the ambulance was enroute. It was 30 to 40 minutes before the ambulance with two attendants arrived. They loaded the ambulance but were unable to get out of the driveway. Mr. Smith put the individual into his private car and drove themselves to the hospital. If and when they ever need an ambulance it is noted by the phone at their house to call Bangs. If people call 911 they have the option of using Bangs vs. Trumansburg. He does not understand how the Town Board can allow 28% of the Town of Ulysses budget to support EMS. He called the Tax Assessment Office and got the value of the 176 lakeshore properties in the Town. The value totals a little over \$86 million, amounting to 25 % of the total tax base in the Town. The situation does not make sense to him and he is curious as to the rationale the members are using to make this

decision. He asked if Trumansburg even has a four-wheel-drive vehicle. Mr. Romer responded that they do not; however, Bangs has one four-wheel-drive ambulance. He stated after the vote he would like each member to explain why they would vote for this. He stated he has heard from Trumansburg they are better than Bangs, he would be interested in the data they are using to make this claim.

Ms. Marino asked if there were any additional comments. None were offered. She closed the Public Hearing at 7:11 p.m.

Ms. Marino opened the Special Town Board meeting.

Fire and Rescue Squad Protection Agreement

Ms. Marino noted that in the absence of an ambulance district, this agreement provides the same type of fire and ambulance services as in past years. However, it needs to be treated differently due to the Village establishing a separate department for EMS. This is a stopgap measure to maintain coverage for 2012. The Board will investigate an ambulance district at the beginning of 2012. The contract does not allow the residents in Ulysses to be billed, thus Trumansburg EMS will not be collecting fees or insurance on top of taxes paid for the contracted services. This may change in the future depending on how the Town decides to proceed. There are not options as of this point in time.

Ms. Marino noted that our Town Attorney and the Village's attorney, who is under contract to handle the EMS department billing structure, have changed wording in the agreement. She does feel confident that the Town is contracting responsibly for the service they are getting, but does not feel confident they would continue past 2012. Currently, there is no way to separate the fire and ambulance service contract coverage without an ambulance district. She stated it has been the Board's opinion that they would seek alternatives, including establishing an ambulance district to explore alternative service provider options. Unfortunately, information was not forthcoming from the Village in a timely manner for the Town of Ulysses to adequately respond to the change the Village made to establish the EMS department instituting a user-paid ambulance service. As noted earlier, Ms. Marino noted that the Board would need to begin the ambulance district process in January 2012. She wants to make sure that all residents in the Town, including Village resident, are fully informed about all options and the financial impacts of each so public meetings will be important to work into the schedule.

Ms. Thomas noted that she had the same concern that Mr. Romer had with wording on the first and second pages with respect to how coverage will be provided, however amendments were made to assure compliance. She also expressed concern that not signing the agreement will leave the Town without fire or EMS coverage as of January 1, 2012, thus she is supportive of accepting the agreement.

Mr. Kerness asked how the Town could be sure that what we are contracting for is what the Village will provide. The Village has not been cooperative with this Board and he is concerned.

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

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.

Ms. Marino asked for discussion.

Mr. Romer stated he will restate his concerns with the agreement starting with his discussion with the Fire Chief. The Chief stated that the Fire Department does not have a rescue squad and they do not have a transporting vehicle to provide ambulance service. Go farther into the contract to the section that states the Town service will be provided by volunteers and supplemented by paid staff. This does not set well with him. They can add the sentence that says identical services as previously provided as long as these terms are in the document it provides them an out. It is wrong, as he has stated before, he thinks an extension of last year's contract should have been contracted. He is disturbed that the Town Board is negotiating a contract with an attorney, not the people doing the service, the Village Board.

Ms. Marino stated they have all been frustrated by this process. The Board and the Town's Attorney Mariette Geldenhuys have been through this contract line by line. They have asked for changes, however few alterations are actually made. There is no communication between the Village Board and the Town Board. The Ulysses Board can attempt to change this for 2012 so they do not have this same situation for 2013. She is frustrated and does not like how this process has gone. They have sought communication with the attorney, but he does not negotiate nor communicate and she does feel backed into a corner as well.

Ms. Marino stated that as the Town Board moves forward in 2012 to find a reasonable option for EMS service for all Town residents an alternative may include different service providers for different areas of the Town. While Bangs may be better for lake residents they are not necessarily better service providers for a resident in the northwest corner of the town.

Ms. Marino called the vote.

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

Adopted

Ms. Tyler noted for the record she is very displeased with the contract and the process or lack thereof that forced the Town Board into this agreement and how they arrived to this situation. It is too great a risk to not have this coverage for fire and ambulance. She does not like being backed into a corner and hopes this is a temporary fix to get through forming an ambulance district and separating the contracts.

Mr. Kerness stated he would like to make statements relative to his "nay" vote. He

stated:

- a. Ambulance service is not required by Law and local communities use private sector ambulance service.
- b. Potential cost of billing and tax for the service is not acceptable to me.
- c. I think the specific document is flawed and the Village has not presented cooperation and I'm concerned if there is a problem they will not stand behind the agreement.
- d. The Village has shown no cooperation in working with the Town in administration of ambulance decision.

Comments on DEC SGEIS & Proposed Regulations

Ms. Marino stated the Board has the final draft of comments on the dSGEIS on Hydrfracking and proposed regulations as prepared by Ms. Thomas. The Board stated they had read and agreed with the submission as presented.

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

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.

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

Adopted

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

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.

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

Adopted

Mr. Kerness asked who would be preparing these for mailing. Ms. Thomas stated she will work with the Town Clerk's office and Kathy Wilsea from Tompkins County who has mailing labels already prepared.

Ms. Marino stated she would like to thank Ms. Thomas and Darby Kiley for all the work done on preparing these documents. The other members also expressed their appreciation.

Town Insurance Quotes

Ms. Marino stated provided details this afternoon via email to the other members on insurance coverage difference between the two insurance quotes. She had requested from each company the information relating to coverage questions Board members provided her including coverage for accidental pollution, recreation supervisor coverage, not supplying emergency services and Public Officer's liability. She stated she had a lengthy conversation with the agent and noted the comments on the Board's document.

Ms. Thomas stated she liked the idea of working with the company that they currently have. She respected NYMIR's services but still liked the E.C. Cooper quote.

Mr. Kerness moved, Ms. Tyler seconded the following:

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.

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

Adpoted

Ms. Thomas acknowledged all the work Ms. Marino did prepare this comparison and thanked her for preparing the table that clearly laid out the coverage details.

Solar Panel Lease

Ms. Marino stated she has gone back and forth with cost vs. watts. Installation questions and concerns will be handled by Jim Meeker for the Town Barn. Once the engineer determines if the roof can handle the installation the contract would go forward. Otherwise, the contract would not. There was an article in the Ithaca Times about Tompkins County moving forward with the lease for the panels on county buildings.

Ms. Marino reported that she did discuss the warranty wording issues with the contractor and some changes will be made. She stated that this would have to approved by December 22, 2011, to be able to act on this offer. This contract has been reviewed and is being used by Tompkins County. The panels would be on Town Hall as well as the Town Barns.

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

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 Baord 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.

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

Adopted

Town Employees and Board Appoints

Ms. Marino stated she spoke to Justice Tom Schlee regarding Michelle Townsend, Court Clerk, being out on disability. There would be less coverage and he has found a court clerk to fill in temporarily for court days and potentially for some Saturdays. The costs is estimated at about \$1800 (six weeks \$15/hour.) They will also be installing a lock box for tickets/fines for individuals to drop off to the Court. Ms. Marino noted that there will be some disability payments but she is not sure what the amount is at this point in time.

She stated the Zoning Board (Andy Glasner) and Planning Board (Stan Beames) each have a member that have terms expiring on December 2011. Mr. Glasner stated his job requires him to travel, however is willing to continue if no other applicants. Mr. Beames has also requested to

continue in his position. The Town has no pool of applicants at this point in time for either position.

Mr. Kerness stated he is supportive of both of these members remaining on their respective Boards. They both offer expertise and recommended their reappointment.

Mr. Kerness moved, Mr. Romer seconded the following:

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.

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

Adopted

Ms. Tyler stated she would like to express her appreciation for these gentlemen remaining. She is happy they can offer continuity on these Boards at this critical time for the Town.

Ms. Marino requested that Ms. Carlisle Peck inform the members of their reappointment. Ms. Carlisle Peck agreed to contact them immediately.

Ms. Marino informed the Board they are looking into establishing a 125 Plan. This would allow the employees to have the employee insurance contribution taken out pretax. This assists the employees with their net pay by having less tax taken out. They would need a resolution to have Mary Bouchard, Town Bookkeeper, set this up. Ms. Geldenhuys can review as well.

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

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.

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

Adopted

Ms. Marino noted that the next meeting is the Organizational Meeting on January 6, 2012 at 8:30 a.m.

Ms. Marino moved, seconded by Ms. Thomas to adjourn to Executive Session, unanimously approved at 8:40 p.m.

The Board returned from Executive Session at _____. The Special Board Meeting was adjourned at that time.

Respectfully submitted,

Robin Carlisle Peck
Secretary