

**Town of Ulysses
Regular Town Board Meeting
January 10, 2012**

APPROVED with AMENDMENTS 02/14/12

Present: Supervisor Roxanne Marino; Councilpersons Elizabeth Thomas, Lucia Tyler, David Kerness and Kevin Romer; Deputy Supervisor Sue Poelvoorde; Environmental Planner Darby Kiley; Zoning/Planning Secretary Robin Carlisle Peck; Highway Superintendent Jim Meeker; Town Historian Nancy Dean

Others Present: Diane Hillman

Supervisor Marino called the meeting to order at 7:03 p.m.

BUDGET MODIFICATIONS

Ms. Marino moved, seconded by Ms. Tyler the following resolution:

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

<u>B8010.1</u>	<u>Zoning PS</u>	<u>increase</u>	<u>\$ 2,156.96</u>
<u>B8020.4</u>	<u>Planning CE</u>	<u>decrease</u>	<u>\$ 2,156.96</u>

Water Funds

<u>9030.83</u>	<u>Social Security</u>	<u>increase</u>	<u>\$ 21.24</u>
<u>8340.1</u>	<u>Laborer PS</u>	<u>decrease</u>	<u>\$ 21.24</u>

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

Adopted

APPROVAL OF CLAIMS

Ms. Marino moved, seconded by Ms. Tyler the following resolution:

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.

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

Adopted

APPROVAL OF MINUTES

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

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.

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

Adopted

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

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.

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

Adopted

REPORTS OF REPRESENTATIVES

Tompkins County Legislator Jim Dennis – Not in attendance.

Trumansburg Fire Department & EMS – Not in attendance and no report provided.

Trumansburg Village Representative – Not in attendance.

Supervisor Marino noted that it would be beneficial to contact the Village of Trumansburg to request that a Village Board member start attending the Town’s Board meetings again. Participating at each other’s meetings is a good way to share information. She also added that each board should share their agendas prior to meeting dates to help facilitate information sharing. She feels open communications between the boards is important to build collaboration and cooperation between the municipalities. Ms. Thomas stated she will contact the Village Board with the request.

PRIVILEGE OF THE FLOOR

Ms. Hillman reported on behalf of the Jacksonville Community Association. She noted that they have been working on how to deal with the gas lease on the 11-acre Jacksonville Park. They will

be talking to Fleeced.org about how to proceed with terminating the lease when it expires. The lease has a 5-year renewal option. They intend to write to Chesapeake, the company holding the lease, and inform them they do not want to renew. Many properties surrounding the park have leases. When they signed the lease hydrofracking was not an issue or discussed. Having the new Montessori school next to the park, which uses the park extensively, hopefully will help them terminate the lease.

TOWN REPORTS

Code Enforcement Officer

Ms. Marino noted that Alex Rachun was unable to attend the meeting, but provided a report for the Board. Mr. Romer noted that the report did not appear to have all the fireworks permits on it and should be updated. Ms. Marino stated she would pass along the request to Mr. Rachun.

Ms. Marino also reported that Martin Kelly is bringing the fire inspections up to date. He is currently at training.

Planning/Zoning Officer

Darby Kiley reported that the Planning Board met on January 3, 2012, to review the subdivision submitted by Mr. Richard Parker. The Planning Board approved the request. The property is located between Honey Bee Lane and Route 96. The parcel was subdivided into a 25-acre lot and an 8 1/2-acre lot. Mr. Parker is retaining the 8 1/2-acre parcel. The 25-acre parcel is being considered for a cluster-housing project. The Board will begin reviewing the housing project proposal at their next meeting.

Planning Board member Rod Hawkes drafted a comprehensive comparison of the Conservation Zone and Lakeshore Zone. The Planning Board expects to review this at their January 17, 2012.

Ms. Kiley is drafting a work plan for the year and starting to build a library of planning related resources.

Highway Superintendent

James Meeker reported that the department removed dead trees along Pennsylvania Avenue and Curry Road, performed maintenance on the salt and plow trucks, hauled stone, and plowed and salted as needed.

Mr. Meeker asked the Board to increase the DB5110 – Highway Maintenance line in the 2012 Budget by the \$46,000 surplus from 2011. He was not able to complete as many stone/oil projects in 2011 because the asphalt plant in Vestal was closed due to the flooding last fall. Ms. Marino stated she would discuss his request with the bookkeeper.

Mr. Meeker reported that he received information from the Tompkins County Highway Department that the Seneca Road Bridge project is expected to move forward in 2012. He has the final design report. The bridge is scheduled to reopen by October 2012. Ms. Marino stated she also received a letter indicating the total cost of the project to be \$1,215,000. While the Federal and State funding support is not yet defined, the Town of Ulysses' cost is estimated to be

\$29,250, or 2.5% of the total cost. The Town's responsibility includes the approaches to the bridge, wing walls and the realignment of Curry Road. The alignment includes right of way acquisition.

Town Historian

Nancy Dean presented the Town Historian's report for 2011.

Ms. Dean stated she spent approximately 150 hours on the following activities:

- attended all eight of the meetings of Municipal Historians of Tompkins County (MHTC),
- attended the annual meeting of the Association of Public Historians of New York State in Elmira, NY on April 5 and 6, 2011,
- distributed "The History of Our House" cards to many homeowners and the cards are also available at the Ulysses Town Office,
- distributed "Destination Ulysses" brochures, part of the Touring the Towns of Tompkins County, a project of the MHTC and the Strategic Tourism Board of Tompkins County. The Ulysses supply is now limited due to wide distribution and popularity. The MHTC voted not to reprint the nine brochures at this time as the other eight township brochures still have an adequate supply and the information is available on-line,
- responded to approximately twenty reference inquiries via telephone and e-mail from individuals pertaining to genealogical information or historical resources of the area,
- assisted the Ulysses Philomathic Library with their records in preparation for the 200th anniversary of their founding.

In 2012, the MHTC will work to document all the present and past religious structures in Tompkins County. Some of the buildings have been remodeled or lost to fire or neglect. The final report will appear on the historian's website and they hope to publish a more condensed edition for sale.

Ms. Dean noted that she is concerned about the poor physical condition of several of the New York State Historical markers in the Town of Ulysses. They are weather-beaten and need repair and painting. New York State no longer maintains them. There is information on them that will be lost if the markers are not cared for in the near future.

Ms. Marino expressed her appreciation to Ms. Dean. She asked Ms. Dean to prepare a proposal for the work that needs to be done on the historical markers, as the Town may be able to assist in maintaining the markers or locate a volunteer group to help. Ms. Dean agreed with these suggestions and stated she would prepare a repair proposal for the Town markers.

Town Clerk

Ms. Marino noted that no report was submitted.

Supervisor

Ms. Marino reported that the operating statement distributed to the Town Board is for Fiscal Year 2011 and the numbers are not final as invoices are still coming in.

Ms. Marino reminded the Town Board that an independent audit of the Town's financial records will be conducted every four years. The last audit was done in 2009 on Fiscal Year 2008. The next is scheduled for 2013 on Fiscal Year 2012. The Town Board's internal audit is scheduled for February 10, 2012, at 8:30 a.m.

Ms. Marino noted that the Association of Town's meeting in New York City is scheduled for February 19th to 22nd (Sunday to Wednesday.) Ken Zeserson, Planning Board Chair, is interested in attending. Ms. Marino noted that someone from the Town Board should attend as there will be sessions on the Home Rule issue and two of the resolutions specifically address this topic. She would like to attend, but has not confirmed whether her schedule will allow her to attend. She asked the other Board members to let her know if they are interested and determine how many should attend. Ms. Thomas and Mr. Kerness both stated they would be interested in attending. Mr. Kerness offered to locate overnight accommodations less expensive than the Hilton. The Board felt it would be beneficial for Mr. Zeserson to attend and authorized Ms. Marino to firm up his plan to attend.

Ms. Marino reported that response to getting more towns to sign on to the Home Rule Amicus brief has been very positive. Seventeen towns from 11 counties have signed on. The Dryden case is still pending and the Middlefield case is open to supplemental information submissions through January 20, 2012.

The Concerned Citizens of Ulysses (CCU) have been fundraising via letters to support the Town's legal expenses to defend the Town's Home Rule right. The Town has already received contributions. A CCU organized community-wide fundraiser is scheduled for January 29, 2012, at the Rongovian Embassy. Mr. Kerness asked how individuals designate the donations. Ms. Marino stated people have written CCU or Fracking ban in the memo section on the checks. She and Ms. Thomas are working with Town Attorney Mariette Geldenhuys to draft donation acknowledgement letters.

Ms. Marino reported that the most recent accounting of water usage billed from Ithaca to Ulysses showed an unaccounted water amount down to a 7% loss. This amount is well below what can be expected in a municipal system.

Town Board Members and Committees

Elizabeth Thomas reported that the dSGEIS comments were mailed on December 28, 2011. She has been copying 2011 electric bills for the solar panel project. The Court Clerk will be out on medical leave starting February 14, 2012. She and Ms. Marino are working with the justices to ensure they have staff support. A lockbox is available so information can be left for the court in a secure manner. She noted that the Redistricting Committee for Tompkins County will be holding meetings around the county to get public input.

Lucia Tyler reported that the Tompkins County's Environmental Management Council's reorganization plan was voted down by the County Legislature. The new Mayor of the City of Ithaca, Svante Myrick, plans to attend the next meeting.

Dave Kerness reported that the Planning Board will review the Lakeshore and Conservation Zones at their next meeting. He complimented Rod Hawkes on the excellent job he did of preparing the comparison of the two documents. He is hoping to have the final revision back to the Town Board by next month.

Premium-Only Plan

Ms. Marino reported that in order for Town employees to be able to have pre-tax health insurance contribution deductions taken out of their paychecks the Town Board will have to pass a resolution to allow this option. Bookkeeper Mary Bouchard has the Internal Revenue Code (IRC) Section 125 forms ready for Ms. Marino's signature.

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

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.

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

Adopted

Outstanding Organizational Meeting Resolutions

Ms. Marino stated the Town Board has 3 resolutions to pass that were tabled at the Organizational Meeting on January 6, 2012, awaiting additional information. She will raise them by resolution number.

Resolution #7- Crime Coverage

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

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

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

Adopted

**Resolution #22- Contract Appointments
Marianne Geldenhuys' appointment as Town Attorney**

Ms. Marino moved, seconded by Ms. Tyler the following resolution:

BE IT RESOLVED that the Town Attorney for the Town be Marianne 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.

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

Adopted

Resolution #20 – Employee Time and Leave Reporting

Ms. Marino noted that this resolution has raised a question related to the Highway Superintendent and Town Clerk positions. Mr. Meeker noted that elected officials who are salaried do not get vacation time, sick time or unemployment. Resolution #20 includes the Town Clerk and Highway Superintendent. They should not be included, thus Ms. Marino recommends that the two positions be removed from the table.

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

BE IT RESOLVED that the Town Clerk and Highway Superintendent positions be removed from the table in Resolution #20 of the Organizational Meeting record.

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

Adopted

Resolution on Cleaning Contract

The Town Board discussed the reasoning for including the contract in the Organizational Meeting resolutions. They agreed that it should be removed and treated like the other annual contracts for services according to the Town's procurement policy. They also agreed that a list of the annual contracts be made, reviewed and a resolution covering approval of them be passed annually.

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

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.

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

Adopted

Other Business

Ms. Marino stated that Ms. Bouchard requested clarification from the Town Board on what to pay individuals on disability leave. Ms. Marino would like to have a resolution passed at the January 24, 2012 meeting. The Board noted that a compilation of how other towns handle disability leave would be helpful.

Ms. Marino stated that the renewal of the annual maintenance contract for heating and plumbing work is due. The contract results in a discount for emergency calls. The Board discussed retaining contracted services for an all-inclusive contractor. They do not have a person to call for general contracting needs. Mr. Kerness agreed to contact vendors for estimates.

Work Plan for 2012

Ms. Thomas distributed a list of action items for a priority work list for the Board. She asked for additional items, comments.

The members discussed the list and added the following tasks

- Analyze changing the Town Clerk and Highway Superintendent positions from elected to appointed
- Maintenance plan for Town-owned Infrastructure,
- Emergency Action Plan,
- Wind Tower/Cell Tower code,
- Cable Service Contract renewal working through TCCOG,
- Coalition for Briefs (related to the Dryden lawsuit)

Ms. Thomas asked the Board to return the list with priorities identified by January 16, 2012 and the Board will discuss it again at the January 24, 2012 meeting.

Agenda Items for Next Meeting

Ms. Marino noted that the agenda items for the January 24, 2012 meeting at this point include

- 1) Work Plan Priorities
- 2) Outstanding Minutes
- 3) Disability Leave Pay Resolution
- 4) EMS legal questions
- 5) HVAC Maintenance Contract

Mr. Romer moved, seconded by Ms. Thomas that the meeting be adjourned, unanimous vote. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Robin Carlisle Peck
Secretary