TOWN OF ULYSSES  
Regular Town Board Meeting  
April 10, 2012

Present: Present: Councilpersons Elizabeth Thomas, Lucia Tyler, David Kerness and Kevin Romer; Highway Superintendent James Meeker; Town Clerk Marsha L. Georgia; and Attorney Mariette Geldenhuys.

Absent: Supervisor Marino and Deputy Supervisor Poelvoorde.


Ms. Thomas acting in Supervisor Marino’s absence called the meeting to order at 7 pm.

APPROVAL OF MEETING AGENDA

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

Be It Resolved that the Town Board of the Town of Ulysses approves the agenda for tonight’s meeting.

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

Adopted

APPROVAL OF CLAIMS

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

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.

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

**APPROVAL OF MINUTES**

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

> 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.

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

Adopted

**REPORTS OF REPRESENTATIVES**

**Tompkins County Board of Representative Jim Dennis** – absent.

**Trumansburg Fire Department/EMS** – Chief Jason Fulton dropped off his report and it was distributed to the Board.

**Trumansburg Village Representative** – no one in attendance. Ms. Thomas said she requested minutes of their meetings because she is not always able to attend.

**PRIIVILEGE OF THE FLOOR**

Ms. Hillman reminded the Board that this Thursday evening Sheriff Lansing will be coming to discuss situations taking place in the Hamlet of Jacksonville. If anyone is interested in attending it will be held on the second floor of the Montessori School (originally Close hall) at 7 pm.

**TOWN REPORTS**

**Planning Board/Zoning Officer Darby Kiley** reported:

The Planning Board continued discussing the draft Conservation and Lakeshore Zoning language – focusing on some steep slope issues by analyzing specific soils and erodibility. They will likely be recommending an overlay area in the lakeshore zone. Mr. Hawks and Ms. Kiley need to evaluate what more should be considered and finalize comments as soon as possible.
Discussions also continued on the procedure for requesting a review of the flag lot definition. The PB passed a resolution to appeal the flag lot determination to the BZA (for the April 18th meeting).

No other projects are under review at this time.

- **BZA** – The BZA heard four appeals and granted variances for three of the four.

Don and Jenny Smith were granted an area variance to construct an enclosed room over an existing patio, where the entire house is in the setback area.

George and Pauline Cameron were granted a variance for the height of an accessory building, where the height limit is 20’ and the height including a cupola will be almost 28’.

Carl Lupo was granted area variances to construct an addition to the side and back of his house, where the addition falls within the required setback, and to construct a garage, which would be within the front yard setback.

Darius Preikstas was denied an area variance that would be necessary to subdivide a parcel into two lots, where neither lot would have the required width at the front lot line and neither lot would have the required lot area. The variance was denied because it was learned at the meeting that the applicant built a building on the property without a building permit. After the applicant has a building permit, he may reapply for the variance.

The Stormwater program audit/inspection was on March 14th. Ellen Hahn from DEC conducted the audit; Jim Meeker, Alex Rachun, and Ms. Kiley participated and answered questions. The Town passed with a “satisfactory” – the highest score on the evaluation. Ms. Hahn’s inspection checklist included a number of areas for improvement, which we will work on in the coming year.

- **Ag and Farmland Protection Plan**

Ms. Poelvoorde handed off the Ag Plan for final edits/revisions. Ms. Kiley is still sorting through the various drafts.

- **Development Focus Areas Strategy for Tompkins County**

Joan Jurkowich from Tompkins County Planning Department appreciated the chance to meet with the Town on March 27, and thought that the questions and feedback were useful.

- **Village Zoning**

Ms. Kiley submitted comments on the Village of Trumansburg’s Proposed Zoning changes, and forwarded those comments to all Town Board members. Her biggest concerns focused on the list of uses allowed in the Commercial Industrial Zone and the setbacks in that zone.
The Board discussed that they would read through the proposed Village Zoning and if they had comments they would forward them to Ms. Kiley.

**Highway Superintendent James Meeker** reported his activities for the month:

- Cleaned up roadsides
- Cold patched potholes
- Cleaning some ditches
- Removed large tree
- Changing a road crossing pipe
- Helping Tompkins County Kraft Road changing out some pipes
- Podunk Road bridge has been posted by the State for a limit of 18 ton – this will be reevaluated and Mr. Meeker is sure it will be straightened out
- Seneca Road bridge project is on hold for going out to bid awaiting funding approval of $168000 from the State
- Mr. Meeker wishes to attend the municipal equipment auction in May to look for a used backhoe

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

> 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.

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

Adopted

**Town Clerk Marsha L. Georgia** thanked everyone for all the kind words and support while she was out and especially Ms. Halloran, Deputy Clerk and Ms. Carlisle who helped with taking all the meetings. The total fees collected for March was $1,178.50. Also Ms. Georgia reported that the 2012 tax collection has ended and she will be turning all unpaid bills over to the County on the 12th of March.

**Code Enforcement Officer Alex Rachun** was absent. Ms. Thomas said that after the Town advertised for quotes for a new roof at Town Hall Mr. Rachun had received only one. The Board and Mr. Rachun felt that they would like to have at least three.
**Supervisor** – no written report but Ms. Thomas distributed the monthly Financial report to the Board, Mr. Meeker and the Clerk.

**Deputy Supervisor/Town Board Member** reported the following:

**TCCOG**
- Highway shared services – realized the timeline for this was too compressed to lay groundwork for the grant this year. TCCOG and the County will work on this more for submission next year.
- Road preservation – Joe Mareane highlighted the benefits of municipalities coordinating their road preservation laws/road use agreements in order to have some degree of consistency of regulations and assessment of damage across the County. Using the same technique to document damage would be helpful. The engineering firm, LaBella is making those determinations for the County and Joe invites other municipalities to join.
  - Cost of the road assessments would be paid for through permitting fees.
  - Making unified decisions about haul routes will make tracking of damage easier.
  - The County is not notified when a well is permitted – The County requests notification from Towns in order to track potential road damage.
- TCCOG members request gas drilling speakers on the following topics:
  - Air quality (perhaps Dept. of Health?)
  - Economics (return of Susan Christopherson)
  - A reconnection with Bradford County municipal officials
  - State of legislation (Jordan Lesser)

**TANG**
- Taxation presentation on March 22 –
- Next – impact of pipelines on municipalities and communities – Thurs, May 17th 5 pm to 7 pm at the Borg Warner Room

**YOUTH**
- Planning for the summer camp signup – May 2 (a one-stop summer camp sign-up opportunity)
- Soapbox Derby – July 28
- Grassroots’ Parking
- Summer movies – 4 this summer starting July 25
- Still unsure whether the Village will fill the $2,000 gap in Youth Funding in their soon to be finalized budget.

**CABLE**
- Need resolution indicating interest in group negotiation of cable contract renewal.

**TRAILS**
- Black Diamond – big news
- Parks and Trails network – continuing to work on mapping of trails in County.

**EVENTS**
- Wed, April 11th at 5:00-6:30 pm
  *Open Meetings Law - Bob Freeman* - Tompkins County Public Library, Borg Warner Room
- Thurs. April 12 at 7:00 pm - *Jacksonville Neighborhood Watch* - Namaste Montessori
- Tues, April 17 at 7:00 pm - *Ulysses Special Town Board Meeting*
• Thurs 4/19 10:00 am to noon - *Hazard Mitigation Plan Update*—Tompkins County Health Department, 55 Brown Road, Rice Conference Room (*This meeting will serve as an opportunity for all municipalities to reconvene to document and clarify aspects related to the plan’s updated hazard analysis and vulnerability assessment. Details related to the meeting will be provided in the approaching weeks.*)

**Please note:** In order to meet FEMA requirements your municipality must participate in the majority of project team meetings in order to be included in the plan and eligible for pre-disaster mitigation funds.

• Fri, April 20 from 9:00am to noon - *Cornell resource-sharing event for counties and municipalities*—New York State Armory, 1765 Hanshaw Road, Dryden (directly off Route 13)  
*Staff and elected or appointed officials from local governmental bodies are invited to access Cornell University programs at a special resource-sharing event on Friday, April 20, from 9 a.m. to noon in the New York State Armory, 1765 Hanshaw Road in the Town of Dryden.*

• Emergency Response Training Sessions - Sat, April 21-9am – 12 pm  Intro to National Incident Management System  (IS-700)
• Sat, May 12 - 9am – 12pm, Incident Command System (IS-100)  Location – to be determined
• Tues, May 8 from 7:45 am to noon - *Developing Road Preservation Local Law and Road Use Agreements: A Half-Day Forum*—NYS Grange, 100 Grange Place, Cortland, NY

**Town Board Members and Committees**

**Ms. Tyler** reported that she attended the Recreation Partnership meeting and highlighted the issues raised. Ms. Tyler said that there were 42 students involved in different programs. Ms. Tyler talked about the scholarship monies that go into the program and the staff of over 200 volunteers to run the programs. The agreement to be a member of the partnership comes up every five years and this is the year that the Town will need to re-sign an agreement. The Town is waiting for a copy of this for their review.

**OLD BUSINESS**

**Rules and Procedures**

Ms. Thomas said that she and Ms. Marino went over the Rules and Procedures and presented the Board with a revised clean copy. The Board reviewed the document and made a couple minor corrections. Ms. Thomas moved, seconded by Mr. Kerness the following:

  
  Be It Resolved that the Town Board of the Town of Ulysses approves the Rules and Procedure as edited.
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 Regular Meetings of the Board
The Board will meet 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. Meetings will be conducted in the Town Hall whenever possible. The location of any meetings that will not be 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, may elect a Chair for the meeting from the Board members present.

1.2 Working Sessions
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. Meetings will be conducted in the Town Hall unless a larger space is necessary. 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. The Supervisor shall preside as Chair if present. In the absence of the Supervisor, a Deputy Supervisor shall preside.

1.3 Calling Special / Emergency Meetings
Special Meetings of the Town Board are all Town Board meetings other than Regular Meetings and Working Sessions. A Special Meeting may be called by the Supervisor upon two (2) calendar day written and phone notice to the entire Town Board. Written notice may be by email or with written paper notice through the mail or other means. Additionally, the Supervisor must call a Special Meeting within five (5) calendar days of a written request by any two Town Board members.

1.4 Special Meetings, Public Hearing
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
A Quorum is required to conduct business and pass any resolution. A Quorum of the five-member Town Board is three.

2.2. Majority and Supermajority
A Majority of the five-member Town Board shall be three, all present. There is no proxy voting. A Supermajority shall be four in all cases.

2.3. 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.

2.4. 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.

2.5. 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.

2.6. 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.

2.7. 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 distinguishable from the public, from other elected and appointed Town officials, and from privileged speakers recognized by the Supervisor.

2.8. 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 shall be instructed to give their full name. In speaking, the public should address the whole Board. 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, one warning shall be given by the Chair. After one warning, 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. This shall be done promptly when there is a breach and there shall be no exceptions. A statement on appropriate decorum for Town Board meetings shall be posted to the Town’s web site.

2.9. **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. The Board shall address only the Chair, other Board members, and the privileged speakers without specific authorization from the Chair to address others who are present.

2.10. **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 debate and editing of the wording of a motion before it is brought to the floor for action.

A **motion to discuss** is made by majority vote of the Board, after the motion is made and seconded to allow discussion by the Board of a proposed action or other topic. The only formal vote resulting from the discussion following a **motion to discuss** shall be to end the discussion. The Chair can call a vote to end discussion of a **motion to discuss** at any time. The discussion that occurs following a **motion to discuss** may result later in a **main motion** for a specific action.

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, or to formally make a statement from the board about a particular subject. A **main motion** can also be referred to as a **resolution**.

Robert’s Rules describes other motions that can be used and groups them broadly into **subsidiary motions**, **privileged motions**, and **incidental motions**. Board members are expected to be familiar with the types of motions as described in Robert’s Rules of Order. All motions 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 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 recorded by the Clerk.

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 adopted 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 or unless voted into effect by a supermajority of the Board. 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 be 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.

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

Adopted

**EMS**

Ms. Thomas said that the meeting to discuss EMS is scheduled for April 17th at 7 pm. The Board briefly discussed the EMS flow chart that was distributed. The Board agreed that after this meeting they would set a date to meet with the Village. Ms. Geldenhuys would attend this meeting and possibly have a facilitator to assist the Village and Town in finding the next steps before setting a date for a Town public information meeting.

The Board discussed dates they would be available to meet with the Village. They all seem to be available for May 15th and the 21st.

**Computer Security**

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

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.

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

Adopted

**PRIVILEGE OF THE FLOOR** – no one wished to speak.

**NEW BUSINESS**

**Cayuga Lake Triathlon**

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

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

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

Adopted
Health Care Consortium

Ms. Thomas said that Michelle Pottorff of the County had contacted the Town that there was no representative from Ulysses on the Health Consortium's joint committee on plan structure and design.

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

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.

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

Adopted

Taxation of Natural Gas

Ms. Thomas introduced the resolution on taxation of natural gas and moved to support not reading the entire resolution into the record, seconded by Mr. Kerness. Unanimously approved.

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

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.

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

Adopted

**TCCOG Cable Negotiations**

Ms. Thomas reviewed the background for this resolution and moved the resolution, seconded by Mr. Kerness as follows:

**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.

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

Adopted

ADJOURNMENT

Hearing no further business Mr. Romer moved, seconded by Mr. Kerness to adjourn the meeting. Unanimously approved and meeting adjourned at 9:10 pm.

Respectfully submitted,

Marsha L. Georgia
Ulysses Town Clerk