

Town of Ulysses
Regular Town Board Meeting
January 12, 2010

Present: Supervisor Roxanne Marino; Board Members Liz Thomas (absent), Lucia Tyler, David Kerness and Kevin Romer; Deputy Supervisor Sue Poelvoorde; Bookkeeper Mary Bouchard; Highway Superintendent James Meeker; Town Clerk Marsha Georgia; Attorney Mariette Geldenhuys

Others Present: County Rep Jim Dennis; Dog Control Officer Chris Austin; Chairman Ag and Farmland Protection Committee John Wertis, Susan Means, David Means, Diane Hillman, Chris Thomas. Ed Sawester

Supervisor Marino opened the meeting at 7:30 pm and lead those assembled in the pledge of Allegiance to the Flag of the United States of America. Ms. Marino introduced Kevin Romer newly elected Board member, Sue Poelvoorde newly appointed Deputy Supervisor and Mary Bouchard newly appointed bookkeeper for the Town.

APPROVAL OF MINUTES: 12/08 RTB

The Board had not received a copy – the clerk will forward the minutes on to them for review at the next Regular meeting.

APPROVAL OF CLAIMS

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

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)

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

Adopted.

REPORTS OF REPRESENTATIVES

County Board Representative Jim Dennis welcomed Ms. Marino back to Town government and all the other new people. Mr. Dennis reported that the County has five new members and Martha Robertson is the new Chair of the Legislature. A couple of items that the Legislature are looking at and also people within the Towns are and that is gas drilling and also the concern of the garbage truck traffic.

Mr. Dennis said that he noticed that on the Board's agenda the Town will be picking a representative to the Health Care Consortium which the County and assured the Town the County will be moving ahead on getting all the issues worked out.

Mr. Dennis said that he will be chairing the County Budget again this year and he is here to tell everyone that the County is not looking at huge tax increases and they recognize that there will be some hard changes.

Mr. Kerness asked if any task force to see what can be cut from the budget has been formed.

Mr. Dennis said they will be looking into that and evaluating programs.

Trumansburg Fire Department no one in attendance for a report.

Planning Board Report

Mr. Kerness, the liaison to the Planning Board, said that the first meeting of the year had been cancelled and the next one is scheduled for February 19th, 2010 to continue working on the Conversation Zone.

Trumansburg Village Trustee Chris Thomas reported that the Village is moving forward with the pavilion for the Farmers Market (which they received a grant for) and there is going to be a fund raiser on March 14th. Also there is a committee that is just getting started to look at design guidelines for downtown and there are not any specific recommendations or a timeline established but to just look at things so what everyone wants everyone will get sort of thing in terms of what downtown should look like.

Mr. Thomas said that all of the Town Board should have received a notification of the EMS organizational meeting for the billing on January 27th, 2010 at 7PM. It will be a Special Village Board meeting with the primary purpose to establish the organization for the process. The two things the Village will be looking at is a calendar time line as to what needs to be done and in what order and also the Village wants to form a task force of four to five people to meet a couple of times a month and doing some homework for five to six months and trying to keep the process moving and complete and that task force will answer the bulk of the questions involved in the process as it moves forward. The Village Attorney can not be present at the meeting on the 27th but there will be a representative from the billing company to help answer questions.

Mr. Thomas invited the Town Board to participation at this meeting and also on the task force as well.

Ms. Marino asked Mr. Thomas if the meeting on the 27th would be an interactive meeting or a formal structure.

Mr. Thomas said that it will be set up as a Special Board meeting but it is an open meeting so the Board can have open discussions.

Ms. Marino asked if the Village had received a letter from Cooperative Extension in reference to the Beautification Community Program.

Mr. Thomas was not a where of receipt of this letter but in the past Don Schlather has participated with that.

Public Privilege of the Floor

Mr. Means would like to see the written version of the minutes continue on the web page.

Ms. Marino said that one of the top priorities is to get the web page updated.

Ms. Georgia said that the gentleman who updates the program is extremely busy the month of January and the web page will be updated and the written version of the minutes will continue to be on the site.

The Board wants to have some input to what will go on the web page and Ms. Marino asks the public to comment on to any changes or things they would like to see on a new web page.

Dog Control Officer Chris Austin presented a written proposal to continue with his service as the Ulysses Dog Control Officer. He said that the services will be the same as the 2009 contract but the monetary amount would be different. Mr. Austin gave a brief report on dog activities.

The Town has not been able to find a copy of the 2009 contract with Mr. Austin to date.

Mr. Kerness did have some information.

The Board discussed Mr. Austin's contract and also the contract with the SPCA for Impoundment. Both of these will have to be looked into further but for the meantime Ms. Marino moved seconded by Ms. Tyler the following:

Ms. Tyler reminded Mr. Austin that under the contract he is to submit quarterly reports.

Ms. Geldenhuys suggested extending the contract for now until the middle of January or so.

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.

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

Adopted.

The board asked Mr. Austin to provide more information on the new kennels he has.

Ms. Marino did find a resolution that was adopted appointing Chris Austin in 2009 and read that resolution.

Mr. Austin said that in the other Townships he holds the dogs that he picks up for five days (which legally he can under Ag and Markets Law) and he would like the Town Board to consider this because if the dogs he picks up are not redeemed they are adoptable and those funds can be redeemed by the Town. When he takes a dog to the SPCA they charge the Town \$300 and any of the fees they keep. He would like to give that service to the Town of Ulysses.

Mr. Austin explained what he does a little further with the Board.

Ms. Marino requested that Mr. Austin explain to the Board more in detail of what he does and submit that to the Board.

TOWN REPORTS

Highway Superintendent James Meeker reported the following:

- Thanked the Board for the gift certificates
- Hooked up the waterlines to the shop
- General repair and maintenance on trucks and equipment
- Been a busy month plowing and salting
- The injection pump went bad on the 1990 Plow Truck and a spring went bad on one of the small plow trucks
- The building project going well; the heat and water is hooked up – the office, lunchroom, and bathrooms have yet to be completed. The outside lights have been installed. Hopefully by the end of the month they will be able to move back in.

Ms. Marino mentioned that she had received a letter from Ms. Rice with a concern. Mr. Meeker said that he stopped to see her about where to place her trash and recycling so the snow plow would not hit it when they plow.

Code Enforcement Officer Alex Rachun was absent tonight and he had given a written report to the Board. Mr. Rachun also left a request (a little note) about some problems that are relating to implementing the Zoning Law for the Board to work on in the future.

Also some small issues about the operating permit for the Grass Roots Festival that he wants to have on the agenda at a later date.

Ms. Geldenhuys said that she is looking into that also.

Town Clerk Marsha Georgia reported that she did not receive her December report back from the Supervisor so she does not have it tonight to report on. Ms. Georgia apologized for not having it but understands the new Supervisor and bookkeeper is extremely busy.

Ms. Georgia said that the taxes are coming in fast and furious and although many taxpayers get upset about getting the bill so close to Christmas there are many that appreciate it because they want to pay them before the 31st of January to include them with their income taxes.

Ms. Georgia said she will be on vacation from January 13th through the 23rd but to be assured Ms. Halloran will be taking care of things. She said she also will be taking care of her email while she is gone and be available by phone if anything comes up.

Ms. Marino asked if Patty will be on board to mail the checks out for the Supervisor. Ms. Georgia said that the office has always done the mailing for the Supervisor.

Board Members and Committees

Ms. Tyler reported that she is looking into the Car Sharing program that Ithaca currently have to implement that in the Village of Trumansburg and Town of Ulysses. Ms. Tyler is hoping to have a Village and Town meeting with residents to explore this. She has been talking with the Library to hold this maybe sometime in January or February. When she firms this up she will give it to the Clerk to send out.

John Wertis reported on the Ag Land Protection Committee and said that he distributed a report for 2009 a list of the members and the areas that they represent also a schedule of their meetings and it shows that they are doubling up in the winter time because the farmers have more time then. Mr. Wertis on behalf of the Committee is asking for the Board to appoint a couple of additional members one would be a replacement for a member that is out of town. Mr. Wertis said that he had done a quick pole of the committee and are suggesting going to a member committee of a total of nine. Mr. Wertis said that over the holidays he did interview and talk to several people and three people expressed some interest, looked at the schedule and would make a commitment to make it to the meetings. Mr. Wertis is hoping that the Board can act on that at their next meeting. One of the suggestions would be to have nine members and one alternate that could come one anyone is absent from a meeting.

Ms. Marino asked Mr. Wertis if the committee interviewed all the people or just himself. Mr. Wertis said he only did. At the December meeting the committee discussed the need for some more members on the committee so he took it on his own initiative to look for some interested people.

Ms. Marino said that she told Mr. Wertis that she did want to take this on tonight because Liz Thomas who is the liaison to this committee is absent tonight.

Mr. Wertis would like to have this addressed at the Board's working meeting on the 28th of January if at all possible.

Ms. Marino could not promise that but if there is time because the Board is trying to deal with a lot of other pressing things.

Mr. Wertis said that the Committee has a meeting on the 21st of January and they will put it on their agenda.

Ms. Tyler said that she would be more comfortable if the committee had been involved and were able to engage in the process.

Supervisor Marino said that normally the Supervisor would review the operating statement that she would give to the Board for the month but in January it does not normally happen because you are still working on the 2009 balances. Having a new Supervisor and bookkeeper who have been working closely with the past Supervisor and they are certainly getting there and are getting a good handle on things and they will have an operating statement very soon.

Ms. Bouchard, Bookkeeper asked if all of the 2009 adjustments have to be approved by the Board.

The answer is yes.

Ms. Marino said that Ms. Georgia had pointed out that at the organizational meeting a liaison for Building Maintenance for Town Hall was not appointed which is a kind of go to person for small repairs needed in the town hall. Mr. Rachun said that he would be happy to do this.

Ms. Marino appointed Alex Rachun as the Building Maintenance Liaison for the Town Hall.

The Board needs to think about how much to authorize him to spend before Board approval. The board can think about this but in the meantime if something comes up it will be taken care of.

Deputy Supervisor Sue Poelvoorde said at this time she is helping Ms. Marino go through some of the correspondence that has come in. Ms. Marino said one thing they are working on is a new requirement the State Retirement is asking for on elected officials and a few other things they are working on.

OLD BUSINESS

Unique Natural Areas Resolution

Ms. Marino said that this resolution was brought by Liz Thomas at the December 2009 RTB meeting; resolution was not introduced with sufficient notice according to the rules and procedures for meetings to be voted on by a simple majority; vote was 3-2 against bringing to a vote so the resolution was tabled until this meeting.

Copies have been distributed to the Town Board member's mailboxes (in the conference room). The resolution has been reviewed by our attorney.

Ms. Marino introduced the resolution and read it into the records.

Ms. Geldenhuys said that this resolution in itself does not bind the Board to any particular action it is a building block in the process of adopting a Conversation Zone so the Board is acknowledging that the EMC has made this designation and prepared this map and the only thing binding is considering the fact that this is one of the things being considerations in coming up with a Conservation Zone. It is a step towards that but it does not constitute a definition at this time by the Board of all these unique natural areas.

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

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 Ordinance 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.

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

Adopted.

Code of Ethics

Mr. Kerness requested this be on the agenda and Ms. Marino said that in the Town of Ulysses Rules and Procedures for meetings, adopted 5/21/2007 (provided to all TB members prior to Jan 4th meeting) it is required that the Code of Ethics is distributed every year to everyone; all employees, officers and volunteer appointments and that they sign a statement that they read it and also that there is annual training.

Ms. Marino said that Ms. Georgia had asked that the Board discuss whether they Board really wanted to mail it again to everyone or as an alternative can we keep signed copies on file for current appointees, employees, and officials and ask each supervisor / committee chair, etc. to review with their employees once a year; new signed copies only required if procedures are amended. Ms. Marino asked if that would work for the Board.

The Board was okay with that so the files will be checked to see who has previously signed the statement and only send it out to those who did not or newly appointed.

Mr. Kerness did point out that at the training session the groups learned as much from the individuals attending from the discussions that took place.

New people only have to attend and current employees could re-attend.

Ms. Geldenhuys will look at her schedule and last time there were two options one in the evening and the other during the day.

Ms. Marino had a discussion with the new Enfield Supervisor about possible Ulysses being interested in forming a joint Board of Ethics with Newfield and Enfield (as an alternative to using TC). She does not have any further communication on this, but I can follow up if the Board would like to pursue the idea.

Ms. Geldenhuys said that this is one thing the County will do for the Towns and they do this a lot not just one case a year.

Resolution to appoint a Health Care Consortium Representative

Ms. Marino said that Jackie Kippola of the County Administrator's Risk Management office (274-5558, jkippola@tomkins-co.org), working on communications for the Greater Tompkins County Municipal Health Care Consortium, e-mailed a request for a formal resolution from the Board appointing a representative to the Health Consortium Board and an alternate from Ulysses. Ms. Marino said that the Board appointed Ms. Tyler as the representative on Jan. 4th and now we need to appoint an alternate.

Ms. Marino moved seconded by Mr. Kerness the following

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.

Ms. Marino aye
Ms. Tyler aye

Mr. Kerness aye
Mr. Romer aye

Adopted.

Designated Town Attendees to NYS AOT Annual Meeting

Ms. Marino said that a resolution needs to be passed to appoint a representative for the Town to attend the NYS Associations Annual meeting and vote on the resolutions the associations has presented to the Town and these names be submitted by Feb. 1.

Ms. Marino said that Ken Zeserson (Planning Board chair) and Liz Thomas have expressed interest in attending.

Ms. Marino moved seconded by Mr. Romer the following.

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.

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

Adopted

Association of Towns Resolutions

Ms. Marino said that in the memo from the Association of Towns, which was copied to all TB members prior to Jan 4, 2010 meeting that if the Board wanted to make changes to the current resolutions, or new resolution suggestions must go to AOT by Jan 21; no action necessary if Board does not want to suggest changes or additions.

Rules and Procedures for Board Meetings

Ms. Marino said that the Town of Ulysses Rules and Procedures for Meetings, adopted 5/21/2007 was distributed to all Board members prior to January 4 meeting and they had agreed to review the procedures and discuss any changes they might want to make, and adopt amendments for any changes they may want to make for the current procedures for the 2010 year.

Ms. Marino said that this can be done tonight, or table until a later meeting as there is a lot on the agenda currently. We can decide to function under the standing rules of procedure or Robert's rules in the interim.

The Board was fine with tabling this tonight.

Lakeshore Zoning Committee

Ms. Marino said that the Town Board passed a resolution in at the December 8, 2009 meeting establishing an advisory committee to work on possible zoning changes for the lakeshore area. Final wording of the resolution should be in the Dec 8 meeting minutes. The full committee was not established; the town was going to announce the committee and solicit interested members of the public to join. Ms. Marino said that Mr. Kerness is the Board member working with this committee has brought further information to the meeting tonight on particular individuals.

Mr. Kerness said that Don Smith came up with seven names and talked to those interested and stressed to them all of the work that will have to be done and the responsibilities. The seven are Don Smith, Rod Hawks, George Tselekis, Terry Cool,

John Wertis, Kris Cail and David Kerness. The question is when the board passed the resolution they had five to six to be appointed to the committee this list of interested residents total seven.

Discussion took place on the interview of these seven interested people and discussed the number on the committee.

Ms. Marino voiced some concerns about the people on this committee who are already serving on other committees for the Town and being over burdened.

Ms. Tyler said that she feels that if people are willing to serve the Town and really want to do it why not include all seven to be on this committee.

Mr. Romer said all he knows is that there should not be an even number on the committee and if all seven are willing to serve on this committee he would be okay with it.

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

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.

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

Adopted.

Ms. Georgia asked Mr. Kerness to email her the names, addresses and their emails.

NEW BUSINESS

Resolution to Amend Bonding

Ms. Marino found out recently (after the Organizational meeting) that there is a new insurance underwriter for the public employee's dishonesty and crime coverage. The Town is required to sign a new statement, and the coverage levels are changed. This requires a new resolution, to replace resolution #7 from Jan 4th.

Ms. Marino introduced and moved seconded by Mr. Romer the following:

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."

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

Adopted.

Resolution on Annual Town Board Audit of Financial Records

Ms. Marino gave some background on this and said that Town Law requires that each town board must meet for the purpose of an annual examination of the records of each officer who receives or disburses money (Supervisor, Clerk, Justices).

The Clerk will be out of town until Jan. 23rd, so we need to set a date ASAP after the 23rd for examining her records and could combine this with examining the Justice records.

Ms. Marino spoke with the Comptrollers office regarding the Town's situation and the transition with a new Supervisor and bookkeeper; they are now recommending that the town board audit the Supervisors record to the Town annual financial report (due Feb 20th to the state, can apply for an extension). He suggested the Board pass a resolution stating this intent.

Ms. Marino introduced and moved seconded by Mr. Kerness the following:

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.

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

Adopted

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

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.

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

Adopted

Dog Impoundment Contract

Ms. Marino said that the Town is required by law to have dog control and impoundment. In 2009 the Board employed a DCO (Chris Austin). Ms. Marino does not have a copy of his contract of employment but believe it continues on unless terminated. The Town also had a contract for impoundment and back up dog control with the SPCA, with a per dog charge only as needed. That contract has expired. Ms. Marino received a new one from Abigail Smith (SPCA). It is exactly the same as 2009. There is a copy in each Board member's mailbox. At this time Ms. Marino has no information on the details of Mr. Austin's ability to impound dogs in accordance with NYS Ag and Market regulations. The contract can be terminated with 60 days written notice. Ms. Marino proposes that the Board contract with the SPCA to ensure compliance with the law, and evaluate the situation over the next few months.

Ms. Marino moved seconded by Mr. Romer the following:

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.

The Board discussed item #14 in the contract where it states the Town of Ulysses shall hold the Society harmless and shall indemnify it for any causes of action, claims, lawsuits or demands against the Society.

The Board asked Ms. Geldenhuys what this means.

Ms. Geldenhuys says that indemnification means that if someone sues them or makes a claim against them that they can then come to the Town to ask for reimbursement. This is often purpose in contracts and if one party opposes it can be a mutual indemnification for actions taken by each particular entity. This could be taken out of make it mutual.

For this particular contract you could add at the end of the sentence under #14 “resulting from the action of Town employees or agents.

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.

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

Adopted

Vacancies

Ms. Marino addressed the vacancies; the Board of Zoning Appeals (1 seat), the Town have put a notice in the paper and she has not heard of anyone interested yet. The Recreation Partnership and County Youth Services Board provided a lot of information from Nancy Zahler on this. RP meetings are now 6 per year instead of 12; The Board needs to confer with the Village on the representatives the Town has to County Youth Services Board and Ulysses-T-Burg Youth Commission. Ms. Marino can do this and then report back to the Board.

Correspondence

Ms. Marino mentioned previously the Beautification letter from Cooperative Extension. Also there is a meeting on January 22nd in Elmira kicking off the opening of the local census office. If anyone is interested Ms. Marino can provide them with the information.

Also on the 4th of January a resolution was passed to be part of the collaboration with the Towns of Enfield, Ithaca, Danby and Caroline to higher Guy Krogh to write a general template for road preservation laws for industrial activities. Apparently the Town of Dryden are interested in joining so it would be less then the \$400 that was previously discussed. This is moving along and there is almost a draft ready to be reviewed by the Supervisors before having a meeting with the Highway Superintendents.

Public Comments

Mr. Thomas, Village Trustee said that on February 4th the NYCON is holding a seminar on problems with cash flow management with municipal financing.

Ms. Marino said that she has also received from the Comptrollers Office where they highlighted that they are trying to impress upon municipalities that they need to long range capital planning and have a written out plan. It has been done by Mr. Austic and Mr. Meeker and Ms. Marino would like to start out by getting from them their long range plan was and have the Board take a look at it and then go from there.

Agenda Items for Next meeting on the 28th of January the working meeting of the Board (scheduled for the 4th Thursday of the Month)

Several items have been discussed that will be on the agenda for the working session.

Ms. Marino asked for consideration of changing the second board meeting because of two other meetings in the late afternoon on that same date. Think about other dates to be discussed later when Ms. Thomas is available.

Adjournment

Hearing no further business Ms. Marino moved seconded by Mr. Romer to adjourn the meeting. Unanimously approved and meeting adjourned at 9:40 pm.

Respectfully submitted,

Marsha L. Georgia
Ulysses Town Clerk

MLG: mlg