Town of Ulysses  
Special Town Board Meeting  
March 16, 2011

Present: Supervisor Roxanne Marino; Councilpersons, Kevin Romer, Elizabeth Thomas and; Town Clerk Marsha L. Georgia.

Absent: Councilpersons Lucia Tyler and David Kerness.

Others present: Chairman of Planning Board Ken Zeserson and Planning Board Member John Wertis (arrived at 10 am)

Ms. Marino called the meeting to order at 9:00 a.m.

Cleaning Contract

Ms. Georgia spoke with Ms. Porter about the cleaning contract and made a couple of changes to the contract. Ms. Marino reviewed and the Board concurred with the minor changes of deleting cleaning of the blinds and adding coming on Wednesdays when the weather permits. The amount of the contract will remain at $703.84. Ms. Georgia will contact Ms. Porter for her signature.

Meeting Date

The Board needs to reconsider a date for the 3rd meeting of the month. It is now set for the 3rd Wednesday and that turns out to be a pre-trial day for the court. The Board will rethink the date or the time of the meeting.

Road Assessment Study

Ms. Marino shared some more information about the road assessment study and her meeting with Highway Superintendent James Meeker. The Board concluded that Ms. Marino should contact Labella and get a quote from them.

Meeting with Jonathan Kanter

Ms. Marino said that Mr. Kanter is working on an outline of tasks and also an outline for the Planning Board on steps to take with their review of the Zoning Law and changes before them.

Resolution to Set High Impact Industrial and Mixed Use Office & Technology Zoning Law Changes as a Top Priority

Ms. Thomas introduced the following resolution to be acted on at the Special Board meeting to be held March 22, 2011 at 7:00 p.m.

Resolution to Set High Impact Industrial (HII) And Mixed Use Office and Technology (MUOT) Zoning Law Changes As a Top Priority

WHEREAS, at the January 25th meeting, the Ulysses Town Board passed a resolution titled Time Line for Revisions of the 2007 Zoning Law which outlines a three-phase plan for considering the many proposed changes to the Town’s current zoning laws in order to ring them in line with the 2009 Town of Ulysses Comprehensive Plan (see adopted outline below), and

WHEREAS, the first phase includes improving definitions of light and heavy industry to include environmental parameters and consider an explicit ban of heavy industrial activities Town-wide as well as other activities that dovetail with these zoning changes, and

WHEREAS, the Town Board voted in supermajority to “accept the proposed timeline to use as a work plan to move forward with the revisions of the 2007 Zoning Law”.

THEREFORE BE IT RESOLVED, that the Town Board reaffirms that the zoning changes as outlined in Phase I are the highest priority and the Town Board will work to the best of its ability to amend the Ulysses Zoning Law to include definitions of High Impact Industrial Use and Mixed Use Office and Technology in the time frame outlined in the Resolution of January 25, 2011 titled Time Line for Revisions of the 2007 Zoning Law.

BE IT ALSO RESOLVED, that the Town Board acknowledges it must simultaneously adhere to its duties as spelled out in applicable New York State laws and address topics of concern to the Town or Town residents as the law prescribes and in a timely manner.

**Attorney Geldenhuys's Opinion on Recusal**

A question was raised about the participation of certain Planning Board members on the update of the proposed zoning change “establishing certain explicitly prohibited uses including high-impact industrial uses”.

Ms. Geldenhuys emailed her opinion and the opinion from the Office of the Attorney General. The two concerns at present that may raise some legal concerns along in the update process are with Mr. Zeserson, Chairman of the Planning Board who has had such an active voice in committees identifying impacts of hydrofracking gas drilling and Mr. Wertis who has a gas lease on his property.

Ms. Geldenhuys’s opinion is that both should recuse themselves when the Planning Board works on the abovementioned proposed zoning law changes dealing with high-impact industry zoning. The Board concurred with Ms. Geldenhuy’s opinion, but they noted that they could not ask Mr. Zeserson and Mr. Wertis to do this, only recommend they do so based on the attorney’s opinion and possible legal ramifications in the future.

The Board spoke with both Mr. Wertis and Mr. Zeserson about their concerns. Mr. Zeserson said that he is prepared to announce that he will be recusing himself from actions at tonight’s Planning Board meeting. Mr. Wertis said that he felt it is not necessary and he gave the Town Board his reasoning – 1. He is writing to the lease-hold company requesting to be released from the lease, and 2. The checks he has received from the renewal of his lease he would like to donate to the Town.

The Board discussed the participation of Mr. Wertis and Mr. Zeserson in the portion of the zoning law update that covers light industrial. The Town Board felt that they would be able to participate on that portion of the update.

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

In light of the ongoing research by the Town Attorney on the question of potential conflict of interest of some members of the Planning Board as related to Phase 1 zoning changes as outlined in the Town Board resolution adopted Jan. 25, 2011;

The Town Board hereby instructs the Planning Board not to review or discuss any portion of the Community Environmental Defense Council document presented to the Town Board on February 8, 2011, beyond page 20, or that addresses any aspect of high-impact industrial zoning.

This action amends the Town Board resolution adopted March 1, 2011, entitled “Planning Board request to review high-impact industrial and office technology & mixed-use zoning law”.

Ms. Marino  aye
Ms. Thomas  aye
Mr. Romer  aye
Adopted

Hearing no further business the meeting adjourned at 11:20 a.m.

Respectfully submitted,

Marsha L. Georgia
Ulysses Town Clerk

MLG: mlg