

***Draft-not yet approved* TOWN BOARD MEETING**

Town of Ulysses

January 11, 2022

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held via videoconference on the Zoom platform.

Videoconference chat is saved in the appendix.

Notice of Town Board meetings are posted on the Town's website and Clerk's board.

CALL TO ORDER:

Ms. Olson called the meeting to order at 7:02pm and moved into a public hearing. (See separate minutes).

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Katelin Olson

Board members- Michael Boggs, Rich Goldman, Mary Bouchard

Town Clerk- Carissa Parlato

OTHERS:

Anne Koreman (Tompkins County Legislator)

Roxanne Marino

Marc Devokaitis

Nate VanWhy

APPROVAL OF AGENDA:

RESOLUTION #37 of 2022: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for Jan. 11, 2022 with the elimination of budget modifications.

Moved: Mr. Goldman Seconded: Ms. Bouchard

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

PRIVILEGE OF THE FLOOR:

(none)

LIAISON/CHAIR REPORTS:

Ms. Koreman reported the following:

- Swore in new legislators and chair
- Low-income senior tax exemption recipients don't have to re-apply this year
- COVID-19 update:
 - Recommending home tests to help reduce traffic at county testing sites.
 - They would like positive cases to be reported to the health dept.

- Booster clinics

Mr. Devokaitis re-introduced himself as the chair for CSAC. Planning monthly meetings on the 3rd Wed.

INTRODUCTION TO NEW LEGAL COUNSEL:

Ms. Olson introduced Mr. VanWhy from Coughlin & Gerhart as the town's new counsel.

The group began discussion of a draft local law to change residency requirement for deputy appointments.

EXECUTIVE SESSION:

Mr. Goldman moved to go into Executive Session at 7:31pm for the purpose of discussing the appointment of a particular person. This was seconded by Ms. Bouchard and passed unanimously.

Mr. Goldman moved to end Executive Session at 7:39pm. This was seconded by Mr. Boggs and passed unanimously.

RESOLUTION #38 OF 2022: SETTING A PUBLIC HEARING ON THE ADOPTION OF A LOCAL LAW CONCERNING RESIDENCY REQUIREMENT FOR APPOINTED Deputy Clerk, Deputy Highway Super, and Second Deputy Supervisor positions OF THE TOWN OF ULYSSES

RESOLVED, in accordance with §184 of New York State Town Law, the Town Board of the Town of Ulysses will hold a public hearing at the town hall or via zoom if remote authorization on Jan. 25 at 7pm for the purpose of receiving comments on a local law concerning residency requirements for appointed public officials for the Town of Ulysses; and further

RESOLVED, the purpose of the public hearing is for all persons wishing to comment in favor or against the local law concerning residency requirement for appointed Deputy Clerk, Deputy Highway Super, and Second Deputy Supervisor in the Town of Ulysses to have an opportunity to provide their comments thereon, and be it further

RESOLVED, that in addition to participation in the public hearing, all members of the public wishing to submit written comments on the proposed local law may do so in writing addressed to the Town Clerk at 10 Elm Street, Trumansburg, NY 14886 or by email to clerk@ulysses.ny.us, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of said hearing in the Ithaca Journal as required by law and the Town Board authorizes payment of expenses associated with said publications.

Moved: Mr. Goldman Seconded: Ms. Bouchard

Olson	aye
Boggs	aye
Goldman	aye
Bouchard	aye

Vote: 4-0

Date Adopted: 1/11/22

OLD BUSINESS:

RESOLUTION #39 of 2022: APPROVAL OF THE 2022 FIRE PROTECTION DISTRICT AGREEMENT FOR 2022

WHEREAS, a fire protection district known as the "Fire Protection District of the Towns of Ulysses, Hector and Covert" (hereafter referred to as "the Fire Protection District") has been duly established in the said towns; and

WHEREAS, the Fire Protection District encompasses the following territory in the Town of Ulysses: All of the Town of Ulysses, excepting the area within the limits of the incorporated Village of Trumansburg; and

WHEREAS, the Village of Trumansburg (hereafter referred to as “the Village”) maintains a volunteer fire department, with adequate and suitable apparatus, equipment and training for the furnishing of fire protection services within the Fire Protection District; and

WHEREAS, Town Law §184 permits a town to contract with a village which maintains adequate and suitable apparatus and appliances for the furnishing of fire protection services in such fire protection district; and

WHEREAS, the Town wishes to contract with the Village to provide fire protection services in the Fire Protection District; and

WHEREAS, a public hearing as required by §184 of the Town Law was duly advertised on December 20, 2021; and

WHEREAS, the Public Hearing was held on January 11, 2022 at 7:00 p.m. via ZOOM hosted by the Town of Ulysses;

NOW, THEREFORE, BE IT

RESOLVED THAT: The Town Board of the Town of Ulysses hereby approves and authorizes execution of the attached Agreement between the Village and the Town, whereby the Village will provide the Town with fire protection capable of responding to fire related and health related emergencies on an ongoing basis within the Fire Protection District, for the period from January 1, 2022 until December 31, 2022; and be it further

RESOLVED that, pursuant to the Agreement, the Town shall pay the Village the sum of \$229,425.00 for such services, on or before February 15, 2022; and be it further

RESOLVED that, the Supervisor of the Town of Ulysses is hereby authorized to execute the Agreement on behalf of the Town of Ulysses.

Moved: Ms. Bouchard Seconded: Mr. Boggs

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

CAMP BARTON UPDATE

Petition circulated has almost 4000 signatures. Ms. Olson has been talking with Assemblywoman Kelles.

NEW BUSINESS:

RESOLUTION #40 OF 2022: AUTHORIZATION TO ENTER INTO UNFINISHED WORK AGREEMENT WITH ECONOMY PAVING FOR THE CEMETERY ROAD BRIDGE (BIN 3210360) REPLACEMENT PROJECT

WHEREAS, The Cemetery Road Bridge (Bin 3210360) Replacement Project is substantially completed; and

WHEREAS, Barton and Loguidice, the Design and Construction Inspection Engineers for the project have drafted an Unfinished Work Agreement on behalf of the Town of Ulysses; and

WHEREAS, work yet to be completed, contract item 610.16010020, Turf Establishment, needs to be completed in the growing season,

THEREFORE, BE IT RESOLVED, that the Ulysses Town Board authorizes the Town Supervisor to sign the Unfinished Work Agreement upon review and approval by Town Counsel.

Moved: Mr. Goldman Seconded: Mr. Boggs

Olson aye

Boggs aye

Goldman aye

Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

COMPREHENSIVE PLAN STEERING COMMITTEE:

Ms. Olson and Mr. Boggs were appointed to this committee. Ms. Olson asked the board to create the number of seats and suggesting including PB, BZA, public, Village liaison- member of public.

Discussion of process for updating- combo of Planner/in-house/consultant for specific tasks.

OFFICIAL/STAFF REPORTS & ANNOUNCEMENTS

STAFF REPORTS:

HIGHWAY SUPERINTENDENT

TOWN CLERK

SUPERVISOR- Ms. Olson shared the following:

- Getting lots of help from staff
- Advertisement for TB seat, deadline on 1/24.
- Scheduling interviews for committee seat. Suggests doing that alongside TB app process
- COVID tests- have distributed to Food Pantry (42). School gave out 900 last week
- Planner interview coming up.
- Recognition for former supervisor at the Salo Habitat Preserve

UPCOMING EVENTS

- Interviews with applicants for vacant appointed positions
- Martin Luther King Jr. celebration scheduled for Sun. 1/16 has been postponed to April 3.
- Internal audit next week
- AOT conference in Feb. is now on-line
- Feb. 22 meeting cancelled.

APPROVAL OF MINUTES

RESOLUTION #41 of 2022: APPROVAL OF MINUTES

RESOLVED, that the Ulysses Town Board approve the meeting minutes from the 12/14/21 meeting.

Moved: Mr. Boggs

Seconded: Ms. Olson

Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

PAYMENT OF AUDITED CLAIMS:

RESOLUTION #42 of 2022: PAYMENT OF CLAIMS for Abstract 13 of 2021

RESOLVED that the Ulysses Town Board has reviewed and approves payment of claims for Abstract 13 of the 2021 financial year:

- the HA fund (Water District 3 Capital Project) voucher 42 in the amount of \$486.00;
- HB fund (Cemetery Bridge Replacement Project) vouchers 33 and 34 in the amount of \$108,706.14
- and for all other funds vouchers numbered 565 through 600 in the amount of \$47,347.14

Moved: Mr. Goldman

Seconded: Ms. Bouchard

Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

RESOLUTION # 43 of 2022: PAYMENT OF CLAIMS for Abstract 1 of 2022

RESOLVED that there were no claims for financial period of Abstract 1 of 2022 for the HA and HB funds,

RESOLVED that the Ulysses Town Board has reviewed and approves payment of claims for Abstract 1 of the 2022 financial year: vouchers numbered 1 through 19 in the amount of \$50,614.31.

Moved: Mr. Goldman

Seconded: Ms. Bouchard

Olson aye
Boggs aye
Goldman aye
Bouchard aye

Vote: 4-0

Date Adopted: 1/11/22

PRIVILEGE OF THE FLOOR:

Ms. Marino shared background on the Second Deputy Supervisor position from its creation in 2011. She suggested that the board wait until a 5th board member is appointed to make any major decisions like local laws and committee appointments.

ADJOURN

Mr. Goldman made a move to adjourn at 8:34pm. This was seconded by Ms. Bouchard and passed unanimously.

Respectfully submitted by Carissa Parlato, Town Clerk
1/18/22

APPENDIX I:

Chat function transcript from Zoom:

00:52:02 Anne Koreman (she/her): <https://www.governor.ny.gov/executive-order/no-111-declaring-disaster-emergency-state-new-york>

00:53:11 Anne Koreman (she/her): Governor Hochul's extended the suspension of open meetings law until 1/25/22.

01:14:53 Marc Devokaitis (he/him): Have a good night all.

APPENDIX II:

Town of Ulysses – DRAFT Local Law No. ___ of 2022

There is added to the Code of the Town of Ulysses a new provision, being Part I, Chapter 36, Article II, as follows:

Section 36-6. Title. Residency Requirements of Appointive Town Officers.

Section 36-7. Authority. This local law is adopted pursuant to Municipal Home Rule Law § 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers, and to the extent that this chapter supercedes the provisions of Town Law, pursuant to Municipal Home Rule Law § 10 (1)(ii)(d)(3). This local law recognizes that the State Legislature amended Public Officers Law § 3, adding a new subdivision (24) expanding the residency requirements for any appointed public office the Town of Greenburgh and County of Westchester so as to permit a person residing anywhere in the State of New York to hold any appointed public office, and numerous other exceptions to the residency requirement, thereby rendering Public Officers Law § 3 a special law with respect to any appointed town officer (see, NYS Attorney General Informal Opinion No. 95-5 dated February 2, 1995, and In re Ricket v. Mahan et al, 97 AD3d 1062 (3rd Dep't, 2012).

Section 36-7. Supersession. This local law shall supersede Town Law § 23(1) in its application to any appointment to public office in the Town of Ulysses.

Section 36-8. Residency Requirements for Appointed Public Officers. The person holding any the appointive office of Deputy Clerk, Deputy Highway Superintendent, or Second Deputy Supervisor in the Town of Ulysses need not be a resident of nor an elector of the Town of Ulysses, provided, however, that such person shall reside in Tompkins County, or in any other town within or without the County of Tompkins that is contiguous to the Town of Ulysses.

Section 36-8. Inconsistence. All other laws and ordinances of the Town of Ulysses that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistence and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 36-9. Savings Clause. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal

or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 36-10. Effective Date. This local law shall take effect immediately upon its filing with the Secretary of State.