

WORKING TOWN BOARD MEETING

Town of Ulysses

February 24, 2015

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

The meeting was held at the Ulysses Town Hall at 10 Elm Street, Trumansburg.

PRESENT:

Supervisor- Liz Thomas
1st Deputy Supervisor- Nancy Zahler
2nd Deputy Supervisor- Michelle Wright
Board members- John Hertzler, Rich Goldman
Clerk- Carissa Parlato
Planner/Zoning Officer- Darby Kiley

ABSENT:

Board member- Dave Kerness

OTHERS PRESENT:

Sue Roenke, John Wertis, Phil Antweiler, Dave Schurman

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

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7:02 p.m.

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2015-51:

BE IT RESOLVED that the Ulysses Town Board approve the agenda for February 24, 2015 with the addition of the Allocation on Interest Income and the removal of Change of Date for the 3/24 meeting.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 2/24/15

GENERAL ANNOUNCEMENTS-

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(none)

PRIVILEGE OF THE FLOOR:

(please refer to the appendix for these comments)

OLD BUSINESS:

GENERAL CODE-

The latest copy of edits to the General Code editorial analysis and manuscript was distributed and discussed.

Mr. Goldman moved to repeal “Ch. 205, Watercraft” of the General Code Editorial and Legal Analysis, seconded by Mr. Hertzler.

Moved: Mr. Goldman Seconded: Mr. Hertzler

Ms. Thomas	abstain
Ms. Zahler	nay
Mr. Hertzler	nay
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 1-2
Motion failed.

The board continued its discussion of other General Code topics.

RESOLUTION 2015-52: Accepting General Code Manuscript

RESOLVED that the Ulysses Town Board approves the attached manuscript based on the General Code Editorial and Legal Analysis and additional zoning law changes, and

RESOLVED that the Ulysses Town Clerk will submit these general decisions to General Code to incorporate into the final manuscript that will then be reviewed and formally adopted by the Ulysses Town Board.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 4-0
Date Adopted: 2/24/15

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NEW BUSINESS:

CONSULTING ENGINEER

RESOLUTION 2015-53: Selection for On-call Engineering Services and contract authorization

WHEREAS:

1. The Town of Ulysses is in need of on-call engineering services for projects such as municipal board review and water system projects; and
2. The Town received nine submissions through a Request for Qualifications process; and
3. A review committee of Town Board and Planning Board members selected and interviewed four candidates, and recommend MRB Group;

BE IT RESOLVED that the Town Board approves the review committee recommendation to contract with MRB Group for on-call engineering services, and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor for the Town of Ulysses to sign a one-year contract with MRB Group for on-call engineering services.

Moved: Ms. Thomas Seconded: Mr. Hertzler

Discussion- board members requested more information on the firm and costs. Ms. Kiley and Ms. Thomas responded.

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 2/24/15

CREDIT CARD CHARGEBACK:

Ms. Zahler-

RESOLUTION 2015-54: FEE FOR USE OF CREDIT CARDS TO MAKE PAYMENTS TO TOWN

WHEREAS General Municipal Law (GML) §5 permits the Town Board of the Town of Ulysses (“the Town Board”) to authorize the Town to enter into agreements with one or more financing agencies or card issuers to provide for the acceptance of credit cards as a means of payment by designated officers of the Town for obligations owed to the Town; and

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WHEREAS the Town Board desires to offer the convenience of allowing citizens to use a credit card to pay for taxes, licenses, water bills, rates, and other fees and charges collected by the Town Clerk, including penalties, special assessments and interest; and

WHEREAS, GML §5 c authorizes the Town to require, as a condition of accepting payment by credit card, that the person offering payment by credit or charge card pay a service fee to the local government not exceeding costs incurred by the Town in connection with the credit or charge card payment transaction; and

WHEREAS, the Town Board has determined that the cost of offering credit payments should be borne by the persons offering payment by credit card;

NOW, THEREFORE BE IT

RESOLVED that the Town Board has determined that is it in the public interest to permit the acceptance by the Town Clerk of credit cards as a means of payment of taxes, water bills, rates and other fees and charges, including penalties, special assessments and interest; and be it further

RESOLVED that, pursuant to the authority granted to the Town by GML §5, the Town Board hereby authorizes the Town to enter into agreements (“the Agreements”), subject to review by the Attorney for the Town, with one or more financing agencies or card issuers to provide for acceptance by the Town Clerk and her designee of credit cards as a means of payment of taxes, water bills, licenses, rates, and other fees and charges, including penalties, special assessments and interest; and be it further

RESOLVED that as a condition for accepting payment by credit card, the person offering payment by credit card shall pay a service fee not to exceed the costs incurred by the Town in connection with the credit card payment transaction, including the fee owed by the Town to the financing agency or credit card issuer arising from the transaction; and be it further

RESOLVED that the underlying debt, lien, obligation, bill, account or other amount owed to the Town for which payment by credit card is accepted by the Town shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the Town has received final and unconditional payment of the full amount due from the financing agency or card issuer for such credit card transaction; and be it further

RESOLVED there shall be signs at the Town locations where credit card payments will be accepted for payment of Town fees or taxes and on the Town’s website which shall state that the Town will make no profit on any credit card surcharge, and that the added fee for credit card usage shall be only to cover the costs incurred by the Town in connection with the credit card payment transaction, including the fee owed by the Town to the financing agency or credit card issuer arising from the transaction.

Moved: Ms. Thomas

Seconded: Mr. Hertzler

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Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness absent
Mr. Goldman aye

Vote: 4-0

Date Adopted: 2/24/15

TTHM WORKING GROUP

RESOLUTION 2015-55: APPOINTING A TTHM WORKING GROUP

BE IT RESOLVED that the Ulysses Town Board appoints the following residents to assist the Town Board in investigating the best options to reduce the Total Trihalomethanes under the federal limit in the Water District 3 water supply.

Ann DiPetta
Stan Seltzer
Michael Boggs
Phil Antweiler
David Schurman
Elizabeth Thomas
Diane Hillmann

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Kerness absent
Mr. Goldman aye

Vote: 4-0

Date Adopted: 2/24/15

ASSOCIATION OF TOWNS (AOT) UPDATE

Ms. Wright and Ms. Thomas shared highlights from the AOT conference that they recently attended. Mr. Hertzler shared his report previously by e-mail.

ALLOCATING INTEREST

Ms. Wright presented this topic.

RESOLUTION 2015-56:

The town board authorizes the Budget Officer to oversee the proportional allocation of interest earned in 2014 to: 1)all of the reserves proportionally in each fund; 2)unrestricted fund balance; 3) assigned unappropriated fund balance.

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Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 4-0

Date Adopted: 2/24/15

Ms. Zahler gave updates on Exxon properties in Jacksonville.

APPROVAL OF MINUTES: 2/10

RESOLUTION 2015-57:

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 2/10.

Moved: Ms. Thomas Seconded: Mr. Goldman

Ms. Thomas	aye
Ms. Zahler	abstain
Mr. Hertzler	aye
Mr. Kerness	absent
Mr. Goldman	aye

Vote: 3-0

Date Adopted: 2/24/15

PRIVILEGE OF THE FLOOR:

(no comments spoken nor submitted)

ADJOURN:

Mr. Goldman made a motion to adjourn the meeting at 9:20 p.m., seconded by Ms. Zahler and passed unanimously.

APPENDIX:

PRIVILEGE OF THE FLOOR:

Sue Roenke read the following:

My name is Sue Roenke and my daughter, Marie has a farm, Spot Hollow Farm, at our house on Agard Road. She worked at Cornell Sheep Farm for almost three years and is currently a junior at Cornell and is going to be a small ruminant/large animal vet. We had to appeal to the ZBA to get permission to have a larger number of “animals” than your zoning allows, which needs to be corrected. We had to appear before them four times, her and I both missing an

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organic chemistry lab each semester, in which if you miss two labs you fail automatically. My daughter has mostly Jacob sheep and goats, which are animals that average 90 pounds. The zoning compares a cow or horse with any other animal, so a 1000 pound animal is being compared to a 90 pound animal, which makes no sense in trying to have a profitable farm. If we were limited to 15 sheep and 50 chickens, per our 10 acres of land and the zoning, it could not be sustainable. The variance was granted to us; however the issue remains open for other farmers. I am requesting several action items. One is to change the zoning regulations – to either correct the word “animal” to “animal unit” or to eliminate altogether the cap on animals, per NYS Ag and Market’s suggestion. A farmer can determine on their own or with help from an organization like Soil and Water Conservation using their grazing expert the number of animals their land is capable of managing. We did this during the process and found that we had plenty of land for the number of animals we have on our property. New York State Ag and Markets has written the town two times on this issue now, one in 2004, and one this past November 2014. I would also like to see the Ag Advisory board revitalized, as well as complete the Ag and Farmland Protection Plan that was started several years ago. We need to encourage farmers, especially young ones, like my daughter, so we can continue to eat! Our area is well known for promoting local foods, and if we have these onerous regulations, it makes it difficult to farm here. Thank you for your time and dedication to the town of Ulysses!

Mr. Antweiler expressed concerns about the red house in Jacksonville. He says that it has been vacant and is worried about a fire.

The town board asked clarifying questions and responded that they will follow up with the code enforcement officer and fire inspector.

Respectfully submitted by Carissa Parlato on 2/---/15.