

**TOWN OF ULYSSES  
PLANNING BOARD  
MEETING MINUTES  
Tuesday, 2/2/2016  
7:00 p.m.**

*Approved: February 16, 2016*

**Present:** Chairman David Blake; board members Pete Angie, David Diaz, David Tyler, and John Wertis. Environmental Planner Darby Kiley; and Town Board Liaison Rich Goldman.

Mr. Tyler was named a voting member in the absence of Rebecca Schneider, who was excused.

**Call to Order:** 7:02 p.m.

**Agenda Review; Minutes Review (January 19, 2016)**

Mr. Angie MADE the MOTION to accept the amended meeting minutes, and Mr. Wertis SECONDED the MOTION. The minutes were unanimously approved, 5-0.

**Old Business: Review Board Rules and Procedures**

Mr. Blake explained the Town Board's Rules and Procedures served as a template for the Planning Board's, though some of the Town's statutes were not applicable to the Planning Board. He said Planning Board members had briefly discussed possibly holding just one meeting per month or continuing with two meetings per month.

Mr. Tyler said he would prefer holding a single regular meeting per month but giving the Board the option to schedule additional meetings as needed. Mr. Blake said Ms. Schneider preferred one meeting per month.

Mr. Wertis said it is difficult for the Planning Board to coordinate meetings with the varying flow of business at certain times of the year. Mr. Diaz said he preferred one meeting per month, while Mr. Angie withheld comment since he plans to vacate his Board seat in the near future.

Mr. Blake said he sided with Mr. Tyler. He would like to see one regular meeting per month. However, if there is a need to address business or consider legislation, then the Planning Board could meet additionally for those purposes. Or, he continued, the Board could plan to meet twice per month during the summer, when applications are more frequent. Mr. Wertis said he has no problem with that approach and that it is essentially the way the Planning Board has been operating. The Board could also choose to schedule meetings in advance and cancel them if there is no pressing business to attend to, he said. In response, Mr. Tyler felt scheduling meetings in advance and publishing a bimonthly schedule on the Town website would lock the Planning Board into that schedule.

Mr. Goldman asked Ms. Kiley what she would prefer, to which Ms. Kiley said she finds the twice-a-month meetings to be easier for scheduling. It is also helpful to have the option to cancel a meeting if there are no applications or pressing concerns, she said. Mr. Tyler asked if it were a problem if the Planning Board commits to two meetings per month but cancels some of them. Ms. Kiley said meetings and cancelations are posted on the Town website. That is all the Planning Board is required to do, she said.

Mr. Diaz said this evening's meeting is one that could have been canceled. By his count, the Planning Board has canceled just one in his time as a member. Two meetings per month are difficult, and right now, he is working a lot of hours.

Ms. Kiley said she needs more than a week to get word to applicants about upcoming meetings. Having two meetings per month is helpful for scheduling with applicants, but the problem with the second work meeting is the Planning Board often gets off schedule. Mr. Goldman said the lag time between single monthly meetings is long for applicants. Ms. Kiley noted the Board of Zoning Appeals only meets once per month, and there are tighter deadlines for notices.

Mr. Blake MADE the MOTION to hold a single monthly meeting, to be held on the first Tuesday of each month, with the understanding that a second monthly meeting on the third Tuesday would be reserved as needed. Mr. Wertis SECONDED the MOTION.

The vote was as follows:

Mr. Blake AYE  
Mr. Angie AYE  
Mr. Diaz AYE  
Mr. Tyler AYE  
Mr. Wertis NAY

**Result:** Motion approved

Mr. Goldman turned the Planning Board's attention to No. 14, section A. (Seating), which he found confusing since it does not mention the Town Board Liaison. Mr. Wertis then circulated a document he made pertaining to roles for Planning Board members and the liaison. He said the document might be relevant to Mr. Goldman's question.

Mr. Blake said he thought the Planning Board would want the Liaison to sit with the Board and not in the audience. Mr. Angie felt Mr. Goldman should sit with the Board since he is part of the discussion. At this time, Mr. Blake suggested changing the wording in the Rules and Procedures to include the Town Board Liaison at the discussion table. However, Mr. Wertis raised the question of how much input the Liaison should have on discussions about Planning Board resolutions. Mr. Tyler then expressed his reservations about what the Liaison's appearance with the Planning Board says to the public. It might be best, at times, for the Liaison to sit in the audience, he said. Mr. Goldman said he did just that at the Planning Board's recent public hearing involving the Renovus solar project. Mr. Tyler continued, saying there may be times

when the Town Board is reviewing an issue related to something before the Planning Board. The Liaison should sit in the audience during those deliberations, he said.

Mr. Blake thought there should be a standing offer for the Town Board Liaison to sit at the table with the Planning Board. Board members reached a consensus with Mr. Blake's suggestion. Mr. Tyler mentioned that it was Mr. Goldman's thoughts at the last meeting that raised concerns about transparency with the Renovus project. At those instances, Mr. Goldman said, the Liaison should be welcome to speak their mind. Different perspectives should be welcomed, added Mr. Angie.

Mr. Tyler said a lot depends on personality: Whereas Mr. Goldman is sensitive to his role on the Planning Board, there might be a future Liaison who could be disruptive. Mr. Wertis agreed with Mr. Tyler, saying there may be a different Liaison who might exert undue influence on the Planning Board. Then it is up to the Chair, Mr. Blake said, to request that the conversation cease. The amended section under consideration would read:

“At all Planning Board meetings other than Public Hearings, Planning Board members will be seated together at a table, or two tables facing each other. The Town Board Liaison is welcome to sit at the table with the Board. Any other privileged speaker will be seated at some place this is separate from the public speaking. This separation is necessary to avoid confusing the public as to who may speak. The Chair may invite the applicant(s) to join the Planning Board at the table.”

Moving on, the Planning Board briefly discussed No. 7, section C, and whether that meant publication in the local newspaper. Ms. Kiley said newspapers are given a schedule of Planning Board meetings at the beginning of the year.

On No. 9 (Meeting Notice and Agenda Development), Mr. Blake suggested notification of Board member absences be sent to the “Chair and/or Town Planner” instead of “Chair and Town Planner”, as written. The Board reached a consensus to proceed with the wording change. The amended section under consideration reads:

“An agenda will confirm the occurrence of a meeting. All Board members are expected to attend all official Board meetings, in accordance with the Town's 2012 Attendance and Training Policy. Board members who cannot attend a scheduled meeting will notify the Chair and/or Town Planner by e-mail, phone or in person as soon as possible in advance of the meeting.”

On No. 14, section D (Members speaking with the public) Mr. Blake said traditionally with public participation, the public speaker only addresses the Board; they make their comments and sit down. The current wording suggests there is some dialogue between the Planning Board and the public commenter. Mr. Wertis said there are only two occasions when there is a formal relationship between the Board and public: during Privilege of the Floor and at a public hearing. Does this procedure cover both of these instances? He asked. Asked by Mr. Blake how the Town Board handles dialogue from the public during Privilege of the Floor and public hearings, Ms. Kiley said the Board is not to engage in dialogue in either case. Though, as Mr. Goldman pointed out, there are times when Board members want to clarify something with the speaker. Mr. Wertis

felt the Planning Board, in the past, has gone back and forth between formal and informal, and the process generally works.

With the Town Board, Mr. Goldman explained, Phil Antweiler of the Jacksonville Community Association sits in the audience at every meeting. If he has something to say – during Privilege of the Floor or later in the meeting – the Board will listen or ask him a question. I think the Town Board wants that freedom, he said. Still, with any situation, Mr. Diaz said, the Planning Board should be looking to the Planning Board Chair to control the conversation, instead of members interrupting each other. It makes for a better meeting, whether during Privilege of the Floor, during dialogue with applicants, or at a public hearing. We should all be looking to the Chair for permission to speak, he said. Mr. Blake suggested leaving unchanged the wording in No. 14, section D, though Mr. Diaz asked if it would make sense to include the Town Liaison in the provision. The amended section under consideration reads:

“Board members and the Town Liaison shall not address the public except during the time allocated for public participation, and then only when the Chair indicates that they may do so. The indication shall only be made when the Board member indicates an interest in speaking with the person in public.”

The second paragraph of No. 15, section A, was the next subject of discussion. Mr. Angie felt the sentence – “The only vote required for a motion to discuss is to end discussion and remove the motion from the floor” – was very confusing and unnecessary. After further discussion, the Board reached a consensus to remove the sentence in question. The amended section under consideration reads:

“A motion to discuss can be made and seconded to bring a draft motion to the floor for discussion. Once a motion to discuss is on the floor, the Board can debate the motion and amendments can be made in response to the discussion if the member who brought the motion agrees, without the formal procedures that govern main motions. The Chair can call a vote to end discussion of a motion to discuss at any time.”

Continuing with No. 15, Mr. Blake noted section D and said he could not think of an instance where new motions were totally new to the Planning Board. Mr. Goldman thought the sentence did not apply to the Planning Board. Board members reached consensus to remove the last sentence of the section D. The paragraph under consideration reads:

“It is preferred that Motions be submitted in writing prior to the meeting and must be in writing if they are instructions to any body or person. A motion may be written out during the meeting (see motion to discuss).”

Mr. Blake MADE the MOTION to approve the changes on Meeting Notice and Agenda Development, establishing that any meeting absences are to be communicated to the Chair and/or Town Planner by e-mail, phone or in person as soon as possible in advance of the meeting. Mr. Wertis SECONDED the MOTION. The motion was unanimously approved, 5-0

Mr. Blake MADE the MOTION to approve changes made to the Seating section of No. 14 (Conducting a meeting), and Mr. Diaz SECONDED the MOTION. The motion was unanimously approved, 5-0.

Mr. Blake MADE the MOTION to approve changes made to the Members Speaking to the Public section, establishing that Board members and the Town Liaison shall not address the public except during the time allocated for public participation and as the Chair allows. Mr. Wertis SECONDED the MOTION. At this time, Mr. Tyler offered a friendly amendment, which was accepted by Mr. Blake, to retain the original language as written. The motion to approve the language change failed, 1-4, with Mr. Diaz voting in favor of the change.

Mr. Blake MADE the MOTION to remove the sentence – “The only vote required for a motion to discuss is to end discussion and remove the motion from the floor” – from No. 15 A. (Motions Defined), and Mr. Angie SECONDED the MOTION. The motion was unanimously approved, 5-0.

Mr. Blake MADE the MOTION to remove the sentence – “Ideally, new motions are presented first at a previous meeting. New Motions may be presented at a meeting and acted upon if copied to all members by 5 PM on the preceding Friday to meeting” – from No. 15 (Motions), and Mr. Diaz SECONDED the MOTION. The motion was unanimously approved, 5-0.

### **Election of Vice Chair**

Mr. Wertis said he would be happy to serve as vice chair, though any member of the Planning Board could run a meeting in Mr. Blake’s absence.

Mr. Blake MADE the MOTION to elect Mr. Wertis to serve as Vice Chair of the Planning Board for 2016, and Mr. Diaz SECONDED the MOTION. The motion was unanimously approved, 5-0.

### **Town Board Liaison Report**

Mr. Goldman said the Town Board is working on creating a sustainability committee to explore ways to bring more sustainable energy to Ulysses. Remote net-metering opens up more possibilities for solar, and the Town could harness its own solar power to share with residents, he said.

### **Public Hearing on Sciencenter Solar Project for February 16**

Ms. Kiley said she has received no additional questions from the public since the first public hearing on the Sciencenter solar project. Project documents, including slides from the Renovus presentation, are currently available on the Town’s website. Announcements of the February 16 public hearing have been sent out to neighbors.

She asked the Town Attorney regarding the issue of the second tentative solar project for Jacksonville and Agard roads and was told that the issue is complicated because no formal proposal has been submitted. If mentioned and discussed, Ms. Kiley was told, it could suggest

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that the Planning Board is considering the second tentative project as part of the current Sciencenter project. The Town Attorney was concerned with the speculative nature of the second project, she said. If the Planning Board wants to share information regarding the second project, it needs to state publically what it knows from Renovus. Since there is no formal application for the second project and no further details, the Planning Board should not base its decision on the Sciencenter project on an application it has yet to receive, the Town Attorney advised.

Mr. Diaz asked how the Board intends to disclose information since neighbors were not notified of the second tentative project in recent Town-issued notices for the February 16 public hearing. Mr. Blake said his thinking is to reopen the public hearing and during that process say the Planning Board has been advised by Renovus that another solar development could take place, though no application or further information is currently available. He said he would state only the Sciencenter project would be considered on February 16. When discussing appropriate language to use, Mr. Diaz stressed that it was a Renovus representative who told the Planning Board about the second potential project.

Elsewhere, Ms. Kiley said she has seen a draft plan for the 32 Maplewood project, and hopefully applicants would have something for the Planning Board to consider at its February 16 meeting. There may be another item to consider at the same meeting, and bigger projects may be coming up soon, she said.

Mr. Wertis MADE the MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION. The motion was unanimously approved, 5-0.

Meeting adjourned at 8:22 p.m.

Respectfully submitted by Louis A. DiPietro II on February 10, 2016.