

REGULAR TOWN BOARD MEETING

Town of Ulysses

February 23, 2016

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
Board members - John Hertzler, Michael Boggs
Deputy Clerk - Sarah Koski
Interim Highway Superintendent - Dave Reynolds

ABSENT:

2nd Deputy Supervisor - Michelle Wright
Planner/Zoning Officer - Darby Kiley
Board Member - Rich Goldman

OTHERS PRESENT: Philip Antweiler, Jacksonville Community Association

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 7:00 p.m.

GENERAL BUSINESS:

APPROVAL OF MEETING AGENDA

RESOLUTION 2016-59:

BE IT RESOLVED that the Ulysses Town Board approve the agenda for the February 23, 2016

Moved: Mr. Hertzler Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 2/23/16

PRIVILEGE OF THE FLOOR:

Mr. Philip Antweiler, 1836 Trumansburg Road, is in the process of scheduling the next Jacksonville community meeting on Thursday April 7th. He invited the Town supervisor, deputy supervisor and any board members who might be interested in attending.

GENERAL UPDATES:

Mr. Boggs attended the firehouse expansion meeting on February 11th. He distributed copies of the floorplan and site plan (created by MRB Group, architects and engineers) of the proposed expansion, which he obtained at the meeting. Expansion cost would be about \$840,000 but could end up costing over one million dollars. Ms. Thomas said that the Town will be paying ~48% of the total cost. Each municipality involved will be paying a percentage of the total cost based on a three-year historic average of the amount of fire services they use. MRB will move ahead to the next step of the planning process. Mr. Boggs will continue to attend meetings and keep the town apprised.

Ms. Thomas announced that the Town is again working on the Town's Emergency Management Plan. Ms. Wright will be calling a meeting soon to go over the plan with the Board and Town staff. The Comprehensive Plan Review is scheduled for April 19th. Steve Estes from Tompkins County Personnel will meet with the Board (date to be determined) to go over the differences between term

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appointed officials and civil service appointed officials. The Zoning Update public meeting will be this upcoming Saturday at 9:30am-12:30pm at the Fire Hall, with a light breakfast served at 8:30am. The Agricultural Committee interviews will be coming up and will include Brian Henehan, John Wertis and Ms. Thomas, and Ms. Thomas invited all Board members who are interested in attending. Ms. Zahler expressed her interest to be present during the interviews.

Ms. Zahler attended the planning board meeting as Mr. Goldman, the regular planning board liaison, was away. There was a public hearing on the ScienceCenter Solar Project on Agard Road. The planning board moved to approve the project. Ms. Zahler thought that Renovus was successful in reaching out to residents whose properties border the project site. Residents requested that fast growing evergreen trees be planted to help screen the solar arrays and Renovus is willing to plant these trees. This is the first large scale solar installation project that passed after the Town Board enacted Local Law #3 of 2015 that allowed for these types of solar installations and Ms. Zahler was impressed with the way the Planning Board handled the entire process.

Ms. Zahler also noted that when the Village holds its pre-construction meeting about the second water source coming up Falls Road, board members will want to attend, and in turn inform Town residents who will be affected.

Ms. Thomas suggested that the board move a resolution to purchase highway equipment up in the agenda so that Mr. Reynolds would not have to stay for the entire meeting.

NEW BUSINESS:

AUTHORIZATION TO SIGN LETTER OF INTENT TO PURCHASE HIGHWAY EQUIPMENT

Mr. Reynolds said that although the bid for a new truck was well advertised, only one bid was received. Ms. Zahler asked what the purpose of the truck would be. Mr. Reynolds said that the truck would be an all-season salt spreader, sand spreader, and could also be used to haul gravel. To purchase a new plow for the truck would be ~\$5000, but unnecessary because the old snow plow can be bolted onto the new truck. Ms. Zahler asked what the expected life span for this truck would be. Mr. Reynolds replied that he would estimate at least 5 years of useful life, but with upkeep that could be much longer. Ms. Thomas pointed out that this truck would be replacing a 1989 truck, so it's possible that this truck could last the Highway Department a long time with proper maintenance.

Ms. Thomas mentioned that the Highway Department has been auctioning surplus Highway equipment and closing bids came in last night. The auctions brought in just over \$37,000 in revenue that can be used towards the purchase of this new truck.

RESOLUTION 2016-60:

RESOLVED that the Town Board of the Town of Ulysses authorizes the Town Supervisor to sign a letter of intent to purchase a 2003 Volvo VHD as recommended by Acting Ulysses Highway Superintendent Dave Reynolds for the price quoted on 2/23/16 of \$105,000 by Burr Truck & Trailer Sales, Inc.

Moved: Mr. Boggs Seconded: Ms. Zahler

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

Vote: 4-0
Date Adopted: 2/23/16

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Ms. Zahler asked if the \$37,000 made from the auction sales of surplus would remain in the DA fund for highway equipment and Ms. Thomas and Mr. Reynolds said that it would.

Ms. Zahler also wanted to thank Mr. Reynolds for working to restore a historical marker that had been removed in Jacksonville (the old Cooper Inn). The marker had been taken down and Mr. Reynolds found the marker at the DOT and the Highway crew is in the process of repainting the sign and will re-install the sign when it is ready.

OLD BUSINESS:

INTRODUCE LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF ULYSSES

RESOLUTION 2016-61:

BE IT RESOLVED that the Town Board of the Town of Ulysses sets a Public Information Meeting and Public Hearing on Local Law #1 of 2016 Providing for the Abolition of the Elected Position of Town Clerk and Creation of the Appointed Position of Town Clerk of the Town of Ulysses for Tuesday, March 8, 2016 at 6:30pm and further,

RESOLVED that the Town Clerk place notice of the Public Hearing and Public Information meeting in the newspaper and on the website.

PROPOSED LOCAL LAW NO. 1-2016

TOWN OF ULYSSES, NEW YORK

LOCAL LAW NO.1 OF THE YEAR 2016 A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF ULYSSES

Be it enacted by the Town Board of the Town of Ulysses as follows:

SECTION 1. This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Town Clerk in the Town of Ulysses, and any other provision of the Town Law providing for or referring to the creation of the elected position of Town Clerk.

SECTION 2. The elected position of the Town Clerk in the Town of Ulysses, New York is hereby abolished, effective January 1, 2019, following the expiration of the current elective term of office of the Town Clerk on December 31, 2018. The appointed position of Town Clerk of the Town of Ulysses, New York is hereby created, effective January 1, 2019.

SECTION 3. Commencing January 1, 2019, the Town Clerk of the Town of Ulysses shall be the person appointed by the Town Board of the Town of Ulysses.

SECTION 4. The appointed Town Clerk shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

SECTION 5. This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at a special election on May 24, 2016.

SECTION 6. This local law shall supersede or repeal any prior inconsistent Local Law.

SECTION 7. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

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SECTION 8. This local law shall take effect upon the affirmative vote of a majority of the qualified electors voting thereon at such special election on May 24, 2016, and the filing with the Secretary of State in accordance with the applicable provisions of law.

Moved: Ms. Thomas Seconded: Mr. Boggs

Discussion: Ms. Zahler asked if the Public Hearing had to be on March 8th to give enough time before the referendum vote on May 24th. Ms. Thomas answered yes; there is a minimum 60 day waiting period between when the local law is adopted and when the referendum vote is held. Ms. Thomas said that the board should allow enough time for the public hearing and suggested starting the hearing at 6:30pm. Ms. Zahler hopes to meet with Steve Estes from Tompkins County Personnel Department before the public hearing so that the Board can be fully prepared to answer questions about the different types of appointments (term appointment versus civil service).

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

Vote: 4-0
Date Adopted: 2/23/16

INTRODUCE LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN HIGHWAY SUPERINTENDENT AND CREATION OF THE APPOINTED POSITION OF HIGHWAY SUPERINTENDENT OF THE TOWN OF ULYSSES

RESOLUTION 2016-62:

BE IT RESOLVED that the Town Board of the Town of Ulysses sets a Public Information Meeting and Public Hearing on Local Law #2 of 2016 Providing for the Abolition of the Elected Position of Town Highway Superintendent and Creation of the Appointed Position of Town Highway Superintendent of the Town of Ulysses for Tuesday, March 8, 2016 at 6:30pm and further,

RESOLVED that the Town Clerk place notice of the Public Hearing and Public Information meeting in the newspaper and on the website.

PROPOSED LOCAL LAW NO. 2-2016

A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF HIGHWAY SUPERINTENDENT AND THE CREATION OF THE APPOINTED POSITION OF HIGHWAY SUPERINTENDENT OF THE TOWN OF ULYSSES Be it enacted by the Town Board of the Town of Ulysses as follows:

SECTION 1. This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Highway Superintendent in the Town of Ulysses, and any other provision of the Town Law or the Highway Law providing for or referring to the creation of the elected position of Highway Superintendent.

SECTION 2. The elected position of the Highway Superintendent in the Town of Ulysses, New York is hereby abolished, effective July 1, 2016. The appointed position of Highway Superintendent in the Town of Ulysses, New York is hereby created, effective July 1, 2016.

SECTION 3. Commencing July 1, 2016, the Highway Superintendent of the Town of Ulysses shall be the person appointed by the Town Board of the Town of Ulysses.

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SECTION 4. The appointed Highway Superintendent shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

SECTION 5. This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at a special election to be held on May 24, 2016.

SECTION 6. This local law shall supersede or repeal any prior inconsistent Local Law.

SECTION 7. The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 8. This local law shall take effect after the affirmative vote of a majority of the qualified electors voting thereon at such special election on May 24, 2016, and the filing with the Secretary of State in accordance with the applicable provisions of law, on July 1, 2016.

Moved: Ms. Thomas Seconded: Ms. Zahler

Discussion: Ms. Zahler wants to make sure that the public will be well informed of the Public Hearing and Public Information meeting. She suggested that in addition the newspaper and website notice, the Town issue a press release or purchase an ad in the newspaper. Ms. Thomas noted that the last Town newsletter included an article about these elected versus appointed positions. Ms. Thomas clarified that the Town Information part of the meeting is when the laws will be read and described and the public can ask questions and the board will answer. The public hearing portion of the meeting will be when the public can make comments on record that the board will take into consideration when voting on the proposed laws.

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

Vote: 4-0

Date Adopted: 2/23/16

Mr. Reynolds was excused at this time.

Mr. Hertzler asked at what time the May 24th referendum vote would be held. Ms. Thomas said polling would open at noon, and would take place at the normal polling places. Ms. Zahler asked the cost of the referendum vote and Ms. Thomas said that Mr. Dewitt, from the Tompkins County Board of Elections was working on an estimate based on polling hours and number of polling places. Mr. Hertzler wanted to make sure that the public has sufficient advance notice of the referendum vote. Ms. Thomas said there will be ample notice via various avenues such as the email listserv and the town website, as well as a press release in the newspaper.

NEW BUSINESS:

APPOINTMENT OF PLANNING BOARD MEMBERS

RESOLUTION 2016-63:

WHEREAS Pete Angie has resigned from the Planning Board leaving a vacancy, and

WHEREAS David Tyler is serving as an alternate member of the Planning Board and willing to fill the unexpired term of Pete Angie. Now therefore be it

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RESOLVED that the Ulysses Town Board appoints David Tyler to the Planning Board to fill out the term of Pete Angie, expiring 12/31/2020 and further,

RESOLVED that Sara Worden be appointed as the Planning Board Alternate with an annual appointment ending 12/31/2016, and further

RESOLVED that the Town Clerk will notify the new members and arrange for them to take the oath of office.

Moved: Ms. Zahler Seconded: Ms. Thomas

Mr. Boggs asked if Mr. Tyler was a regular with the planning board and Ms. Thomas said that he had a long history with the planning board and was returning after a break.

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

Vote: 4-0
Date Adopted: 2/23/16

AMENDING THE FEE SCHEDULE FOR 2016

Ms. Thomas stated that new Town Code Enforcer, Tom Myers, suggested some changes to the building permit fees. Some pools are quite expensive to build and some are not, and he suggested tying the permit fees to the cost of the pools instead of a flat rate. Also, while existing Local Law #2 of 2015 mentioned a fee for renewing an expired building permit, no such fee had been determined. Mr. Myers suggests the fee to be half of the original building permit fee.

RESOLUTION 2016-64:

WHEREAS Local Law #2 of 2015, Chapter 80, Section 4 states the following:

Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

WHEREAS a fee for such building permit is absent from the 2016 fee schedule, and

WHEREAS the Building Code Inspector has recommended changes to the 2016 fee schedule, therefore be it

RESOLVED that the Town Board of the Town of Ulysses amend the fee schedule to include both a fee for an expiring building permit and also to amend the fee for swimming pools as follows:

OPERATING PERMITS	fee	Reference
Operating Permit	\$75.00	LL 2 of 2015
Fireworks display	\$150.00	Res. 8/18/10
Special Event Operating Permit	\$50.00	LL 1 of 2010
BUILDING PERMITS	fee	Reference
1 & 2 Family Residences:	\$.30/sq ft	LL 2 of 2015
Multiple dwelling/Multi-residential	\$225 + \$3/K	Res. 2007-36
Commercial bldgs., bridges, tanks, and towers	\$425 + \$4/K	Res. 2007-36
Alterations, renovations, additions, pools	\$75 + 3/K	LL 2 of 2015
Accessory Building	\$55 + \$3/K	Res. 2007-36

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Building Permit Renewal	Half the previous building permit fee (\$75 minimum fee)	LL 1 of 2007
Solar, wind or alt. energy permit-RESIDENTIAL	\$75.00	LL 3 of 2015
Solar, wind or alt. energy permit-COMMERCIAL	\$75 + 3/K	LL 3 of 2015
Pool, in-ground	\$75.00	LL 2 of 2015
Pool, above-ground	\$55.00	LL 2 of 2015
Sign permit	\$50.00	LL 2 of 2015
Woodstove or heating unit	\$50.00	LL 2 of 2015
Demolition	\$2/K (\$65 min)	Res. 2007-36

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
 Date Adopted: 2/23/16

Mr. Boggs asked if posters placed on telephone poles were subject to a sign permit but Ms. Thomas said they were not.

Ms. Thomas suggested moving the resolution regarding the Jacksonville properties up in the agenda so that Mr. Antweiler would not have to stay for the entire meeting.

AUTHORIZATION TO SIGN AGREEMENT WITH EXXONMOBIL OIL CORPORATION FOR TOWN ACCESS TO JACKSONVILLE PROPERTIES

RESOLUTION 2016-65:

WHEREAS, the Town of Ulysses is in discussion with the ExxonMobil Oil Corporation (EMOC) regarding the status of properties in Jacksonville and Whereas, any consideration of possible conveyance of EMOC properties to the Town of Ulysses requires access to the properties for a Phase I Environmental Assessment and an evaluation of the structure to determine the extent of damage and estimated costs for stabilization and restoration, and

WHEREAS, EMOC is willing provide access to the sites under the conditions outlined in the attached Site Access Agreement and

WHEREAS, the Town of Ulysses wishes to enter into this agreement, now therefore, be it

RESOLVED, that the Supervisor be and hereby is authorized to sign the Site Access Agreement, as revised to address Town concerns, on behalf of the Town of Ulysses.

Moved: Ms. Thomas Seconded: Ms. Zahler

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

Vote: 4-0
 Date Adopted: 2/23/16

Mr. Antweiler left the meeting at this time.

SUPPORT OF THE LIVING WAGE AS THE MINIMUM WAGE ACROSS NEW YORK STATE

RESOLUTION 2016-66:

WHEREAS, it is one of our most cherished values that there is dignity in work; and

WHEREAS, raising incomes is critical to providing economic mobility and opportunity for working families; and

WHEREAS, the growth in income inequality in recent years has created serious divisions within our society and community; and

WHEREAS, New York State is becoming increasingly two states with a portion of the population thriving while many more face low wages, growing inequality, erosion of middle-class jobs, staggering housing costs, and the institutionalization of a low-wage service economy; and

WHEREAS, the Alternatives Federal Credit Union cites a living wage in Tompkins County to be \$13.77/hour for workers with health insurance, and \$14.34/hour for workers without health insurance

WHEREAS, a higher minimum wage across the state would increase spending on locally produced goods and services by workers benefiting from such increased wages, which, in turn would produce greater demand and help stimulate the local economy; and

WHEREAS, a higher minimum wage would reduce the cost of providing social services in Tompkins County; and

WHEREAS, we as a community and we as a country can no longer accept wages that leave some without hope of rising up and unable to support themselves nor their families; now, therefore be it

RESOLVED, That the Town of Ulysses requests that the New York State Legislature pass a minimum-wage law establishing \$14.34/hour as the minimum wage; phasing the new minimum wage in over a four year period; and indexing it to the New York State median wage thereafter; and, be it further

RESOLVED, That New York State consider a training wage exemption for younger teens not responsible for supporting themselves or their family; and, be it further

RESOLVED, That New York State index funding support for public and non-profit services to the increases in the minimum wage to assure that local programs not be forced to reduce needed services to pay the minimum wage that workers deserve; and further,

RESOLVED, That a copy of this resolution be forwarded to the Tompkins County Legislature, the Tompkins County Council of Governments, New York State Assemblywoman Barbara Lifton, New York State Senator Thomas O'Mara, and New York Governor Andrew Cuomo.

Moved: Ms. Thomas

Seconded: Mr. Hertzler

Discussion: Ms. Thomas said that neighboring townships have passed similar resolutions. Mr. Boggs said that this seems like a state issue and not a local issue, and that he was uncomfortable recommending a minimum wage without having talked to local business owners beforehand. Ms. Thomas said that in the past, the Town Board has passed resolutions to send a message to the state, such as with banning hydro-fracking.

Ms. Thomas

aye

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Ms. Zahler	abstention
Mr. Hertzler	no
Mr. Boggs	no
Mr. Goldman	absent

Vote: 1-2

Motion failed.

PRIVILEGE OF THE FLOOR:

(no comments spoken nor submitted)

The board decided to set a time for Steve Estes to meet with the board to explain the difference between term appointed positions and civil service appointed positions.

Ms. Thomas will contact Mr. Estes with the following three proposed meeting dates:

February 29th at 4pm

March 1st at 4pm

March 2nd at 4pm

ADJOURN:

Ms. Zahler moved to adjourn the meeting at 8:37pm, seconded by Mr. Hertzler and passed unanimously.

Respectfully submitted by Sarah Koski on 2/25/16.