

**PUBLIC HEARING**

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LOCAL LAWS 1 AND 2 OF 2016:

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Providing for the Abolition of the Elected Position of Town Clerk and Highway Superintendent and  
Creation of the Appointed Position of Town Clerk and Highway Superintendent of the Town of  
Ulysses

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*Town of Ulysses*

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March 8, 2016

Audio of the minutes are available on the website at [ulysses.ny.us](http://ulysses.ny.us).

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

**PRESENT:**

Supervisor- Liz Thomas  
1<sup>st</sup> Deputy Supervisor- Nancy Zahler  
Board members- Michael Boggs, Rich Goldman, John Hertzler  
Clerk- Carissa Parlato  
2<sup>nd</sup> Deputy Supervisor- Michelle Wright  
Attorney for the Town- Mariette Geldenhuys

**OTHERS PRESENT:**

Jim Dennis, Peter Meskill, Todd Parlato, Richard Coogan, Jeff Brown, Scott Sherwood, Linda Liddle, Glynis Hart, Billy Conroy, Roxanne Marino, Phil Antweiler, Don Ellis, Jim Meeker, Nancy and Edward Dean

**CALL TO ORDER:**

Ms. Thomas called the meeting to order.

Mr. Goldman made a motion to open the hearing at 7:20pm, seconded by Ms. Zahler and passed unanimously.

**SUBJECT OF THE HEARING:**

Ms. Thomas announced the subject of the hearing: two local laws pursuant to Municipal Home Rule Law Sections 10, 22 and 23, that allow the Town of Ulysses government to change the elected positions of Town Clerk and Town Highway Superintendent to appointed positions. If passed, these local laws are subject to a mandatory referendum that will take place on Tuesday, May 24, 2016.

Ms. Thomas further added: “When Highway Superintendent Jim Meeker retired in the middle of his term, it left the position open. The Town Clerk has been in her position for 2 years. With both positions being either open or fairly new, it seemed like now is a good window to put the issue before the public of whether having these positions remain as elected is in the best interest of the town. Tonight, or later this month, the Town Board will vote on the two local laws to change these two elected positions to appointed. But the real decision will be made on May 24 when a referendum will go before the voters- you and your neighbors will decide.”

**MEETING NOTICE:**

Ms. Thomas noted that the date of the hearing was set by resolution of the Town Board on February 23, 2016 and a notice of this hearing was published in the Ithaca Journal on March 1, 2016. She later presented the Affidavit of Publication.

She further noted that “the purpose of the public hearing is to afford the general public an opportunity to make statements and comments about the Local Laws for the official record, and that the hearing will remain open until all members of the public who are present at the hearing have been given an opportunity to make statements or comments on the proposed amendments. A public hearing is a time for the board to listen to comments from the public, not to engage in a dialog or comment on the subject.

Comments presented at this hearing will be taken into consideration by the Town Board when it considers action on the proposed Local Law. The Town Board may take action on this proposed Local Law tonight.

Speakers should try to limit their comments to no more than 5 minutes.

## TOWN BOARD MEETING

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I request that each speaker state your name and the municipality in which you live. You need not say your address. If you are appearing as a representative of an organization or governmental entity, please identify the organization or entity and state its address.

Copies of the proposed Local law were available at the back of the room as well as an outline of the differences between the positions as elected or appointed.”

She invited the public to comment by asking that they write their name on the sign-up sheet at the back of the room and folks would then be called to speak in order of sign-up.

### **PUBLIC COMMENTS:**

Mr. Meskill said that he has lived here since 1961 and is opposed to both laws. He believes that both positions should remain elected because the highway superintendent and clerk are the two public officials who have the most contact with public, and elected officials feel a sense of doing the right thing. In the past, town officials in these positions have been supported by both parties. Holding a referendum in May is a serious mistake. Mr. Meskill is opposed to moving forward on the issue but if the board insists on doing so, a referendum in November is a better choice.

Mr. Thomas first disclosed that he is married to Supervisor Thomas. He agreed that former Highway Superintendent Meeker has done a fine job and was repeatedly cross-endorsed by both parties due to the apolitical nature of the job. Mr. Thomas noted that the Town of Danby elected a Highway Superintendent a few years back who did not do a good job and was voted out after one term. He sees no reason to risk a situation like this in Ulysses.

Mr. Sherwood stated that he is opposed to the laws because board members are not company executives who can hire and fire, they are voted in to represent the will of the people, and appointment by the board does not represent democracy. The current climate shows that the election process works well. Mr. Sherwood doubts that someone who isn't qualified could get elected in Ulysses as everyone knows everyone in our small town.

Mr. Parlato disclosed that he is married to the Town Clerk. He is opposed to passage of the proposed laws. He questioned whether the board had considered what a successful referendum would look like as he believes that voter turn-out in May would be low. Past elections have shown that the electorate is willing to vote outside of party lines for these positions. He expressed his belief that elected officials are more likely act in accordance with the will of the voters than appointed officials. In addition, having an elected Town Clerk provides some oversight on behalf of the public should a Town Board not function satisfactorily.

Mr. Brown, lifelong resident of the town, is opposed. He is concerned by personal agendas. Although the current board may be working well, a future town board could make bad choices. The timing of the May referendum is poor. He does not want his rights as a voter taken away.

Ms. Higareda supports moving to appointed positions when the positions are hired as employees through interviews, applications, etc. This would give the town a better applicant pool as many would-be candidates will not go through an election process. Appointed positions would give the town an opportunity to supervise the positions and budgets and create more of a team effort. The town would also have the ability to remove someone who wasn't doing a good job. The public would still be able to give input as to the job being done by an appointed official.

Mr. Dennis is the Ulysses representative to the County Legislature and has worked with both appointed and elected officials. He stated that the Ulysses Town Board already controls the budget of the Highway Superintendent and Town Clerk. A referendum in November would allow more time for voters to get informed on this subject. He believes that the board should put out more information on qualifications, salaries, and the type of person that they are looking for before a referendum is held.

Mr. Ellis said that after his experience on the town board he can understand why board is taking up this issue, and commends them for doing so. The current structure of elected officials in these positions is outdated and would not be this way if it were set up now. Electing people in these positions is unnecessarily fragile as not everyone who is elected should be in the job. However, Mr. Ellis urges caution in moving forward as he is concerned about voter disenfranchisement. A May referendum is bad idea; November is better.

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Mr. Meeker spoke, saying that he was elected to complete a term in his first election so moving the referendum to November and having someone be elected to fill out a term is not a big deal. Trying to push it through in May is bad idea. He doesn't feel that the Town Board is doing their job of representing the people with this.

Mr. Coogan is very much opposed. He believes that taking voting rights from the people is against democracy and open government, and rushing it through without proper debates and time for discussion is wrong.

Ms. Marino agreed with the issue of disenfranchisement that had been raised by others. She stated that she has thought a lot about the issue and talked to many other officials. She believes that having the two positions be appointed is better. Although the budget is overseen by the Town Board, it is sometimes harder to have a coordinated effort when officials are elected. Since moving the titles to appointed would be such a big change, the referendum should take place in November and demonstrate a consensus of voters. It will be important to voters for the board to clearly explain their selection process for appointed candidates. While the public does interact frequently with the clerk and highway superintendent, they may not understand the statutory obligations that go along with the jobs. Also, since the positions are full time, they should have the benefits of sick and vacation time, etc.

### **CLOSING THE HEARING:**

Before closing the hearing, Ms. Thomas asked if there was anyone else who would like to

Hearing no further comments, Ms. Thomas asked for a motion to close the hearing.

Ms. Zahler made a motion to close the hearing at 7:47 pm, seconded by Mr. Goldman and passed unanimously.

*Respectfully submitted by Carissa Parlato on 3/24/16.*