

TOWN BOARD MEETING

Town of Ulysses

July 26, 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.

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

ATTENDANCE:

PRESENT:

Supervisor- Liz Thomas

1st Deputy Supervisor- Nancy Zahler

2nd Deputy Supervisor- Michelle Wright

Board members- Michael Boggs, Rich Goldman, John Hertzler

Town Environmental Planner: Darby Kiley

OTHERS PRESENT:

Philip Antweiler

CALL TO ORDER:

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

APPROVAL OF MEETING AGENDA

RESOLUTION 2016-136:

APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for July 26, 2016 with the addition of an executive session for a discussion of salary (promotion) related to a particular person, and the addition of a General Announcements section, and moving the glare study up to the first item on the agenda.

Moved: Ms. Thomas

Seconded: Ms. Zahler

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler aye

Mr. Boggs aye

Mr. Goldman aye

Vote: 5-0

Date Adopted: 7/26/16

PRIVILEGE OF THE FLOOR:

Mr. Antweiler urged code enforcement action on the red house in Jacksonville.

APPROVAL OF CONSULTANT FOR GLARE STUDY AS REQUESTED BY THE PLANNING BOARD

RESOLUTION 2016-137:

APPROVAL OF CONSULTANT FOR GLARE STUDY AS REQUESTED BY THE PLANNING BOARD

WHEREAS, the Planning Board recently approved a major solar installation and is currently reviewing a second solar installation adjacent to the first one; and

WHEREAS, on July 5, 2016, the Planning Board passed the following resolution: "The Planning Board requests a third party review of the previously approved major solar project as well as the project currently under consideration, on issues concerning glare, screening, the design of the project (sloped land, panel orientation), and the proposed planting plan (including types of vegetation);" and

WHEREAS, the Town Environmental Planner contacted two engineering firms to solicit proposals, received only one proposal, and recommends LaBella Associates, D.P.C for the project review;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulysses approves LaBella Associates, D.P.C for the review of the major solar projects as requested by the Planning Board, according to the proposal submitted on 7/15/2016 of \$250 with potential additional funding not to exceed \$1000, to fully respond to Planning Board requests including adequate onsite evaluation.

Moved: Mr. Goldman Seconded: Mr. Boggs

Discussion:

The group discussed the project further, hoping to resolve the issues before the upcoming solar farm nearby is built.

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

Vote: 5-0

Date Adopted: 7/26/16

GENERAL ANNOUNCEMENTS:

Ms. Zahler:

- No updates from Exxon-Mobil, but she does expect to talk to them this week.

Ms. Thomas:

- The Salo Drive grant application for acquisition of land was submitted last Friday.
- The Town Hall entrance revitalization was not eligible for state grants through the consolidated funding grant programs, but local funding might be available through the County's Beautification Grant program.
- Mr. Myers has prioritized properties not in compliance with NYS Building Code and drafted letters to be reviewed by attorneys before sending. Dangerous and un-occupied properties that are out of compliance are a top priority.

OLD BUSINESS:

SCHEDULING A PUBLIC HEARING AND PUBLIC INFORMATION SESSION FOR LOCAL LAW NO. 2 OF 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

RESOLUTION 2016-138:

SCHEDULING A PUBLIC HEARING AND PUBLIC INFORMATION SESSION FOR LOCAL LAW NO. 2 OF 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

WHEREAS, Local Law No. 2 of 2016 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 was introduced by a Town Board member at a Town Board meeting on July 26, 2016;

NOW, BE IT RESOLVED that the Town Board of the Town of Ulysses schedule a Public Hearing on Local Law #2 of 2016 at 7:00pm on Tuesday, August 9, 2016 at the Ulysses Town Hall; and be it further

RESOLVED that the Town Board will hold a Public Information Meeting on the proposed Local Law at 6:30pm on Tuesday, August 9, 2016 at the Ulysses Town Hall; and be it further

RESOLVED that the Town Clerk publish notice of the Public Hearing as required by law.

*TOWN OF ULYSSES, NEW YORK
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 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 January 1, 2018, following the expiration of the current elective term of office of the Highway Superintendent on December 31, 2017. The appointed position of Highway Superintendent of the Town of Ulysses, New York is hereby created, effective January 1, 2018.

SECTION 3.

Commencing January 1, 2018, the Highway Superintendent of the Town of Ulysses shall be the person appointed by the Town Board of the Town of Ulysses.

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 the general elections to be held on November 8, 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 upon the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 8, 2016, and the filing with the Secretary of State in accordance with the applicable provisions of law.

Moved: Ms. Zahler

Seconded: Mr. Goldman

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

Vote: 5-0

Date Adopted: 7/26/16

SCHEDULING A PUBLIC HEARING AND PUBLIC INFORMATION SESSION FOR LOCAL LAW NO. 3 OF 2016: A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND THE CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF ULYSSES

RESOLUTION 2016-139:

SCHEDULING A PUBLIC HEARING AND PUBLIC INFORMATION SESSION FOR LOCAL LAW NO. 3 OF 2016: A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND THE CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF ULYSSES

WHEREAS, Local Law No. 3 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 was introduced by a Town Board member at a Town Board meeting on July 26, 2016;

NOW, BE IT RESOLVED that the Town Board of the Town of Ulysses schedule a Public Hearing on Local Law #3 of 2016 at 7:00pm on Tuesday, August 9, 2016 at the Ulysses Town Hall; and be it further

RESOLVED that the Town Board will hold a Public Information Meeting on the proposed Local Law at 6:30pm on Tuesday, August 9, 2016 at the Ulysses Town Hall; and be it further

RESOLVED that the Town Clerk publish notice of the Public Hearing as required by law.

*TOWN OF ULYSSES, NEW YORK
PROPOSED LOCAL LAW NO. 3-2016*

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, 2018, following the expiration of the current elective term of office of the Town Clerk on December 31, 2017. The appointed position of Town Clerk of the Town of Ulysses, New York is hereby created, effective January 1, 2018.

SECTION 3.

Commencing January 1, 2018, 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 the general election to be held on November 8, 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 upon the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 8, 2016, and the filing with the Secretary of State in accordance with the applicable provisions of law.

Moved: Ms. Zahler

Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 7/26/16

NEW BUSINESS:

SETTING A PUBLIC HEARING FOR LOCAL LAW NO. 4 of 2016—OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

RESOLUTION 2016-140:

LOCAL LAW NO. 4 of 2016—OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

BE IT RESOLVED that the Town Board of the Town of Ulysses will hold a Public Hearing on the proposed Local Law # 4 of 2016 to override the NYS tax levy limit as allowed by General Municipal Law. The Public Hearing will be on August 9, 2016 at 6:00 pm at the Ulysses Town Hall at 10 Elm St. Trumansburg, NY.

LOCAL LAW NUMBER 4 of 2016, TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C

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

Section 1. Legislative Intent: *It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ulysses, County of Tompkins pursuant to General Municipal Law §3-c, and to allow the Town of Ulysses, County of Tompkins to adopt a town budget for (a) town purposes, (b) fire protection districts, and (c) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.*

Section 2. Authority: *This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.*

Section 3. Tax Levy Limit Override: *The Town Board of the Town of Ulysses, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.*

Section 4. Severability: *If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.*

Section 5. Effective date: *This local law shall take effect immediately upon filing with the Secretary of State.*

Moved: Ms. Thomas

Seconded: Ms. Zahler

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

Vote: 5-0

Date Adopted: 7/26/16

RESOLUTION 2016-141:

CHANGING CODE ENFORCEMENT PAY FROM HOURLY TO SALARY

BE IT RESOLVED that the Town Board of the Town of Ulysses authorizes the pay for the Code Enforcement Officer and Building Inspector to be changed from hourly to a salaried position based on his current hourly rate of pay effective as of 7/31/2016.

Moved: Ms. Thomas

Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 7/26/16

PRIVILEGE OF THE FLOOR:
(none)

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2016-142: APPROVAL OF MINUTES: 7/12/16

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 7/12/16 as amended by Ms. Zahler and Ms. Thomas.

Moved: Ms. Thomas Seconded: Mr. Goldman

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

Vote: 5-0
Date Adopted: 7/26/16

EXECUTIVE SESSION:

Ms. Zahler made a motion to move into Executive Session at 8:01 pm for the purpose of discussing the employment history and matters leading to the promotion, demotion, or suspension of a particular person; and discussing possible acquisition of real estate where a public discussion may affect the price or terms. This was seconded by Mr. Thomas and passed unanimously.

Ms. Zahler moved to end Executive Session at 9:40pm, seconded by Mr. Goldman and passed unanimously.

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 9:41pm; seconded by Mr. Hertzler and passed unanimously.

Respectfully submitted by Carissa Parlato on 8/4/16.