

**PUBLIC HEARING**

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LOCAL LAWS 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

LOCAL LAWS 2 OF 2016:

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

*Town of Ulysses*

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August 9, 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  
Attorney for the Town- Mariette Geldenhuys  
Highway Superintendent- Dave Reynolds

**OTHERS PRESENT:**

Bill Houseworth, Roxanne Marino, Carolyn Duddleston, Sandra Duddleston, Doug Duddleston, Greg Grodem, Eric Slocum, Glynis Hart

**MOTION TO OPEN HEARING:**

Mr. Goldman made a motion to open the hearing at 7:29pm, seconded by Ms. Zahler and passed unanimously.

**OPENING STATEMENT BY SUPERVISOR THOMAS:**

Welcome. My name is Elizabeth Thomas and I am the Supervisor of the Town of Ulysses. I am conducting tonight's public hearing on behalf of the Town Board of the Town of Ulysses. Before we begin, I'd like to again introduce the other members of the Town Board: Michael Boggs, Richard Goldman, John Hertzler, and Nancy Zahler (1st Deputy Supervisor); and Town Clerk, Carissa Parlato.

The issues before us tonight are 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, November 8, 2016.

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 2.5 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.

In order to meet the Board of Elections deadlines to have this issue on the ballot, the Town Board will need to take action tonight on the two local laws to change these two elected positions to appointed. But the real decision will be made on November 8 when the referendum will go before the voters—you and your neighbors will decide.

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

If you want to make a comment for the record, please raise your hand and I will call on you. Each person who wants to speak will have one opportunity to do so. Speakers will each have 3 minutes and may not cede any of their time to other speakers.

The date of this public hearing was set by resolution of the Town Board on Tuesday, June 26, 2016 and a notice of this hearing was published in the Ithaca Journal on Saturday, July 30, 2016.

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The purpose of this public hearing is to afford the general public an opportunity to make statements and comments about the Local Laws for the official record. 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 ask or answer questions, or engage in a dialog on the subject. Time for questions was during the Public Information Meeting that began at 6:30 and is now closed.

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 3 minutes.

I request that each speaker state your name and the municipality in which you live. You may, but do not need to 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.

Next I will address some administrative matters by noting the presence of the following documents:

1. Affidavit of Publication in the Ithaca Journal on Saturday, July 30, 2016
2. The proposed Local Laws.

I will now call on people to speak. Please raise your hand if you would like to speak.

### **PUBLIC COMMENTS:**

Mr. Slocum opposes the change. He believes the electorate is competent to select people for these positions, and that those who run for office are those who want to serve. If this law is passed, the public will never get this control back.

Ms. Hart is against it the passage of these laws for personal and professional reasons, including the erosion of democracy and erosion of the press.

Mr. Wertis echoed the other speakers, noting the lack of democratic process with appointed positions.

Mr. Houseworth expressed his opposition.

Ms. C. Duddleston does not want power taken away from the people. She is opposed.

Ms. S. Duddleston is also against the change.

Ms. Marino supports the change. *(See written statement in the appendix).*

Mr. Grodem supports the referendum.

*(See appendix for more comments submitted in advance of the hearing).*

### **CLOSING THE HEARING:**

Before closing the hearing, Ms. Thomas asked if there was anyone else who wanted to speak. Hearing no further comments, Ms. Thomas asked for a motion to close the hearing.

Mr. Goldman made a motion to close the hearing at 7:44 pm, seconded by Mr. Boggs and passed unanimously.

### **APPENDIX A: Resident comments**

#### From Todd Parlato:

I am writing to encourage the Ulysses Town Board to consider canceling the proposed passage of Local Laws #2 & #3 of 2016: abolition of election of Town Clerk and Highway Superintendent and move to creation of appointed positions.

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Having considered the proposed move by the Town Board for some time, I have decided to come out against this effort. I appreciate the Town Board members who are supporting this effort, but I believe the direct election of these positions is critical to maintain important checks and balances in our local government. I have a strong belief that elected officials are more likely to express attitudes and generate outcomes that reflect their direct exposure to the policy preferences of voters, in contrast to the more insulated position of appointed officials.

I ask the Town Board to consider canceling the effort to pass Local Law #2 & #3 leading to the inclusion of this issue as a referendum on the November ballot.

Thank you for your consideration!

From Sue Poelvoorde:

I have a prior commitment tonight otherwise I would attend. As a former Town Board member, I wholeheartedly support that the Town Clerk and Highway Superintendent positions be hired positions. I advocated for this when I was on the Board in the early 2000s. These positions require skill sets that many voters don't know about and don't come out during elections.

From Judy Abrams:

I will not be able to attend the public meeting tonight. I would like to express my opinion that the positions of town clerk and highway superintendent should be appointed positions instead of elected positions.

From Sue Ritter:

I am unable to attend the public hearing tonight regarding consideration of the Town of Ulysses moving to an appointed town clerk and highway superintendent, but I wanted to express my support in writing for this proposal. I think the move to professionalize these positions by appointing people based on their qualifications is a good one. This will allow the town to establish minimum qualifications, recruit widely and consider many applications. The tradition of having an elected individual running these departments just doesn't make sense in this day and age. Many communities throughout NYS are moving in this direction as a means of creating more accountability, cooperation, oversight and transparency and I totally support the Town of Ulysses in this effort.

From Peter Meskill:

For the official record because I will be out of Town on Tuesday evening August 9. I am opposed to changing the position to appointed. It takes away my right to vote. Why do five people on a board we elected think they know better than the electorate they are suppose to serve!

That is wrong and disheartening and just another way to disenfranchise people from coming out to vote. Not Democratic or democrat like in both meanings of the word.

I will work to have to defeat this idea and vote and to find opposition for those elected officials that I can't believe somehow think they are so elite that they know better than the people that elected them and they are suppose to represent sad!

From Ms. Marino:

I want to reiterate again that my position on this issue is in absolutely no way a reflection on how the Clerk or Highway Superintendent are carrying out their jobs. The Town Board is fortunate in having first rate folks like Carissa and Dave to work with, there is so much that can and is being done now as a result. It serves the Town and its residents immensely, in many more ways that are obvious to most of the public.

I support the Town of Ulysses moving from an elected Clerk and Highway Superintendent to appointed positions, on the basis of best accountability and delivery of services to taxpayers for the full range of necessary duties performed by those critical positions.

There are incompatibilities with the legal responsibilities of the Town Board to run town government as the executive, administrative and legislative body, and having the management level positions for provision of many town functions (Town Clerk, Highway Superintendent) being elected. For example, elected officials are not supervised by, or accountable to, anyone except the voters, every 4 years in Ulysses. As such it can be problematic to have efficient, coordinated financial and administrative management of the Town on a day to day or annual basis. Additionally, important long

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range planning activities are hindered or made impossible if one or more parties are uncooperative or unwilling to engage as needed. It can also be more difficult to adapt to changing needs and conditions in the Town, or to respond to unforeseen issues that come up in the period between elections and require coordination across the parties that collectively have the responsibility for Town functions. Although the Town Board controls and ultimately approves the budget, including the salaries of elected officials annually, the salary of an elected official cannot be lowered during their term of office regardless of whether or not their job is being done well, or even at all. This leaves little recourse for the Town Board to re-allocate funds to improve necessary services if the needs of the public or legal responsibilities of the town are not being met.

I understand and respect the desire for the voters to maintain their right to directly choose the Town Clerk or Highway superintendent. However, many of the statutory requirements and critical duties of these positions are not transparent to the public to evaluate, and this often results only in a sense of divisive, negative attacks when trying to present significant concerns at election time. Appointed Clerk and Highway Superintendent positions allow the Town to search for and place the best qualified candidates into those jobs, an advantage if such local candidates are not comfortable running for office, or in the event that no well enough qualified resident of the town can be found (elected officials must be residents of the municipality). That said, I do believe strongly that the Town should do everything it can to have local residents in these positions, supported by our taxpayer dollars. Appointed positions allow for more flexibility in finding and retaining continuity in these important municipal positions, which have steep learning curves and require significant time and financial investments in training, as they are not up to be changed every 4 years.

With a change to appointed from elected Clerk and Highway Superintendent comes the additional responsibility of the citizenry to elect Town Board members that will govern in a thoughtful, fair and open way, in order to ensure that the needs and priorities of the public are met with regard to the services provided by the departments those positions manage. The tradeoff of a direct vote on who will serve as the Highway Superintendent and Clerk every 4 years vs. a codified procedure to create and maintain a stable management team of well qualified individuals with a structure that allows for accountability and reward is a worthwhile one, in my opinion, as a former Town Supervisor who understands the inner workings, needs, and constraints of Town government.

*Respectfully submitted by Carissa Parlato on 8/12/16.*