

## TOWN BOARD MEETING

Town of Ulysses

August 14, 2018

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

#### TOWN OFFICIALS PRESENT:

Supervisor- Liz Thomas

Board members- Michael Boggs, John Hertzler, Nancy Zahler

Deputy Town Clerk- Sarah Koski

Bookkeeper- Nina Thompson

OTHERS PRESENT: Will Conway, Anne Koreman, Louise Terry, Sarah DelRosso, Mairead O'Sullivan

**EXECUTIVE SESSION:** Ms. Thomas moved to go into Executive Session at 6:30pm for the purpose of discussing the acquisition or sale of property, seconded by Mr. Boggs and passed unanimously.

Mr. Goldman moved to end Executive Session at 6:55pm, seconded by Ms. Thomas and passed unanimously.

**PUBLIC HEARING:** *See separate Public Hearing minutes from 8/14/2018*

### **CALL TO ORDER:**

Ms. Thomas called the meeting to order at 7:22pm.

### **APPROVAL OF MEETING AGENDA**

#### **RESOLUTION 2018-145: APPROVAL OF MEETING AGENDA**

BE IT RESOLVED that the Ulysses Town Board approve the agenda for August 14, 2018 with the addition of an executive session for discussing the acquisition or sale of property.

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: 8/14/18

### **PRIVILEGE OF THE FLOOR:**

Ms. Koreman shared the following: as a member of Jacksonville Community Association, she wanted to extend a thank you to the Town for mowing the Jacksonville Park.

### **REPORTS FROM REPRESENTATIVES:**

Ms. Koreman, Tompkins County Legislator. Airport updates: construction is proceeding rapidly; the plan is to add three new gates and to expand service to Chicago, Charlotte, and Washington DC. The airport is also looking into a shuttle service to NYC where travelers can check in and get screened in Ithaca and be transported to NYC airports where they will not need to wait in line. Public safety committee: Ms. Koreman reported that there were no arrests at Grassroots Festival this year, which meant there was no spike in the jail population as in previous years. Sales tax for the 2<sup>nd</sup> quarter was up again. Ms. Koreman said the County was looking for reasons behind the recent rise in sales tax, and the major reason was the increase in gasoline prices. Inflation and consumer confidence are also up, which adds to an increase in consumer sales. Ms. Koreman also said the County Legislature has asked the State to enforce the collection of online sales tax.

Ms. Thomas asked about the closure of the inter-city bus station in Ithaca. Ms. Koreman had not heard about the closing and she will investigate. Ms. Thomas also asked about moving the DOT from the inlet to near the airport and Ms. Koreman said there was not a timeline in place yet for that move – the focus has been on airport construction. Ms. Thomas also extended a thank you for the county Planning Department for their plan to increase outreach with area municipalities.

Ms. Thomas recently attended a symposium on Harmful Algal Blooms and is interested in getting a septic system testing protocol in place to help prevent excess nutrients from entering the lake. Ms. Thomas will be in touch with Ms. Koreman to discuss this further.

Ms. Thomas suggested that since the union representative Will Conroy was present, the Town Board start with the union negotiation resolution before moving on to Town reports and the rest of the meeting.

## **UNION CONTRACT**

### **RESOLUTION 2018-146: APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL 317 HIGHWAY DEPARTMENT FOR 2018-2020**

WHEREAS, the Town Board recognized Teamsters Local 317 as the exclusive representative for collective bargaining purposes of certain full-time Highway Department employees; and

WHEREAS, the Town's negotiations team and Teamster's negotiations team have come to a tentative agreement on the terms and conditions of a collective bargaining contract for the term of January 1, 2018 through December 31, 2020; and

WHEREAS, the Town Board has reviewed the proposed Agreement; and

WHEREAS, the employees in the collective bargaining unit met on July 26<sup>th</sup> 2018, and affirmatively voted to ratify the contract;

Now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulysses does hereby accept the recommendation of the negotiation team and approves the signing of the collective bargaining agreement between the Town of Ulysses and Teamsters Local 317; and be it further

RESOLVED, the contract is effective January 1, 2018 through December 31, 2020; and be it further

RESOLVED, the Ulysses Town Board authorizes Supervisor Elizabeth Thomas to sign the collective bargaining agreement.

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: 8/14/18

**TOWN REPORTS:**

*(See appendix)*

**OLD BUSINESS:**

**LOCAL LAW #4 OF 2018 - OVERRIDE TAX LEVY LIMIT**

**RESOLUTION 2018-147: LOCAL LAW #4 OF 2018 – TO OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3- C**

WHEREAS, according to New York State’s Property Tax Cap legislation, if a town government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the town must pass a local law to override that cap, and

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the town inadvertently out of compliance, and

WHEREAS, a public hearing was held by the Ulysses Town Board on August 14, 2018, to hear all persons interested in proposed Local Law No. 4 of 2018, now therefore be it

RESOLVED, That Local Law No. 4 of 2018 - A Local Law Overriding Tax Levy Limit for 2019 is hereby adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town of Ulysses to override the tax levy limit by the adoption of a local law approved by a majority, also further

RESOLVED, That the Clerk shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

SEQR ACTION: TYPE II-20

Moved: Ms. Thomas                      Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 8/14/18

**PARKING LOCAL LAW**

Ms. Thomas introduced the proposed local law *(see a draft of the proposed local law in the appendix)*. The board discussed the specifics of the proposed local law.

**RESOLUTION 2018-148: SETTING A PUBLIC HEARING FOR THE TOWN OF ULYSSES PARKING LOCAL LAW**

RESOLVED that the Town of Ulysses Town Board will hold a Public Hearing for the Town of Ulysses Local Law \_\_\_\_ of 2018 pertaining to parking and obstruction of highways. The Public Hearing will be on August 28, 2018 at 7:00 p.m. at the Ulysses Town Hall at 10 Elm St. Trumansburg, NY, and further

RESOLVED that the Ulysses Town Clerk will ensure the proper notice of Public Hearing in the newspaper, on the Clerk’s bulletin board, the website and the town listserv.

Moved: Ms. Thomas                      Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 8/14/18

## **ZONING TIMELINE**

The board discussed the timeline and events for the zoning update.

Open houses are planned on August 20<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> at Town Hall and a Public Information Meeting will be held at the Trumansburg Fire Hall on August 30<sup>th</sup>. These have been announced on the website, through the listserv and the clerks are working on a flyer to post around town.

Ms. Thomas reviewed all the meetings, timelines and legal requirements that need to happen before the new zoning law can be adopted.

## **NEW BUSINESS:**

### **PAID FAMILY LEAVE POLICY**

**DISCUSSION:** Ms. Thomas pointed out that the Town board had previously voted to opt in to provide paid family leave but never adopted policy language. Ms. Thompson looked at several policies and presented a version for the Town Board to consider, which has been reviewed by the Town Attorney. Most of the language of the policy is mandated by State law. Ms. Thomas clarified that this policy allows taking paid time off for caring for a sick family member or bonding with a new child, among other allowances, as opposed to leave for an employee's own medical condition. Mr. Goldman asked about how employees would be paid under this policy. Ms. Thompson explained that the Town already voted to pay the insurance premium to cover Town employees, and if an employee presents a claim under this policy, the insurance company would pay the employee for their claim if approved.

Ms. Thomas introduced the following resolution:

### **FAMILY LEAVE POLICY**

#### **RESOLUTION 2018-149: FAMILY LEAVE POLICY:**

RESOLVED that the Ulysses Town Board adopts the Paid Family Leave Policy presented at the August 14, 2018 Town Board meeting and further

RESOLVED this policy will be incorporated into the Ulysses Personnel Policy.

**Discussion:** Ms. Zahler suggested a friendly amendment under the Employee Responsibilities section of the Family Leave Policy: *Where such notice is not possible, the employee must provide notice as soon as practicable and must notify their supervisor per normal notification (call-in) procedures.*

Moved: Ms. Thomas                      Seconded: Mr. Boggs

Ms. Thomas                      aye

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

Vote: 5-0  
Date Adopted: 8/14/18

## **FUNDING REQUEST FOR TREES AT THE FAIRGROUNDS**

### **RESOLUTION 2018-: AUTHORIZING FUNDING FOR THE FAIRGROUND IMPROVEMENTS - TABLED.**

RESOLVED that the Ulysses Town Board approves one-time funding amount of \$3,000 for trees for the Trumansburg Fairgrounds to replace the mature trees that were recently removed by the NYS Department of Transportation and the NYS Electric and Gas Company.

Discussion: Mr. Goldman and Ms. Zahler expressed a desire to have the entire budget for the tree replanting project before the Town Board commits funding. Ms. Zahler will reach out to Peggy Haine, who submitted the request on behalf of the Rotary, to get details before the Town Board votes on authorizing funding.

**TABLED**

## **BUDGET PREPARATIONS**

Ms. Thomas shared a budget timeline with the Town Board members. Board members set the following budget meetings: October 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> at 8am at Town Hall.

## **PRIVILEGE OF THE FLOOR:**

*(none)*

## **MONTHLY BUSINESS:**

## **APPROVAL OF MINUTES**

### **RESOLUTION 2018-150: APPROVAL OF MINUTES- 7/24 & 7/25/18**

RESOLVED that the Ulysses Town Board approves the minutes from the regular meeting on 7/24/2018, and the special meeting on 7/25/18.

Moved: Ms. Thomas                    Seconded: Mr. Boggs

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

Vote: 5-0  
Date Adopted: 8/14/18

## **APPROVAL OF CLAIMS**

### **RESOLUTION 2018-151: APPROVAL OF CLAIMS**

BE IT RESOLVED that the Ulysses Town Board approve payment of claims for vouchers #341-386 in the amount of \$146,886.94.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 5-0

Date Adopted: 8/14/18

**EXECUTIVE SESSION:**

Ms. Zahler moved to go into Executive Session at 9:36pm for the purpose of discussing the acquisition or sale of property, seconded by Mr. Boggs and passed unanimously.

Mr. Goldman moved to end Executive Session at 10:21pm, seconded by Ms. Thomas and passed unanimously.

**ADJOURN:**

Mr. Boggs moved to adjourn the meeting at 10:22pm; seconded by Ms. Zahler.

---

**APPENDIX:**

**TOWN REPORTS:**

**HIGHWAY SUPERINTENDENT:-Submitted by Mr. Reynolds**

**July 11<sup>th</sup> to August 14<sup>th</sup>, 2018**

- We took delivery of new John Deere mowing tractor. We have been mounting accessories as well as test driven it around the yard – no scratches yet.
- Minor repairs to trucks – thankfully nothing major.
- Have done removal of a few dead trees along roads.
- Mutual aid to Towns of Ithaca and Enfield as well as Tompkins County with their projects.
- Trimming limbs and brush from road signs and guide rails.
- We have escaped many problems with the rain – north and west of us have been in recover mode today. We have offered assistance – none required so far.
- We reached out to Seneca County and Covert regarding disaster recovery. Due to more rain in the forecast, they have postponed remediation.
- Have hauled stone for the stockpile.
- Cleaning and painting of fuel storage tanks.
- PESH (Public Employee Safety & Health, AKA OSHA for the public sector) paid us a surprise visit – only a few minor items had to be rectified.

**Future:**

- Warranty on loader is running out.
- New truck for 2019 – major purchase.
- DEC is due to survey the old dump (behind the Town Barns).

**TOWN SUPERVISOR: Submitted by Ms. Thomas**

**Energy**

- CEC Grant – meet with Roxanne and team to move this grant for heat pumps in Town Hall forward. Sign contract. Attend to grant details.

**Budget/Financial**

- Review assessment figures for 2018
- Review sales tax for 2018 and make estimate for 2019
- Work with Bookkeeper on budget request for 2019 and timeline for adoption.

### **Planning and Zoning update**

- Chair final meetings of Zoning Update Steering Committee – organize topics, assist with and prepare agendas, conduct meetings, interface with consultants, review new drafts, edit minutes, etc.
- Review new summaries and post to website.
- Develop potential timelines for adoption of zoning with consultant.
- Plan for public outreach meetings for zoning. Write up announcement for public outreach and send to listserv.
- Appointment and orienting new Planner
- Meet with County Planning at TCCOG to plan for more outreach to, and coordination with municipalities.
- Discuss SEQR, lead agency, 239 review, and other legal details of adoptions

### **Water Districts**

- Falls Road – answer resident questions about the second version of the petition to form water district.
- WD3 – begin compiling data for quarterly report.
- Begin discussions of reassignment of water units to reflect current usages.

### **Water Quality**

- Water quality – part of a team monitoring Cayuga Lake for HABs
- Attend symposium on research about cyanobacteria in the Finger Lakes.
- Discuss adopting septic system testing requirements.

### **Other**

- Union contract – follow changes and comment.
- Trails website – meet with county Tourism Planner about trails and website stewardship.
- GrassRoots – coordinate with Health Dept and other entities for permitting.
- Agenda topics: Parking Local Law, Union Contract, Paid Family Leave Policy, Tax Levy Limit override,
- Listserv news – contribute articles and emergency notifications.
- Grants – Letters of support for Conservatory grant, Stormwater Coalition grant, and Water Front Trail in Ithaca.
- Policy – clarify Procurement Policy flowchart
- Town Hall – begin making arrangements for more office space in upstairs of town hall
- New computer requires some getting used to!
- Cemeteries – more maintenance on Jacksonville cemetery. Another Eagle Scout candidate wants to continue work.

### **Meetings and Training**

7/10, 11, 18, 25 – Town Board meeting

7/12 – Clean Energy Communities grant for Town

Hall 7/12 – last Zoning Update Steering Committee meeting

7/18 – meet with concerned resident about water district on Rt 89

7/19 – Meet with County Tourism Planner

7/19 – PRI Advisory Board

7/26 - TCCOG

8/9 – Records management meeting

8/9 – HAB symposium in Geneva

### **Questions/Concerns from Residents**

- Concern over stormwater for construction project
- Suggestion for a ban on confederate flags.
- Complaint about fireworks at Taughannock.
- Complaint about Spectrum Cable.
- Rt 89 water district
- Zoning (2)

**Repeating daily/weekly/monthly tasks:**

- Work with each department on current topics.
- Respond to constant flow of questions from residents, volunteers and staff.
- Weekly review of topics with attorney for the town.
- Monthly review of county actions.
- Daily check-in with Town Hall staff.
- Communications – assist with listserv news
- Periodic discussions with Zoning Officer over a variety of topics.
- Prepare agendas, resolutions, and background documents. Review topics with TB members, conduct meetings, and review minutes.
- Provide oversight and follow-through on decisions and requests made at Town Board meetings.
- Review claims and budget, make suggested budget modifications to be approved by TB, review payroll, sign checks,
- Review financial reports.
- Periodic check in with Town Clerk and Deputy Supervisor re work load and coordination.
- Respond to surveys when requested.

**TOWN CLERK: Submitted by Ms. Parlato**

<b>LICENSES/PERMITS issued:</b>	<b>#</b>
Sporting licenses	12
Disabled parking permits	11
Dog licenses and renewals	93
Marriage licenses	6
Plumbing permits	1
Address assignments	2
Notarizations	6
FOIL requests-received	0
FOIL requests-completed	1

<b>FINANCIAL REPORT:</b>	
\$2090.50	TOTAL Collected for fees & licenses
\$1600.21	stays in the town
\$490.29	goes to the state

**CLERK's OFFICE TASKS:**

## Routine tasks:

- Notarizations
- Ordered supplies
- Retrieved, sorted, vouchered mail
- Answered inquiries on various topics
- Took and wrote up meeting minutes
- Kept website current
- Sent listserv messages to residents (~2/month)
- Mailed and posted dog licenses; issued tickets as needed
- Scheduling of various meetings
- Assist other departments when possible
- Update health/dental insurance info for staff as needed
- Attend all Town Board meetings and take minutes

## Other tasks:

- Assist with on-boarding of new staff



WATER DISTRICT TASKS:

- Work with Water District Operator on new water hook ups, final reads and other issues.

RECORDS MANAGEMENT TASKS:

- Continue with scanning of building plans into Laserfiche for easier access and storage. Scanning is being done through the County Clerk’s office. We are more than half way done!
- Staff education- send e-mail regarding e-mail records
- Schedule advisory board meeting

COMMITTEES/ASSOCIATIONS:

- Health Consortium- July meeting cancelled

**CODE ENFORCEMENT: Submitted my Mr. Myers**

Building Permits issued	15
Plan Reviews	6
Certificate of Occupancy issued	6
Certificate of Compliance issued	5
Complaints Received	3
Complaints Resolved	1
Inspections (Footers, Foundations, Plumbing, Insulation, roofing, Pools, Etc.)	40
New Site Inspections	16
Building Review Consultations (pre-plan meetings, Future Building/Remodeling)	9
Fire Safety Inspections	2
Code Training Seminars	0
County Assessment/Board Reports	2
Open property in violation cases	6
Property violations resolved	0

Value of Permits issued: \$1,065,668

Building Permit fees collected for month: \$4,668

**BOOKKEEPER REPORT: submitted by Nina Thompson**

Regular Duties:

- Personnel
  - Payroll
    - Processed and reconciled payrolls 14, 15 & 16
    - Processed employee changes and made corrections as needed
  - NYSLRS
    - Monthly Reporting
  - Retirees
    - Quarterly invoicing for retiree benefits
  - Quarterly reporting to PERMA
- Banking
  - Completed regular bank deposits – in person for cash with remote deposit system for checks

- Completed regular bank account transfers to cover payments
- Payments
  - Produced vouchers for monthly pre-pays, insurance invoices and other miscellaneous payments
  - Reviewed monthly vouchers & abstracts
  - Printed checks for pre-pays and scheduled voucher payments once approved
- Month End Close Out – June
  - Entered all Payroll entries (cash receipts, cash disbursements & general journal entries)
  - Entered all cash receipts (general receipts, WD accounting, etc.)
  - Entered all cash disbursements
  - Entered all general journal entries (bank transfers, interest, WD billings, budget modifications & other general journal entries)
  - Close out steps (Load abstracts, close CR & CD journals & print reports)
  - Reconciled WD3 & 4 receivable accounts
  - Reviewed month end financial reports and distributed them to Town Board & Staff
- 2019 Budget
  - Started to prepare for 2019 budget season
  - Reviewed notes from last year for changes needed in 2019 budget
  - Developed and revised budget development calendar
  - Updated historical revenue and expenditure summary workbook
  - Created and updated individual Department Budget Worksheets and compiled associated financial reports
  - Created and updated new workbook for 2019 budget

#### Trainings:

- AOT Training – Charitable Reserve Funds – July 17
- OSC Webinar – Accounting & Reporting Update – July 31

#### Meetings:

- 07/10/2018 – Town Board Meeting
- 07/17/2018 – TOU Coffee Break
- 07/24/2018 – Town Board Meeting

#### Non-Regular Duties:

- Trumansburg/Ulysses Sidewalk Project
  - Communicated with contractor and engineering firm with regards to plan for completion of paperwork end of project.
  - The paperwork and financial end of the project will continue for a little while longer.
- Personnel
  - Personnel Policy & Union Contract/Collective Bargaining Agreement
    - Reviewed additional drafts of Union Contract /Collective Bargaining Agreement
    - Continued to revise and update the Comparative Analysis document
    - Continues to incorporate changes into draft Union Contract/Collective Bargaining Agreement
    - Follow up on draft PFL policy language
  - Responded to HR related employee and Town Board member inquires
  - New Hires & Departures
    - Completed paperwork and orientations with new hires–18 Summer YEP & 2 Others

- Entered new hires into payroll system
  - Communicated with Tompkins County HR Dept with regards to new hires & departures
  - A lot of follow-up regarding missing paperwork
  - Lots of follow-up regarding NYSLRS registrations due to their backlog and our fax issues
- Procedures
  - Continued to update and refine written accounting procedures
- Budget Modification
  - Prepared draft 2018 budget modifications for 07/10/2018 Town Board Meeting
  - Entered budget modifications once approved
- Other Accounting
  - Continued to investigate, research and work on resolutions to outstanding accounting issues
    - Outstanding historical interfund transactions
  - Continued to work on OPEB Liabilities
    - Communicated with Actuary regarding process
    - Compiled and sent requested information to Actuary
  - Continued to research implications of NYS plan regarding Charitable Reserves and SALT deductions
  - Compiled paperwork for CHIPS submission per Highway Superintendent's request

Up Coming:

- **BUDGET!**
- Other Accounting
  - Continue to work on how to handle outstanding accounting issues
    - TA Fund/Bank Account
    - Full GAAP Compliance
- Personnel
  - Continue to work on Union Contract/Collective Bargaining Agreement
  - Continue to review/clarify/update Personnel Policy

**MS. ZAHLER shared the following:**

Ms. Zahler has been working on the union contract. The Ag committee will be meeting this Thursday the 16<sup>th</sup> and new Town Planner John Zepko will be meeting with them. The Village of Trumansburg has a new Police Chief who was appointed last night at the Village Board meeting and was sworn in today. One of the ideas the police force is considering is designating "safe spaces" around town where children or adults can stop in and ask for help.

**MR. BOGGS shared:**

Mr. Boggs shared the EMS transport report for the month of July.

Attended IO (Intermunicipal Organization) meeting . Cayuga county gave a presentation on how septic system testing works.

**DRAFT 8/7/2018 LOCAL LAW NO. \_\_\_\_\_ OF THE YEAR 2018**

**A LOCAL LAW TO REPEAL AND AMEND CHAPTER 186, ARTICLE I OF THE CODE OF THE TOWN OF ULYSSES PERTAINING TO PARKING AND CHAPTER 164, ARTICLE I PERTAINING TO OBSTRUCTION OF HIGHWAYS AND ENACT NEW PROVISIONS**

BE IT ENACTED by the Town Board of the Town of Ulysses as follows:

**SECTION 1. PURPOSE AND INTENT**

The purpose of this local law is to repeal the provisions of Chapter 186, Article I of the Code of the Town of Ulysses (hereafter referred to as “the Code”) pertaining to parking, which was adopted by Local Law No. 2-2008 on July 8, 2008, and Chapter 164, Article I of the Code pertaining to obstruction of highways, which was adopted as an ordinance on August 14 ,1984, and replace them with the provisions set forth in this local law to promote the health, safety and general welfare of the people of the Town by prohibiting parking in designated areas and/or at designated times, and to provide for the removal of vehicles in emergencies and other circumstances set forth in this local law, to ensure safe conditions on Town highways.

This local law is adopted pursuant to §1660 of the Vehicle and Traffic Law of the State of New York and §10 of the Municipal Home Rule Law of the State of New York.

**SECTION 2. REPEAL AND AMENDMENTS**

1. Chapter 186, Article I of the Code entitled “Parking” and Chapter 164, Article I of the Code entitled “Obstruction of Highways” shall be repealed and replaced by the following provisions:

**Chapter 186. Vehicles and Traffic**

**Article I. Parking and Obstruction of Highways.**

***§186-1. Findings.***

- A. Article 41 of the Vehicle and Traffic Law authorizes the Town to regulate traffic on town highways outside any village within the Town. §1660-a specifically authorizes towns to prohibit, restrict or limit the stopping, standing or parking of vehicles.
- B. There are locations in the Town where parking of vehicles can endanger the health, safety and welfare of residents of the Town and operators of motor vehicles.
- C. In emergency situations, it is necessary that the Town have the ability to remove vehicles that hinder or impair the ability of the personnel of the Town of Ulysses or any other governmental agency to respond to the emergency.
- D. The provisions of this Article protect and promote the health, safety and welfare of the Town and its residents, and of the operators of motor vehicles in the Town.

### ***§186-2. Parking regulation.***

- A. The parking of motor vehicles or any part thereof on the paved portion of Town highways, or upon the shoulder or upon or in any ditch adjoining said highways, is prohibited in all of the following locations:
- On both sides of Rabbit Run Road, 100 feet west from NYS Route 96.
  - 50 feet on both sides of the driveways of properties at 4487 and 4285 Rabbit Run Road on the south side of Rabbit Run Road only.
  - From the Fairground entrance (parcel number 12.-3-17) on the north side of Rabbit Run Road west to the end of property at 4580 Rabbit Run Road.
  - In front of properties between 4155 and 4093 Rabbit Run Road on the south side of the road.
- B. On Town highways where parking is not prohibited by this local law, all vehicles shall be parked completely off the paved area of the highway, or if there is a painted line indicating the shoulder of the road, outside the painted line. Failure to comply shall constitute violation of this local law.

### ***§186-3. Temporary Parking Regulations.***

When special events or other temporary circumstances result in potential traffic hazards and other conditions that are detrimental to the health, safety and welfare of Town residents, the Town Board may temporarily prohibit parking of motor vehicles or any part thereof on the paved portion of Town highways, or upon the shoulder, or upon or in any ditch adjoining said highways, for a period of up to thirty days, by adopting a resolution to this effect, which resolution shall direct the Highway Superintendent to post signs prohibiting parking on, or along, such Town highway during the period stated in the resolution. Violation of this section shall be subject to all the same penalties as violation of other sections of this local law.

### ***§186-4. Authority to Remove and Impound Vehicles; Procedure***

- A. Ticketing and removal of vehicles for violations of this local law when there is no emergency.
1. Except in emergencies as defined in Section 4B below, upon violation of this local law, a Sheriff's Deputy or other representative of the Sheriff's Department shall issue a ticket for violation of this local law on the Sheriff's Department's own initiative or upon request of a person or entity.
  2. A vehicle may only be removed by the Town of Ulysses where: (1) a violation of this local law constitutes a significant danger to the safe use of a Town highway or an obstruction to traffic which impedes the safe use of a Town highway; or (2) in the event that the same vehicle accrues three or more violations of this local law in the 24-month period preceding the violation. The removal shall be performed in the following manner: The Tompkins County Sheriff's Department shall issue a ticket for violation of this local law and remove the vehicle or arrange for its removal.
- B. Ticketing and removal of vehicles during an emergency.

Any vehicle parked or abandoned on any highway within the Town of Ulysses that hinders or impairs the ability of the personnel of the Town of Ulysses, or any other governmental agency, to respond during emergencies such as floods, fires, significant snowstorms, or public emergencies declared by the Tompkins County Sheriff's Department, another department or agency of Tompkins County, or the Town Supervisor, may be removed by the Town of Ulysses. Such removal shall be authorized by the Highway Superintendent. The Highway Superintendent shall either notify the Tompkins County Sheriff's Department and request that it issue a ticket for violation of this local law and remove or arrange for removal of the vehicle, or if there is insufficient time to follow this procedure in an emergency, the Highway Superintendent shall arrange for a towing service to remove the vehicle or authorize a Highway Department employee to remove the vehicle. If the Highway Superintendent arranges for the removal of the vehicle, either by a towing service or by the Highway Department, the Highway Superintendent shall promptly notify the Tompkins County Sheriff's Department of the removal of the vehicle, where it is stored, and request that the Sheriff's Department issue a ticket for violation of this local law.

#### ***§186-5. Penalties for offenses.***

Any violation of Sections 186-2, 186-3 and 186-4 of this local law shall constitute a traffic infraction and any persons violating the same shall be deemed guilty of a traffic infraction and shall be punishable by a fine of not more than \$50 for one infraction within the preceding twelve-month period; \$100 for two infractions within the preceding twelve-month period and \$150 for three or more infractions within the preceding twelve-month period.

#### ***§186-6. Storage and Charges.***

The owner of any vehicle removed as set forth in this local law shall pay the cost of removal and storage of the vehicle.

#### ***§186-7. Notice of Removal by the Town.***

In emergency instances where the Town arranged or performed the removal of the vehicle rather than under the direction of the Tompkins County Sheriff's Department, it shall also ascertain, to the extent reasonably possible, the owner of the vehicle or person in charge of the vehicle and make reasonable efforts to notify that person of the removal and disposition of the vehicle and the amount required to redeem the vehicle.

#### ***§186-8. Review.***

The owner, or the person in charge of a vehicle that has been removed pursuant to this local law may request a hearing to challenge the assessment of any expense imposed pursuant to section 6. The request for a hearing shall be in writing and shall be filed with the Town Clerk within 15 days of the removal of the vehicle. The hearing shall be held within 10 days after the request has been filed. The hearing shall be conducted by the Town Supervisor or any other impartial person designated by the Town Supervisor. The scope of the hearing shall be solely to determine whether the removal of the vehicle was authorized by this local law. The sole effect of a determination that the removal of the vehicle was not authorized by this local law shall be that the owner or person in charge of the vehicle shall not be responsible for the expenses of towing and storage of the vehicle. Nothing in this article is intended to affect the liability of the Town of Ulysses for any damage done to any vehicle during

towing or storage.

**SECTION 3. SEPARABILITY**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4: EFFECTIVE DATE**

This local law shall take effect upon filing in the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

*Respectfully submitted by Sarah Koski on 8/21/18.*