

**TOWN OF DANBY
PUBLIC HEARING MINUTES
NOVEMBER 3, 2008**

**EMERGENCY TOWING OF VEHICLES
PRELIMINARY BUDGET FOR FISCAL YEAR 2009**

PRESENT:

Supervisor Dietrich

Councilpersons: Eugene Beavers, Leslie Connors, Daniel Klein, Joseph Salino

Others Present:

Carol Szczepanski - Town Clerk

Susan Beeners - Code Enforcement Officer

Laura Shawley - Bookkeeper

Carl Seamon - Highway Department Superintendent

Public Hearing Declared Open

Supervisor Dietrich declared the public hearing declared open at 6:30 p.m. and the following "Notice of Public Hearing" was read:

PLEASE TAKE NOTICE, THAT THE TOWN BOARD OF THE TOWN OF DANBY WILL HOLD A PUBLIC HEARING ON MONDAY, NOVEMBER 3, 2008 AT 1830 DANBY ROAD, ITHACA, NEW YORK AT 6:30 P.M. TO RECEIVE COMMENTS ON A PROPOSED LOCAL LAW ENTITLED EMERGENCY TOWING OF VEHICLES. THE PURPOSE OF THIS LOCAL LAW IS TO AUTHORIZE, AS PROVIDED IN SUBSECTION 8 OF SECTION 1660 OF THE NEW YORK STATE VEHICLE AND TRAFFIC LAW, THE REMOVAL OF VEHICLES PARKED OR ABANDONED ON HIGHWAYS DURING SNOWSTORMS, FLOODS, FIRES OR OTHER PUBLIC EMERGENCIES, OR FOUND UNATTENDED WHERE THEY CONSTITUTE AN OBSTRUCTION TO TRAFFIC, AS DETERMINED BY THE TOWN SUPERINTENDENT OF HIGHWAYS, OR FOUND ANY PLACE WHERE STOPPING, STANDING OR PARKING IS PROHIBITED. ALL INTERESTED PERSONS MAY RESPOND EITHER IN PERSON OR IN WRITING. THE PROPOSED LOCAL LAW MAY BE VIEWED AT THE TOWN CLERKS OFFICE DURING REGULAR OFFICE HOURS.

BY ORDER OF THE TOWN BOARD

**DATED: OCTOBER 23, 2008
PUBLISHED: OCTOBER 25, 2008**

No public addressed the public hearing.

The Town Clerk submitted the copies of the Emergency Towing of Vehicles Proposed Local Law to the Board for review.

The board discussed the minor changes to the proposed local law as suggested by the Town Attorney.

The proposed Local Law - Emergency Towing of Vehicles was discussed and Councilperson Klein made the following motion.

Motion to Amend Section 6-1 Penalties and Charges

A motion was made by Councilperson Klein and seconded by Supervisor Dietrich that the

section 6-1 Penalties and Charges in the proposed Local Law - Emergency Towing of Vehicles end at punishable by a fine of not more than \$100.00.

A roll call vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

Carried Unanimously

The public hearing was declared closed at 6:40 p.m.

The Proposed Local Law will be added to the November 10th Town Board Agenda.

**TOWN OF DANBY
PROPOSED LOCAL LAW - EMERGENCY TOWING OF VEHICLES**

Section 1. **TITLE**

This local law shall be entitled “Emergency Towing of Vehicles

Section 2 **PURPOSE**

The purpose of this local law is to authorize, as provided in Subsection 8 of Section 1660, of the New York State Vehicle and Traffic Law for the removal of and storage of vehicles parked or abandoned on highways during snowstorms, floods, fires and other public emergencies or found unattended where they constitute an obstruction to traffic as determined by the Town Superintendent of Highways or his designee or any place where stopping, standing, or parking is prohibited and for the payment of reasonable charges for such removal and storage by the owner or operator of such vehicle.

Section 3: **AREAS AFFECTED**

This local shall be applicable to all highways within the Town of Danby

Section 4:: **PARKING VEHICLES**

It shall be unlawful to park or leave unattended a vehicle within 25 feet of the centerline of any highway located within the Town of Danby. The term “vehicle” as used in this local law, shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

Section 5: **AUTHORITY TO REMOVE VEHICLES**

1. The Superintendent of Highways of the Town of Danby shall have the power to cause the removal and disposition of any vehicle left unattended for more than twenty-four hours within

the right of way of any highway within the Town of Danby or on any public property of the town.

2. The Superintendent of Highways shall have the power to cause the immediate removal from the right of way of any highway within the Town of Danby of any vehicle which obstructs or interferes with the use of such highway for public travel or which obstructs or interferes with the cleaning or removal of snow or ice from such highway or obstructs or interferes with any operator during a public emergency.

Section 6:: PENALTIES AND CHARGES

1. A violation of Section 4 shall constitute a traffic infraction and any person violating same shall be deemed guilty of a traffic obstruction punishable by a fine of not more than \$100.00 or by imprisonment for not more than 15 days or by both such fine and imprisonment.

2. The owner of any vehicle removed under provision of Section 5 shall be liable for the costs or removal, disposition and storage thereof.

Section 7 : EFFECTIVE DATE

This local law supersedes and replaces Local Law #1 of 2008 and any prior local laws setting forth the rules and fees related to the emergency towing of vehicles in the Town of Danby and shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with provisions of Section 27 of the Municipal Home Rule Law.

PUBLIC HEARING NO. 2 - PRELIMINARY BUDGET FOR FISCAL YEAR 2009

Public Hearing Declared Open at 6:40 p.m.

Supervisor Dietrich declared the public hearing open at 6:40 p.m. and the "Notice of Publication" was read.

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Danby Preliminary Budget for the Fiscal Year 2009 has been completed and filed in the Office of the Town Clerk at 1830 Danby Road, Town of Danby County of Tompkins, Ithaca, New York where it is available for inspection during regular office hours, Tuesday - Friday from 9:00 a.m. to 4:00 p.m. and Saturday 9:00 a.m. to noon.

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Danby will hold a Public Hearing on Monday, November 3, 2008 at 6:30 p.m., 1830 Danby Road, Ithaca, New York. The purpose of the hearing is to hear public comment on the 2009 Preliminary Budget. Comments by the public can be made at the hearing or in writing prior to the hearing. Pursuant to Section 108 of Town Law, the proposed salaries of the Town Officials are hereby specified as follows:

Town Supervisor	\$ 21,240
Town Council (4)	\$ 9,656 (\$2,414 each)
Town Clerk/Tax Collector	\$ 27,824
Town Highway Superintendent	\$ 50,620
Town Justice (2)	\$ 26,380 (\$13,190 each)

By Order of the Town Board
Carol W. Szczepanski, Town Clerk

Dated: October 24, 2008
Published: October 27, 2008

Supervisor Dietrich reported that there was an increase in the levy this year.

Supervisor Dietrich said that he would like to get feedback from people in terms of what do each member of the board feel should be the increase in the levy this year.

Questions from the Public and Comments from the Board

Joel Gagnon asked about the increase in the West Danby Water District by 68%. The increase was explained by Supervisor Dietrich as necessity for the aging system.

Supervisor Dietrich reported that in his opinion we have an aging infrastructure. If we do not get an engineering report back and start accumulating data that will be needed for any type of grant or subsidy we have to take steps as early as we possibly can to make sure that there are funds to hire architects. We are a part of the County Sewer and Water District Plans that they are putting together as part of their Comprehensive Plan. He supports the water department going ahead and he funds to be used to hire an architect to do an infrastructure study.

Councilperson Beavers said that the system has been in there without funds put into it over a number of years. The water district is now at the point and there has been communications from Tompkins County Health Department regarding the fact that we have only one water tank and it will need repairs at some point. The optimal thing would be to hire an engineering company do a study of where to set a second tank and the infrastructure of where to connect a second tank and to designate a second well pad area.

Public Hearing Declared Closed

Supervisor Dietrich declared the public hearing closed at 7:10 p.m. and adjourned to a budget working session.

Carol W. Szczepanski, Town Clerk