

**Danby Town Board  
Minutes of Regular Meeting  
May 9, 2011**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Others Present:**

Town Clerk Pamela Goddard  
Code Enforcement Sue Beeners  
Bookkeeper Laura Shawley  
Highway Superintendent Carl Seamon  
County Legislator Frank Proto  
Public Robert Roe, Liz Owens Roe, Garry Huddle, Ted Crane

**The Regular Meeting of the Danby Town Board was opened with the Pledge of Allegiance at 7:00pm.**

**Approve Minutes**

**RESOLUTION NO. 57 OF 2011 -APPROVE MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of April 4 and 11, 2011.

**Moved by Connors, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

**Warrants**

Water District - #024-028 for a total \$707.26

**Moved by Connors, Second by Dietrich. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

Highway Fund - #074-084 for a total \$21,977.41

**Moved by Halton, Second by Race. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

General Fund - #185-196 for a total \$11,639.75

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

**CHIPS Proposal/Request**

Shawley and Seamon presented a the plan for Town Highway improvements for 2011. Most of this is standard maintenance for oil- and stone-surfaced roads. The same amount of money came from NY State for 2011 as was received for 2010.

**RESOLUTION NO. 58 OF 2011 -AMENDMENT TO AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2011**

**Resolved**, that pursuant to the provisions of Section 284 of the Highway Law, the Town Board of the Town of Danby agrees that monies levied and collected for the repair and improvements of highways, and monies received from the State for repair and improvement of highways, shall be expended as follows:

1. A sum not to exceed \$75,000 shall be spent to improve approximately one mile of Fisher Settlement Road from the Speech Clinic to the Spencer Town line. The road will be reconstructed with a new base of 15" bank run, 6" of crushed bank run, and the entire road will be graded and compacted with an oil and stone finish.

2. A sum not to exceed \$25,000 shall be spent to improve approximately one half mile of Nelson Road from Ridgecrest Road to NYS Rt.96B. The road will be reconstructed where it is needed and an oil and stone surface applied.
3. A sum not to exceed \$75,000 shall be spent to improve one and a half miles of East Miller Road from Nelson Road to NYS Rt.96B. The road will be reconstructed where needed and an oil and stone surface applied.
4. A sum not to exceed \$30,000 shall be spent on approximately one mile of Steam Mill Road. The surface will be treated with oil and stone.
5. A sum not to exceed \$25,000 shall be spent on approximately three quarters of a mile of Michigan Hollow Road from NYS Rt.96B to the Beagle Club. The road will be reconstructed where needed and an oil and stone surface applied.

**Moved by Klein, Second by Connors. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich**

### **Annual Financial Report**

Bookkeeper Shawley presented the 2010 Annual Report report to the Board. She responded to questions about winter highway expenditures and the state of the fund balance. Shawley said that winter overtime costs for plowing highways was the same as previous years. Money still remains in the snow removal account and supplies of salt and sand have been stockpiled.

There was no addition to the fund balance in 2010, due to paying cash for highway trucks and entering into the Health Consortium. It is anticipated that money will be added to the fund balance in 2011. Funds used for investing in the Health Consortium will come back to the Town with interest. The Town is already seeing health insurance savings by being part of the Consortium.

### **Water District Report**

Seamon presented a report regarding the state of the West Danby Water District holding tank. He distributed a photo report on the state of the 50,000 gallon holding tank for the West Danby Water District. A recent assessment of the tank shows that there is not as much sediment as anticipated. Even so, the condition of the tank has deteriorated and a new tank will be needed, at a possible cost of \$250,000. Installing a liner as a temporary fix was seen as, "Throwing good money after bad." It was suggested that the District investigate the State drinking water revolving loan fund, to access a low interest loan for this need.

The Water Commissioners are working on flushing the lines more than twice a year, in an effort to remedy a problem with discolored water. They are also working on leak detection. Seamon remarked, "We can't fix it if we can't find it."

There was a preliminary discussion about the feasibility of extending service to more households. If there were no leaks, the tank capacity might serve an additional 20 houses or more. Currently, 110 households are served.

### **Set Meeting with Town Attorney**

Dietrich suggested that Town attorney, Guy Krogh, meet with members of the Town and Planning Boards in regards to questions about the Town entering into legislation to ban high impact industrial activity. The Board agreed and suggested that Mr. Krogh be given a choice of the June board meetings (June 6 or 13) at 6pm. The Planning Board will be invited. There was discussion about the scope of this meeting and whether public participation would be encouraged during this meeting. This will be an open meeting but primarily a Q&A session for the Boards regarding Home Rule issues.

It was suggested that an additional time be set when attorneys from other Towns be invited to present their work with similar zoning changes and industrial impacts law. Having multiple points of view would be useful. Attorneys in Ulysses, Dryden, the Town of Ithaca, and at the Cornell Law School have been working with this issue. There is also a lawyer in the Cooperstown area who has been working on this and has a different interpretation.

A similar meeting will be held with a representative of Delta Engineering and other municipalities on May 18.

### **Legislator's Report**

Proto reported on various items at the County level. There was a long discussion about changes to health care services, particularly in regards continuity of service for home health agency services. Proto also provided an update on the Newfield aquifer study and road work on Coddington Road.

### **Youth Services Update**

A discussion of County budget restorations to Youth Services for 2011 moved into a discussion about the future of Youth Services in Danby. Dietrich gave an update of a recent meeting. A scheduled follow up meeting will include the "inner ring" of municipalities whose children attend the Ithaca City school district. Media coverage is looking for information and clarification.

Dietrich had questions and concerns about what the county structure for these services will be. What will remaining staff oversee? The primary question is how much money will be available for youth programs. There are no answers at this time.

### **Tornado Followup and Emergency Management Training**

Beeners gave an update. There will be a meeting with the State Emergency Management Office in the next week. Beeners is still concerned about the quantity of trees which have come down—numbered in the thousands. There is particular concern in the erosive area of Buttermilk Creek behind Old Towne Village. Reports from different Town offices have been sent to the county Department of Emergency Response. The DoER is coordinating response reimbursement requests to the State and to FEMA. Steps are being taken to learn whether we are eligible for assistance.

Goddard reported on the May 4 Emergency Management PIO training/discussion. Dietrich and Halton also attended. A very useful discussion of interagency coordination was held with specific information regarding the role of Public Information Officers.

### **Appointment Procedures Policy**

Connors presented an updated draft of proposed Appointment Procedures Policy. There was a lengthy discussion of some concerns. Klein still had concerns that it would be cumbersome for the Board and for future candidates to appointed Boards and Committees to follow these procedures exactly. He was concerned that this policy is too rigid. Others felt that there should not be unexpected vacancies, due to the regularly updated appointment chart. This policy was described as a "road map" for how appointments should be made. There are no penalties for times when the Board misses the mark. In addition, the appointment forms could be useful as a community resource inventory.

There was a discussion about how executive session should be used in regards appointment applications and interviews. Changes were made to the draft policy to better reflect an appropriate use of executive session.

The appointment chart needs updating and refining to reflect appointments made by the Town Board. There was a discussion about what positions should be included in the final chart. Written descriptions for these positions also need to be created. It was also pointed out that there is a Town of Danby code of ethics in place. The last section will be edited to reflect this.

A suggestion was made that this policy be reviewed and updated at the annual Organizational Meeting in January.

The procedure went to vote. The text of this policy is in Appendix A of these minutes.

### **RESOLUTION NO. 59 OF 2011 - APPROVE APPOINTMENT PROCEDURES POLICY**

**Resolved**, that the Town Board of the Town of Danby approves the 2011 Appointment Procedures Policy, and

**Further Resolves**, that said policy and appointment chart shall be reviewed annually during the Town Organizational meeting in January.

**Moved by Dietrich, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

### **Written Reports**

Several were distributed, including minutes from the Gas Drilling Task Force and Fire District. A new format for Justice's report, providing more detailed information on closed cases, was appreciated by members of the Town Board.

### **Adjournment**

The Meeting was adjourned at 9:16pm.

---

Pamela S Goddard, Town Clerk

## APPENDIX A

### Town of Danby Procedure for Appointments to Boards and Committees

**Adopted by the Town Board on May 9, 2011.**

#### **1. Purpose**

The purpose of this Appointment Procedure is to ensure a fair and equitable appointment process to Town Boards and Committees where the most qualified applicants are appointed as members and, applicants are representative of Danby's diverse community with a broad wealth of experience and skills.

#### **2. Authority**

In accordance with State Law, the Town Board has the authority to appoint members and officers of Boards and Committees and make other citizen appointments for terms prescribed by applicable law. These Boards, Committees, and citizen appointments include (but are not limited to) the positions listed in the chart included as a part of this document.

#### **2. Appointment Process**

##### **A. Advertisement**

The Town Board shall authorize and direct the Town Clerk to advertise any vacancy or expiring term of any Town board, committee, or citizen appointment to solicit applications or letters of intent for such positions. Such advertisement shall be posted on the Town Hall's bulletin board and on the Town Web Site for a period of at least four (4) weeks and state a date by which applications or letters of intent are due.

The Town Board shall authorize and direct the Town Clerk to notify individuals whose terms are about to expire, by letter, to determine if that individual wishes to be considered for re-appointment. Incumbents wishing to be reappointed shall also submit an application or letter of intent.

In the event of an unexpected vacancy for which the Town Board determines there is an urgent need to fill, the Town Board may choose to fill the vacancy for the remainder of its unexpired term.

The Supervisor shall endeavor to announce any vacancy or term expiration at the regularly scheduled Town Board meeting that occurs in the month prior to such expiration or vacancy. Any such announcement will be noted in minutes of the meeting.

##### **B. Application**

Applications shall be accepted from residents of the Town using the form included as a part of this document or in the format of a letter of intent containing answers to the questions on that form. Applications may be obtained from the Town Clerk's office or on the Town web site.

Applications or letters of intent should be addressed to the Town Supervisor. The Supervisor or his or her designee shall compile the applications, distribute copies to the Town Board, and promptly acknowledge receipt of each application or letter of intent by letter, Email, or telephone call.

The charge for each board, or committee shall be available in the office of the Town Clerk. All applications received shall be available for public review in the office of the Town Clerk.

### **C. Review Process**

The Town Board shall review all applications and letters of intent. This may be done in executive session. After such review, the Town Board may select candidates for interviews. Interviews of selected candidates shall be held at open meeting, unless a candidate requests that his or her interview be conducted in executive session.

If interviews are conducted, the Town Board may choose to discuss the applications in Executive Session. The vote to select any candidate shall, however, be taken at a public meeting of the Town Board. The Town Board may decide not to appoint or reappoint any of the candidates and instead direct the Town Clerk to re-advertise for applications or letters of intent, setting forth a deadline for same.

Candidates interviewed by the Town Board will be sent a letter of appreciation by the Town Clerk.

The Town Board may, at its discretion, retain letters for reconsideration for subsequent vacancies.

### **D. Notification**

The Supervisor shall promptly notify each appointee by letter. Such notification letter shall include a copy of the relevant laws relating to the position, the expiration date of the appointment and indicate any oath or training requirements. This letter shall also indicate the honoraria paid, if any, subject at all times to the budget allocation by the Town Board.

The Supervisor shall also promptly notify other applicants that the position has been filled by the Town Board.

### **3. Oath of Office**

Section 25 of NYS Town Law requires that all officers of the Town take the required oath of office before entering the duties of such office. Section 10 of Public Officers Law requires that the taking of such oath be filed with the office of the Town Clerk, who maintains an Oath Book. Such written filing must occur within 30 days of taking office.

Town officers are deemed to be any individuals who occupy a position where the functions and duties of such office directly affect the citizens of the Town and the exercise of the powers of the Town in such position. This includes members of the Planning Board, Zoning Board of Appeals, and the Board of Assessment Review, for whom the oath of office is required.

### **4. Ethics Law**

All appointees are subject to and shall adhere to the Code of Ethics as adopted by the Town Board in 1979.

# Town of Danby

1830 Danby Road  
Ithaca, N.Y. 14850

## Application Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing address,  
if different: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Position  
Applied For: \_\_\_\_\_

1. Please list professional, educational, or other experience that would assist you in serving in this position (use additional sheets as necessary):

2. Please tell why you want this position (use additional sheets as necessary):

3. Please tell what you hope to accomplish in this position:

## Appointment Chart

Name of Board or Committee	At the Pleasure of	Term	# of Members
Board of Zoning Appeals (BZA)	Town Board *4 hours training	3 or 5 Years	5 members 1. 2. 3. 4. 5.
BZA Chair	Town Board		
BZA Secretary	BZA (acknowledged by the TB)		
Planning Board (PB)	Town Board *4 hours training *attendance *Oath of Office	7 Years	7 members 1. 2. 3. 4. 5. 6. 7.
PB Alternates	Town Board	1 year	2
PB Chair	Town Board	1 year	
PB Secretary	Planning Board	1 year	
TB Rep to PB	Town Board	1 year	1 Leslie C
Board of Assessment Review	Town Board		
Beautification Committee	Planning Board	3/17/10	
Comprehensive Plan Task Force			
Conservation Advisory Council (CAC)	Town Board	2 years (end 12/31)	5 to 7 members 1. 2. 3. 4. 5.
CAC Chair	Town Board		
Broadband/Cell Tower			
Danby Community Council (DCC)			
Danby Emergency Management Planning Committee (DEMPC)			
Environmental Management Council (EMC)	Town Board 4	2 years	1 Municipal seat
Gas Drilling Task Force (GDTF)			
TB rep to GDTF	Town Board		1 Kathy H
Critical Environmental Areas (CEA)	Gas Drilling Task Force		



Recreation Partnership			1 Ric 1 Alternate Dylan Race
Webmaster	Town Board	1 year	1 Ted C
West Danby Board of Water Commissioners	Town Board	5 years (1 ex- pires each year)	5 commissioners 1. Tod Sukontarak 1/ 1/2006-12/31/2010 2. John Sill 1/1/ 20107-12/31/2011 3. Tom Westmiller 1/ 1/2008-12/31/2012 4. Carl Seamon 1/1/ 2009-12/31/2013 5. John Finley 1/1/ 2010- 12/31/2014
West Danby Water Plant Operator		1 year	1 Carl Seamon
West Danby Water Plant Operator Assistant #1		1 year	1 Eugene Beavers
West Danby Water Plant Operator Assistant #2		1 year	1 Tod Sukontarak
Tompkins County Youth Services Board	Town Board	3 years	1 Asher H
*Town Historian	Town Board	1 year	1 Joan Grant
*Town Attorney	Town Board	1 year	
Dog Enumerator			
Stormwater Management Officer	Town Board		
Mowing Contract	Town Board		
*Deputy Supervisor	Supervisor (acknowl- edged by TB)	1 year	1 Dan K
Court Clerk	Justices (acknowl- edged by the TB)	1 year	James H.
Deputy Town Clerk	Town Clerk (ac- knowledged by the TB)	1 year	

**\* usually appointed each year at Organizational Meeting in January**