

**Danby Town Board
Minutes of Public Hearing and Organizational Meeting
January 14, 2013**

Present:

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

Absent:

Councilpersons: Dan Klein

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Sue Beeners
Public Ted Crane, Ronda Roaring, Elizabeth Owens Roe, Robert Roe, Peter and
Linda Hansen, Garry Huddle, Susan McLellan, Joe Freedman, Eugene
Beavers, John VandeMark

The Public Hearing of the Danby Town Board was opened at 7:01pm.

Public Hearing - Veterans' Tax Exemption Local Law

Town of Danby - Notice of Public Hearing Veterans' Exemption Local Law

Please Take Notice, that the Town of Danby Town Board will hold the following Public Hearing on January 14, 2013 at the Danby Town Hall, 1830 Danby Road, Ithaca, NY:

7:00 p.m. - **Public Hearing** to consider adoption of a Local Law No. 1 of 2013, Proposed Town of Danby Veterans' Property Tax Exemption Law. This proposed law is designed to provide specific levels of exemptions from real property tax for those who have served during times of war or during the "Cold War".

All persons will be heard either in writing or in person.

Ronda Roaring disagreed with the local law and had questions about the resolution and process. Halton and Goddard responded to Roaring's concern.

Ted Crane, Garry Huddle, and Robert Roe all spoke in favor of the law.

John VandeMark spoke in favor of the local law and support for veterans.

The Public Hearing was closed at 7:07pm.

The Danby Town Board meeting was opened at 7:07pm

RESOLUTION NO. 1 OF 2013 - VETERANS' TAX EXEMPTION

Whereas, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 1 of 2013 related to Granting the Alternative Exemption on real property for Veterans; and

Whereas, this is a SEQRA Type II action for which no further environmental review is required; and

Whereas, the Town Board on January 14, 2013 has held Public Hearing on this proposed local law, which Public Hearing was duly noticed in the Ithaca Journal;

Now, Therefore, It Is

Resolved, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 1 of 2013 related to Granting the Alternative Exemption on real property for Veterans; which Local Law is incorporated into this Resolution; and it is

Further Resolved, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of these Local Laws shall be presented to the Town Supervisor for approval; and it is

Further Resolved, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

Moved by Race, Second by Connors. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

The full text of Town of Danby Local Law #1 of 2013 - Veterans' Tax Exemption - is included as Appendix A of these minutes.

Privilege of the Floor

Elizabeth Owens Roe questioned why the Town Board did not recite the Pledge of Allegiance to the Flag, or only did so intermittently. The Town Board added this as a discussion item to the agenda.

Organizational Resolutions

The Town Clerk presented a list of Organizational Resolutions as required at the opening meeting of each calendar year. Some resolutions merited discussion. There was a question whether health insurance coverage for Town Clerk, Town Supervisor, and Bookkeeper/Supervisor's Assistant needed to be addressed in the Organizational Resolutions. This issue will be further researched and then considered during the January 21 meeting.

Crane had a question from the floor whether the Town wanted to reconsider its relationship with First Niagara Bank (which bought out HSBC, Danby's previous bank of record). The service and relationship over the next year will be considered but no change will be made at this time.

There was a discussion regarding some appointments, particularly Town Historian and Town Webmaster. Connors raised the issue of how these positions relate to other appointments and which appointments need to apply every year? Resolutions on appointing these positions will be considered during the January 21 meeting. The Board will also review the general appointment procedure and appointment chart.

There was a discussion of milage rate, whether to link to Federal or State rate or to a dollar amount. The Board made a decision to name a specific dollar rate for mileage reimbursement.

Organizational Resolutions: January 14, 2013

Supervisor's Statement to the Board:

- Robert's Rules of Order will be followed at all Town Board Meetings, except when special roll call vote is necessary. Roll call will be alphabetical by last name, but with the Supervisor voting last.

- All meetings will begin and end at times to be specified during January’s Organizational Meeting.
- Method of claims for payment of all bills will be by voucher. Vouchers and items for the agenda must be submitted to the Supervisor or the Town Clerk.
- The Town Board will audit all bills. Research will determine which section of Town Law requires this supervision.
- All personnel matters will be discussed in executive session.

RESOLUTION NO. 2 OF 2013 - APPROVAL TO INVEST IDLE FUNDS

Resolved, that the Town Board of the Town of Danby authorize the Supervisor to invest idle funds.

RESOLUTION NO. 3A AND 3B OF 2013 - APPROVAL OF YEAR 2013 SALARIES

• Town Board, Councilpersons, total	9,863	(2,465.75x4)
• Town Supervisor	20,450	
• Deputy Town Supervisor	53	
• Assistant to Supervisor	10,000	
• Bookkeeper	20,335	
• Town Justices, total	26,945	(13,477x2)
• Court Clerk	14,106	
• Highway Superintendent	53,893	
• Highway Secretary	25,796	
• Zoning / Code / Fire Enforcement Officer	47,398	
• Town Clerk	29,043	
• Water Plant Operator (West Danby)	8,563	
• Water Plant Operator Assistants (West Danby), total	6,534	(3,267x2)
• Water Clerk (West Danby)	4,210	
• Webmaster	1,000	
• Swimming Area Director	1,000	
Total	\$279,198	

Resolved, That the Town Board of the Town of Danby authorizes the Supervisor to pay the above salaries. The salaries shall be paid prior to the first Town Board meeting of each month, and December payrolls will be adjusted to meet all budget requirements.

RESOLUTION NO. 4 OF 2013 - PAYMENT OF BILLS

Resolved, That the Town Board of the Town of Danby approves a blanket resolution to authorize the Town Supervisor to pay utility bills, freight, postage, contracts, and to conduct other normal proceedings, such as payroll, in advance of audit in order to keep affairs moving on a timely basis, and be it further

Resolved, That a contract is not a bid award.

RESOLUTION NO. 5 OF 2013 - 2012 FINANCIAL REPORT

Resolved, that the Town of Danby Town Supervisor, in lieu of preparing a financial report under NYS Town Law Article 3, §29.10, shall submit to the Town Clerk by March 1, 2013 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

RESOLUTION NO. 6 OF 2013 - TOWN OF DANBY OFFICIAL NEWSPAPER AND BANK DEPOSITORY

Resolved, That the Town Board of the Town of Danby names the Ithaca Journal as its Official Newspaper and First Niagara as bank for the depository of Town Funds.

RESOLUTION NO. 7 OF 2013 - OF DANBY ATTORNEYS

Resolved, That the Town Board of the Town of Danby names the firms of Miller Mayer, LLP and Thaler and Thaler as law firms to represent the Town of Danby in all Zoning, Planning Board, and General Town of Danby business. The Town Board reserves the right to seek other legal aid if it deems necessary.

RESOLUTION NO. 8 OF 2013 - MILEAGE REIMBURSEMENT FOR TOWN MILEAGE

Resolved, That the Town Board of the Town of Danby authorizes reimbursements for private automobile mileage incurred on Town Business to be paid at the rate of fifty six.5 cents (\$0.565) per mile.

RESOLUTION NO. 9 OF 2013 - ACKNOWLEDGMENT OF DEPUTY TOWN CLERK

Resolved, That the Town Board of the Town of Danby acknowledges the Town Clerk's appointment of Susan McLellan as her Deputy Town Clerk.

RESOLUTION NO. 10 OF 2013 - REAFFIRMATION OF TOWN OF DANBY PROCUREMENT POLICIES AND PROCEDURES (AS APPROVED IN RESOLUTION NO. 24 OF 1993)

Resolved, That the Town Board of the Town of Danby reaffirms the Town of Danby Procurement Policies and Procedures as established in Resolution No. 24 of 1993.

RESOLUTION NO. 11 OF 2013 - REAFFIRMATION OF TOWN OF DANBY APPOINTMENT PROCEDURES (AS APPROVED IN RESOLUTION NO. 56 OF 2011)

Resolved, That the Town Board of the Town of Danby reaffirms the Town of Danby Appointment Procedures (as established in Resolution No. 56 of 2011).

RESOLUTION NO. 12 OF 2013 - AUTHORIZATION FOR PURCHASE OF TOOLS, EQUIPMENT, ETC.

Resolved, That the Town Board of the Town of Danby authorizes the of Danby Highway Superintendent to purchase tools, equipment (other than motorized equipment), small implements, tires and tubes, etc. in the amount not to exceed \$2,500 at any given time without prior approval of the Town Board.

RESOLUTION NO. 13 OF 2013 - HIGHWAY IMPROVEMENTS REIMBURSEMENT

Resolved, That the Town Board of the Town of Danby be authorized to sign an agreement that monies collected for repairs and improvements of Town Highways in the amount of \$120,000 (State Aid DA3501) be expended upon 71.98 miles of Town of Danby highways.

RESOLUTION NO. 14 OF 2013 - TOWN BOARD MEETINGS

Resolved, That the Town Board of the Town of Danby regular monthly board meetings be scheduled at 7:00pm on the second and third Monday of each month for the year 2013.

RESOLUTION NO. 15 OF 2013 - APPOINTMENT OF DEPUTY SUPERVISOR

Resolved, That the Town Board of the Town of Danby appoints Daniel Klein as Danby Deputy Supervisor.

RESOLUTION NO. 16 OF 2013 - ACKNOWLEDGMENT OF COURT CLERK APPOINTMENT

Resolved, That the Town Board of the Town of Danby acknowledges the Town Justice's reappointment of James Herson as Danby Court Clerk.

RESOLUTION NO. 17 OF 2013 - DOG LICENSE FEES

Resolved, That the Town Board of the Town of Danby authorizes the Town Clerk to collect license fees for dogs in the amount of \$12 for altered (spay/neutered) dogs and \$20 for unaltered dogs.

RESOLUTION NO. 18 OF 2013 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2012

Pursuant to the provisions of Section 284 of the Highway Law, the Town Board of the Town of Danby agrees that money levied and collected for the repair and improvement of highways, and received from the state for repair and improvement of highways, shall be expended as follows:

1. General Repairs. The sum of \$330,491 may be expended for general repairs upon 73.39 miles of town highways, including roads, culverts, and bridges.

2. Improvements. The following sum shall be set aside or be expended for the improvements of town highways: \$120,000 in CHIPS money to be spent on projects to be determined by the Highway Superintendent at a later date.

No money set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements, until the Town of Danby approves the specifications and estimates for such construction.

Resolutions 2 through 18 Moved by Connors, Second by Halton.

The motion passed.

In Favor: Connors, Halton, Race, Dietrich

West Danby Water District Grant

Eugene Beavers, Water District Commissioner, gave a report. He outlined the process of gathering three applications for an engineering contract related to the Water District Improvements and the process of selecting T.G. Miller to serve this function. Dietrich noted that the selection process was required by the grant.

The TB considered resolutions prepared by Code Officer Susan Beeners. Beeners suggested that each resolution be adopted individually.

RESOLUTION NO. 19 OF 2013 – AUTHORIZE TOWN SUPERVISOR TO ENTER INTO GRANT AGREEMENT, RELATED TO COMMUNITY DEVELOPMENT BLOCK GRANT AWARD, WEST DANBY WATER DISTRICT IMPROVEMENTS PROJECT

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to enter into a Grant Agreement with the New York State Housing Trust Fund Corporation and Office of Community Renewal with respect to the award of Community Development Block Grant Funds to the Town in the amount of \$404,800 for the West Danby Water District Improvements Project.

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

In Favor: Connors, Halton, Race, Dietrich

RESOLUTION NO. 20 OF 2013 – AUTHORIZE TOWN SUPERVISOR TO ENTER INTO ENGINEERING CONTRACT RELATED TO WEST DANBY WATER DISTRICT IMPROVEMENTS PROJECT

Resolved, that the Town Board of the Town of Danby, upon recommendation of the West Danby Board of Water Commissioners, authorizes the Town Supervisor to enter into a Contract with T.G. Miller, P.C., Engineers and Surveyors, for engineering and related services related to the West Danby Water District Improvements Project, with the source of funding to be N.Y.S. Office of Community Renewal Community Development Block Grant Funds.

Moved by Race, Second by Connors. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Warrants

ABSTRACT #14 OF 2012: GENERAL FUND

#563-581 for a total of \$5,998.48

HIGHWAY FUND

#202-209 for a total \$143,642.31

WATER DISTRICT FUND

#073-079 for a total \$1,829.89

Moved by Race, Second by Connors. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

ABSTRACT #1 OF 2013: GENERAL FUND

#001-030 for a total of \$49,926.02

HIGHWAY FUND

#001-004 for a total \$67,899.45

WATER DISTRICT FUND

#001-002 for a total \$4,810.11

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

In Favor: Connors, Halton, Race, Dietrich

Fire District Report

Beavers gave a report on recent activities of the Danby Fire District. The District has approved the purchase of two fire trucks. The total bill for both trucks will be \$753,124.00. The District received a substantial discount for purchasing two trucks at once. These replace trucks which have been in service since the 1970s. Of this amount, \$300,000 was placed as a down payment. The District will be bonding for the amount of \$453,124. There will be a bond resolution vote on this purchase, scheduled for February 12, 2013 at the Danby Fire Station.

Beavers noted that the District has paid off a bond on the West Danby Fire House. Therefore, no tax increase is expected, related to the bond resolution up for vote. The old trucks will most likely go out for auction.

Approve Minutes

RESOLUTION NO. 21 OF 2013 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of December 10, 17, and 28, 2012.

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

In Favor: Connors, Halton, Race, Dietrich

Discussion of Pledge of Allegiance

After a brief discussion there was agreement to be more diligent in saying the Pledge at every meeting. Race noted that this shows respect for the process of Democracy. This does not require any member of the public to recite the Pledge.

Justice Report

Written reports from both Town Justices were distributed.

Discussion of Committee Appointments

There was a preliminary review of applications received. Applications were received from Jack Hobbie for Water Commissioner, Joan Grant for Town Historian, Mary Woodsen for Conservation Advisory Council, and Naomi Strichartz and Danny Eastman for the Planning Board Vacancy. Tom Gavin has indicated that he will not reapply for the CAC. Jake Brenner (CAC) and Nancy Medsker (BZA) still need to indicate whether they wish to serve another term or not. There are at least three open slots on the Conservation Advisory Council. The Town still needs a representative to the County Environmental Management Council.

The Board asked Ted Crane to submit a letter of application for the position of Webmaster. Connors offered to set up interviews for the next TB meeting with the two applicants to the Planning Board. Members of the Planning Board will be invited to attend at the same time in order to meet the new candidate.

There was a question whether the interview process was affected by the Planning Board recommendation for a candidate, prior to the submittal of applications from other candidates. The TB responded that the application is to the Town Board and that the application process was not closed. This led to a discussion about whether to extend the deadline for other applicants, as other residents

have expressed some interest in serving. Dietrich expressed an interest in keeping the door open for those who are interested in serving the Town. If applications are received before the next TB meeting they would be considered.

In a related issue, Dietrich informed the TB that the requirement for mandatory training for Planning Board members can be met by a program through the NYMIR insurance. This training can be held in the Town Hall and/or on-line.

Report on SGEIS Letter Writing and Advocacy

Halton gave a report on recent advocacy efforts undertaken by the Danby Gas Drilling Task Force. About a dozen Danby residents traveled to Albany, along with other Tompkins County Residents, for a day of advocacy regarding Gas Drilling Regulations. The group met with a representative of James Seward while in Albany resulting in a productive conversation.

The GDTF also held a public letter-writing event that generated over 120 letters responding to different aspects of the proposed regulations. Halton reported that there is a great deal of energy and enthusiasm among members of this group.

Town Clerk's Report

Clerk Goddard presented the December and Year End report. December was a moderately slow month with one building permit, one hunting license sale, and 44 dog license renewals. The Annual Report includes such data as a record of 12 marriage licenses issued and 636 dog licenses in 2012. Goddard stated that the dog license database is very close to being accurate in regards up to date licenses and cleared of dogs whose owners no longer reside in Danby.

Clerk Goddard presented a Records Management Report on behalf of Records Management Assistant, Mary Ann Barr outlining some of the improvements made in the past year.

Other Correspondence - Comfort Road Speed Limits

Clerk informed the board of some correspondence in response to a recent article in the Danby Area News. The residents urge the board to consider lowering the speed limit on Comfort Road. Residents on other roads, such as Yapple, would also like to have speed limits on their roads reviewed. Residents on Yapple Road believe that they are affected by traffic to and from Stork manufacturing.

Aquifer Study Report

Beeners gave a brief report on a watershed study of Buttermilk Creek (from Jennings Pond to Buttermilk State Park) and an update on the Aquifer Study and public presentation to take place on February 21, 2013. The Watershed study points out the need for best practices and the high erodibility of Buttermilk Creek near Old Town Village. The study recommends some sediment control for Buttermilk Creek.

Adjournment

The Meeting was adjourned at 8:24pm.

Pamela Goddard, Town Clerk

Appendix A

Town of Danby Local Law No. 1 of 2013 Veterans' Tax Exemption

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

Section 1.

The Town of Danby hereby grants real property tax exemptions for veterans under the Alternative Exemption Program with the following levels of exemption:

- A) Past War Veteran Exemption—For those honorably discharged veterans (and certain of their family members as set for in the enabling legislation) who served during the Spanish-American War, the Mexican Border War, World War I, World War II, the Korean War, Vietnam War, or Persian Gulf Conflict period: 15% of the assessed value with a maximum exemption of \$18,000.
- B) Combat Zone Veterans Exemption—for those veterans under the Basic War Veterans Exemption who can also document service in a combat theatre or zone: An additional 10% of the assessed value with a maximum exemption of \$30,000.
- C) Disability Veterans Exemption—For those veterans who have received a service-connected disability rating from the Veterans' Administration: An additional % of assessment value equal to 50% of disability rating with a maximum exemption of \$60,000.

Section 2.

This Local Law shall additionally provide a ten (10) year exemption from real property taxes for real property owned by veterans who rendered military service to the United States during the "Cold War," in accordance with provisions of Section 458-b of the Real Property Tax Law of the State of New York, with the following levels of exemption:

- A) Cold War Basic Exemption—For those honorably discharged veterans who served during the "Cold War" period: 15% of the assessed value with a maximum exemption of \$12,000.
- B) Disability Veterans Exemption—For those veterans who have received a service-connected disability rating from the Veterans' Administration: An additional % of assessment value equal to 50% of disability rating with a maximum exemption of \$40,000.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.