

**Danby Town Board
Minutes of Regular Meeting
April 15, 2013
Draft**

Present:

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

Others Present:

Deputy Town Clerk Susan McLellan
Bookkeeper Laura Shawley
Highway Sup. Carl Seamon
Public David Hall, Sarah Elbert

The Danby Town Board meeting was opened at 7:06 pm

Bid Opening

Leslie Connors and Kathy Halton opened bids for a new truck from Maguire and Simmons Rockwell. These were reviewed by Highway Superintendent Carl Seamon and Laura Shawley.

BZA Applicant Interview

The Town Board interviewed David Hall as an applicant for a vacancy on the Danby Board of Zoning Appeals. Hall answered questions from the Board.

Hall owns National Book Auctions at 1431 Danby Road and lives at/owns the “Flax” property on Gunderman Road. He is currently serving as Chair of the Tompkins County Chamber of Commerce and volunteers with several other non-profit organizations. He is familiar with the process of the Board of Zoning Appeals after having submitted zoning applications to the Town of Ithaca and Danby Planning Board. His interest in serving on the BZA is related to a general interest in real estate and a desire to be more active in the Danby community. He noted that his time is “thin” due to running a business and having three small children.

Hall is curious to learn what has taken place historically and when it is appropriate to modify the rules as set out in the current zoning ordinance. He is vested in maintaining the quality of life here. His experience as a parent and employer supports his ability to “say no” as needed.

2012 Financial Report

There was a general discussion about the need for a municipal audit. Dietrich described a “check list” of fiscal review recommended by the NYS Comptroller’s office. There is an acceptable standard for regular review of finances. These include review of the Supervisor’s Report, the monthly warrant, etc. The Town now has these review forms. Members of the Board are interested in having a formal audit for 2013.

RESOLUTION NO. 50 OF 2013 – 21012 ANNUAL FINANCIAL REPORT

Resolved, that the Town Board of the Town of Danby accepts the 2012 Annual Report of Finances as submitted to the State of New York Comptrollers Office on March 4, 2013.

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

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

Set Public Hearing Date

The Board had a short discussion regarding upcoming the requirement to hold a public hearing related to the West Danby Water District Improvements Project, as required by the Community Block Grant program. McLellan explained the purpose of the hearing and informed the board that a representative of the Water District plans to be there.

RESOLUTION NO. 51 OF 2013 – ORDER CALLING FOR A PUBLIC HEARING IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WEST DANBY WATER DISTRICT IN THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK

Whereas, the Town Board of the Town of Danby, Tompkins County, New York, has determined to make certain improvements in the West Danby Water District (“WDWD”), including installing a new water tank; and

Whereas, the Town Board of the Town of Danby, Tompkins County, New York, has had under consideration for said purpose the increase and improvement of the facilities of the WDWD, consisting more specifically of:

- (i) upgrades to distribution system flushing infrastructure, including replacement of hydrants, installation of blow-off assemblies and service piping, and the demolition and removal of existing out-of-date systems;
- (ii) installation of new meters and leak detection systems, including installation of an automated reading system for meters, related piping and leak detection survey work; and
- (iii) certain distribution system capital improvements, including a replacement water tank of approximately 90,000 gallons of capacity, being proposed as a glass-fused-to-steel shell assembly, with related knuckle roof assembly, foundation design and construction, exterior ladder and cages, two manways, overflow piping and weir box, cathodic protection, site earthwork preparation, and needed connections to existing water mains.

The total project cost for such projects is estimated at \$404,800, inclusive of mobilization costs, engineering costs, and other administrative expenses for the project, all as more particularly spelled out in the Map, Plan and Report (“MPR”) dated February 1, 2013, as prepared by David A. Herrick, P.E., of T.G. Miller, P.C. the Town’s Engineer of record for this project, which report is hereby accepted as the final and approved MPR for this project; and

Whereas, the maximum estimated cost to said District of such increase and improvement is initially determined to be \$404,800; and

Whereas, said \$404,800 is proposed to be entirely paid from a NYS Community Block Grant Award of that amount, and accordingly, no long term financing or bond issuances are anticipated for this project. However, any supplemental costs or incremental increases in post-construction ongoing operational and maintenance expenses will be paid from ongoing water rates and assessments in accord with budget hearings and rate requirements as imposed under Town Law and as set by the Town Board of the Town of Danby; and

Whereas, the aforesaid project has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), and the Town Board, on March 26, 2013 has made a negative determination of environmental significance for this project, and

Whereas, this project being deemed by the Town Board of the Town of Danby to be in the public interest, and all proceedings heretofore had being deemed in compliance with the applicable requirements of Town Law, it is now desired to call a public hearing on said proposed increase and improvement project, and the MPR thereupon, including the estimate of cost pursuant to Section 202-b of the Town Law; **Now, Therefore, Be It**

Ordered, by the Town Board of the Town of Danby, Tompkins County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Danby, Tompkins County, New York, shall be held at the West Danby Fire Hall, 47 Sylvan Lane in West Danby, New York, on the 8th day of May, 2013, at 7:00 o’clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvements of the facilities of the WDWD in said Town, and the MPR thereupon, including the estimate of cost as described in the preambles hereof and in such MPR, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the form attached hereto as Exhibit A, as hereby made a part hereof.

Section 3. This Order shall take effect immediately.

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

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

Award Truck Bid

There was a discussion and vote related to awarding a bid for a new truck. Both bids were for the same equipment. Maguire Ford submitted a bid for \$29,647. Simmons-Rockwell bid \$28,999. Highway Superintendent Seamons asked the Board to award the bid to Simmons-Rockwell. No funds will need to be borrowed for this purchase.

RESOLUTION NO. 52 OF 2013 – AWARD TRUCK BID

Whereas, the Town of Danby has advertised for sealed bids for the purchase of a 4-wheel drive pick-up truck, and

Whereas, on Monday, April 15, sealed bids for the same were received by the town and were opened by the Town of Danby Town Board,

Now, Therefore, be it

Resolved, that the Town Board of the Town of Danby award the bid for a 4-wheel drive pick-up truck to Simmons-Rockwell for the bid of \$28,999, and be it

Further Resolved, that the purchase price will be paid as follows: \$20,000 will be paid from the budget account DA5130.200 and the remainder, not to exceed \$8,999, will be paid for out of the Highway Fund fund balance.

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

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

Town Hall Bathroom Improvements

A proposal for improvements to the Town Hall bathrooms, drafted by Matt Cooper, was distributed at the previous TB meeting. The Board members had reviewed the proposal and found it reasonable. There was a brief discussion specific aspects, including the impression that the current facilities give to visitors.

RESOLUTION NO. 53 OF 2013 – TOWN HALL BATHROOM IMPROVEMENTS

Resolved, that the Town Board of the Town of Danby, authorize improvements to the Town Hall bathrooms, for an amount not to exceed \$5,000.

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

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

Highway Request Regarding Equipment Purchase and Replacement

Seamon and Shawley presented a proposal to replace old snowplows. Maintenance costs on three plows (circa 1999, 2001, and 2003) are increasing every year. The cost to replace these is in the range of \$600,000. The Highway Department has researched leasing arrangements through First Niagara Bank. There are different options for lease arrangements. Shawley described the difference between a lease-to-own arrangement vs. needing to go out for a bond to cover the cost of equipment purchase. A lease would not increase the budget and there would be no need to have a referendum, as there would be for a bond.

The HD proposes putting these old plows out to auction. Some smaller municipalities have expressed interest in purchasing this equipment for parts. Seamon and Shawley made a rough guess that the current trucks would bring \$40-50,000 at auction and about half of that at direct sale. The income from these sales would go to cover the interest on the leasing arrangement.

The HD proposes putting \$200,000 down and leasing for \$400,000. The HD made a case for purchasing three trucks as a package, which might bring down the purchase price. The Town CHIPS allotment has been increased and some of these funds could go toward the purchase of equipment. (This is the first increase in three years.) The lease/purchase contract would go out to bid. There may be the option to piggy-back on other municipal contracts.

Shawley and Seamon answered questions from the Board regarding lease arrangements, building and maintaining a reliable fleet of highway vehicles, and the value of the current equipment. Dietrich suggested that the Board be able to review the last three years of maintenance costs. Shawley and Seamon will continue researching options and bring additional information to the Board. A financial report of expenditure and fund balance related to the HD will be prepared.

Plan for Municipal Audit

The Board had a discussion with bookkeeper Laura Shawley. This discussion expanded on the information presented by Supervisory Dietrich earlier in the meeting. Shawley outlined the fiscal responsibilities of the Board, and recommended by the NYS Comptroller's Office. There are helpful publications available on-line. Shawley stated that Danby is working in right direction and already complies with many of the suggestions.

It is not required that a municipality regularly spend taxpayer funds for a complete outside audit. The Comptroller's office recommends a full audit "nearly never" if other levels of accountability are being taken care of. An audit is recommended when there is a new Supervisor or Town Clerk.

Shawley reviewed some of the items on the fiscal checklist. Board members should review the checklist once a year. This review should be done at the end of the year in public meeting and entered into the minutes.

Dietrich asked that the Board do some "practice runs" with this checklist over the next several months. Shawley suggested that members of the Board go over these check lists for 2012 financial records related to different offices (Town Clerk, Supervisor, Court) in small groups. She will make copies of the lists for Board members. Shawley also suggests that a more complete financial report be prepared for the Board on a regular basis and especially toward the end of the year in advance of budget planning.

Movement of Funds for 2012 Budget

Bookkeeper Laura Shawley presented a report of 2012 accounts with a request to move funds between different budget lines. This is part of standard accounting practices and done every year.

RESOLUTION NO. 54 OF 2013 – MOVEMENT OF FUNDS

Resolved, that the Town Board of the Town of Danby approves the movement of funds between accounts, as outlined by the town bookkeeper and found in the minutes as appendix A, for the fiscal year 2012.

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

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

Enter Executive Session - 8:25pm

Both applicants to the BZA have been interviewed. Connors made a request to enter Executive Session to discuss this appointment.

RESOLUTION NO. 55 OF 2013 – EXECUTIVE SESSION

Resolved, that the Town Board of the Town of Danby will enter executive session to discuss appointment to the Danby Board of Zoning Appeals.

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

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

End Executive Session - 8:45pm

Appoint Member to the Board of Zoning Appeals

There was a short discussion about this appointment. Both applicants are well qualified. The Board hopes that the applicant not appointed will be encouraged to serve in a different capacity.

RESOLUTION NO. 56 OF 2013 – APPOINT BOARD OF ZONING APPEALS MEMBER

Resolved, that the Town Board of the Town of Danby appoints Sarah Elbert to a term on the Danby Board of Zoning Appeals, effective immediately and running through December 31, 2017.

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

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

Adjournment

The Meeting was adjourned at 8:48 pm.

Susan McLellan, Deputy Town Clerk