

**Danby Town Board
Minutes of Organizational Meeting
January 13, 2014**

Present:

Supervisor: Ric Dietrich
Councilpersons: Rebecca Brenner, Leslie Connors, Jim Holahan

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Sue Beeners
Public Ted Crane, Ronda Roaring, Garry Huddle, Jack Miller, Ted Jones,
Deanne DeMark, Erick Palmer, Kate O'Neal, Ted Melchen, Dan Klein

The Danby Town Board meeting was opened at 7:04pm

Privilege of the Floor

Erick Palmer expressed concern about his petition to extend the maintained section Marsh Road and neighbor reactions. He was concerned about an Email, sent to neighbors and others, that alleged that this extension would result in six new building lots. Palmer stated that his only interest is in constructing a pole barn and that he wants to keep the area, "as quiet and natural as possible." He asked for feedback from the Town Board as to what he might do to put neighbors' minds at ease. He further stated that he was not interested in widening the road but hoped for improvement with minimal impact. He is willing to share the cost, as long as it is not excessive.

There was a general discussion about this matter (scheduled for a public hearing on January 20) between Palmer, the Town Board, and the Code Enforcement Officer. A four-page memo was distributed to the Board regarding Danby's local law, cost estimates, and the process regarding determination on this road extension.

Organizational Resolutions

The Town Clerk presented the list of Organizational Resolutions required at the opening meeting of each calendar year. Some resolutions merited brief discussion.

There was a discussion about appointments of Town Historian, Pond Supervisor, and Town Webmaster and the related annual honoraria. The dollar figures for pay related to these positions will be included in appointment resolutions for each position.

There was a discussion of altering the regular schedule for Town Board meetings. Brenner suggested changing the schedule to be more accessible and inclusive for those (such as members of the Fire Department) who cannot attend on Monday nights. A suggestion was made to have meetings on the Second Monday and Third Tuesday. Discussion of this proposal included consultation with Justice Huddle. He said that third Tuesday nights might have a full parking lot but, otherwise, this should not be a problem. A suggestion was made from the floor that this decision be delayed until the Town Board vacancy is filled. No action was made at this time. Town Board meetings for February will be set at the January 20 TB meeting.

There was a suggestion that a resolution appointing a representative to the Health Insurance Consortium be added to the Organizational resolutions, and also a resolution acknowledging the Highway Superintendent's appointment of a Deputy Highway Supervisor. These items were added as resolutions number 13 and 15.

Organizational Resolutions: January 13, 2014

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. 1 OF 2014 - APPROVAL TO INVEST IDLE FUNDS

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

RESOLUTION NO. 2 OF 2014 - APPROVAL OF YEAR 2013 SALARIES

• Town Board, Councilpersons, total	10,090	(2,522.50x4)
• Town Supervisor	20,920	
• Deputy Town Supervisor	54	
• Assistant to Supervisor	10,000	
• Bookkeeper	20,803	
• Town Justices, total	27,574	(13,787x2)
• Court Clerk, total	14,430	(7,215x2)
• Highway Superintendent	55,133	
• Highway Secretary	26,389	
• Zoning / Code / Fire Enforcement Officer	48,488	
• Town Clerk	29,711	
• Water Plant Operator (West Danby)	8,760	
• Water Plant Operator Assistants (West Danby), total	6,684	(3,342x2)
• Water Clerk (West Danby)	4,307	
Total	\$283,343	

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. 3 OF 2014 - 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. 4 OF 2014 - 2013 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, 2014 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

RESOLUTION NO. 5 OF 2014 - 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. 6 OF 2014 - OF DANBY ATTORNEYS

Resolved, That the Town Board of the Town of Danby names the law firms of Miller Mayer, LLP and Thaler and Thaler 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. 7 OF 2014 - 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 cents (\$0.56) per mile.

RESOLUTION NO. 8 OF 2014 - REAFFIRMATION OF TOWN OF DANBY PROCUREMENT POLICIES AND PROCEDURES

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, amended in 2004 and 2010).

RESOLUTION NO. 9 OF 2014 - REAFFIRMATION OF TOWN OF DANBY APPOINTMENT PROCEDURES

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. 10 OF 2014 - 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. 11 OF 2014 - 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. 12 OF 2014 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2014

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 \$291,211 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.

RESOLUTION NO. 13 OF 2014 - HEALTH CONSORTIUM APPOINTMENT

Resolved, That the Town Board of the Town of Danby appoints Laura Shawley as its representative to the Health Insurance Consortium.

RESOLUTION NO. 14 OF 2014 - 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. 15 OF 2014 - ACKNOWLEDGMENT OF DEPUTY HIGHWAY SUPERINTENDENT

Resolved, That the Town Board of the Town of Danby acknowledges the Highway Superintendent's appointment of Jack Shawley Jr. as his Deputy Superintendent.

Resolutions 1 through 15 moved by Connors, second by Brenner.

The motion passed.

In Favor: Brenner, Connors, Holahan, Dietrich

Appoint to Vacancy in Board of Zoning Appeals

There was discussion regarding appointment of the current vacancy on the Board of Zoning Appeals and appointment of BZA Chair. Clerk Goddard informed the Board that Joe Schwartz expressed interest in being reappointed. In addition, Russell Klinger asked that his application to the BZA be retained and considered at this time. In addition, Kate O'Neal had put in a general application to serve on either the BZA or Conservation Advisory Council.

RESOLUTION NO. 16 OF 2014 - APPOINTMENT OF BOARD OF ZONING APPEALS REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Joe Schwartz to a five year term on the Board of Zoning Appeals, effective January 1, 2014 through December 31, 2018.

RESOLUTION NO. 17 OF 2013 - APPOINTMENT OF BOARD OF ZONING APPEALS CHAIR

Resolved, That the Town Board of the Town of Danby reappoints Joe Schwartz to Chair of the Board of Zoning Appeals.

**Resolution 16 and 17 moved by Connors, second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

Town and Planning Board Interviews

There was a discussion of appointments and interviews to vacancies on the Town Board and Planning Board. Jack Miller Jr and Ted Jones had expressed interest in the Town Board Vacancy. Robert Roe, Jim Rundle, and Danny Eastman have each applied for the vacancy on the Planning Board. The Board agreed to meet prior to the 7pm Public Hearing on January 20, starting at 5:45. Each candidate will have 10-15 minutes for interview. Each interview will be interviewed individually in an assigned time slot. Any interviews which do not fit in that time frame may be added into the regular meeting.

Appoint to Vacancy in Conservation Advisory Council

There was a brief discussion regarding appointments to the Conservation Advisory Council. Dan Klein and Joel Gagnon both applied for reappointment. Kate O'Neil submitted a new application. The Board suggested that the CAC invite O'Neil to attend the meeting scheduled for January 27.

RESOLUTION NO. 18 OF 2014 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVES

Resolved, That the Town Board of the Town of Danby reappoints Dan Klein and Joel Gagnon to two year terms on the Conservation Advisory Council, effective January 1, 2014 through December 31, 2015.

**Moved by Connors, Second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

Board and Appointment Job Descriptions

There was a discussion regarding drafting job descriptions for Town Historian and Town Webmaster appointments and of descriptions of activities for various Boards. This would provide clear expectations for performance in various roles. Connors expressed her preference that these job descriptions be in place prior to appointments being made. Dietrich asked if there was a reason to defer appointments for positions where there is only one applicant?

Town Board discussed the time frame for compiling position descriptions. There was a suggestion from the Board that the current Historian, Webmaster, and Pond Supervisor be asked to draft their job descriptions. These need not be lengthy. Clerk Goddard noted that Town Historian may be a defined position in Town Law. She offered to research that job description. After extensive discussion, the Board decided to defer appointments until job descriptions are drafted. Dietrich expressed his concern that this process not drag on, but be complete in time for consideration and appointments in February.

There was a related discussion regarding descriptions of responsibilities and expectations for Town representatives to all municipal and County boards.

Warrants

ABSTRACT #14 OF 2013: GENERAL FUND

#580-591 for a total of \$7,661.37

**Moved by Connors, Second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

HIGHWAY FUND

#218-233 for a total \$11,879.02

**Moved by Connors, Second by Brenner. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

WATER DISTRICT FUND

#061-63 for a total \$278.28

**Moved by Connors, Second by Brenner. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

ABSTRACT #1 OF 2014: GENERAL FUND

#001-032 for a total of \$14,771.95

**Moved by Connors, Second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

HIGHWAY FUND

#001-010 for a total \$33,218.53

**Moved by Connors, Second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

West Danby Water District Grant Vouchers

Clerk Goddard distributed three invoices related to the West Danby Water District Improvement Grant: two from Blair for equipment related to the West Danby Water District and the third for work hours from Tod Sukontarak. The vouchers may be approved as a group.

There was discussion of a late fee attached to a voucher that had been approved in December and how this came about. This was due to the lengthy payment approval process for paying vouchers. Payment on this voucher was additionally delayed by banking paperwork related to establishing the dedicated checking account for the grant. Blair Supply will be contacted again to determine whether this fee can be waived.

RESOLUTION NO. 19 OF 2014 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

Resolved, that the Town Board of Town of Danby approves special payment of three invoices related to the OCR WDWD Improvement Grant: 42 hours of work from Tod Sukontarak at \$25 per hour for \$1050.00, a late fee in the amount of \$231.24 (1% on \$23,124) assessed by Blair Supply, and a voucher to Blair Supply of \$83.52 for rubber gaskets, to be paid out of a dedicated checking account for this purpose.

**Moved by Dietrich, Second by Connors. The motion passed.
In Favor: Brenner, Connors, Holahan, Dietrich**

Discussion of Committee Appointments

Dietrich opened a discussion about Town Board participation in County boards and committees. A suggestion was made from the floor that representatives to the Recreation Partnership and Youth Services Board might come from the Danby Community Council. Clarification is needed as to whether those who have been serving as representatives wish to continue. Dietrich asked Town Board members to review the various committees in relation to their interests. The Town could use a representative to the Economic Development group, in relation to re-establishing a Danby store.

Amendment to Employee Handbook

There was a continued discussion of a proposed change to the section on *Holidays, Vacations and Other Fringe Benefits* (page 22): [current language] “Eligibility – A full-time employee is eligible for holiday pay at the employee’s regular rate of pay. A part-time, temporary, seasonal employee is not eligible for holiday pay. Holiday pay will be based on the number of hours an employee is normally scheduled to work on the day upon which the holiday is observed.”

This change makes the pay of part-time employees for Holidays consistent with the prorated basis currently used for Vacation Days and Sick Leave. Bookkeeper Shawley reported that this amendment requires no review or oversight from the County. The Town is encouraged to have a change in Employee Handbook language reviewed by the Town Attorney to assure that the change is not contrary to any civil service law. It is not anticipated that there will be any problem with this amendment.

RESOLUTION NO. 20 OF 2014 - AMENDMENT TO THE DANBY EMPLOYEE HANDBOOK

Resolved, that the Town Board of Town of Danby amends the Danby Employee Handbook, in relation to Holidays, Vacations, and Other Fringe Benefits, with the following language:

“Eligibility – A full-time or part-time employee is eligible for holiday pay at the employee’s regular rate of pay. A temporary or seasonal employee is not eligible for holiday pay. Holiday pay for full-time employees will be based on the number of hours an employee is normally scheduled to work on the day upon which the holiday is observed. Holiday pay for part-time employees will be based on the number of hours an employee is normally scheduled to work on the day upon which the holiday is observed but will be prorated according to the percentage of full-time (40 hours per week) that they are normally scheduled to work. For example, an employee working 30 hours per week and who is normally scheduled to work on any given holiday will be paid for 75% of their normally scheduled hours for that day.”

Further Resolved, that this amendment will be adopted pending Town Attorney review.

Moved by Brenner, Second by Holahan. The motion passed.

In Favor: Brenner, Connors, Holahan, Dietrich

Amendment to Dog License Fees

Clerk Goddard opened a discussion regarding changes to the dog licensing fee structure. The Danby Dog Control Law provides for the revision of licensing fees by resolution of the Town Board. Dog license fees have not been changed in over five years. Goddard advocated for the addition of late fees to license renewals that are more than two months delinquent. This would raise revenue without penalizing the responsible dog owners who renew annual licenses in a timely manner. There is currently, no incentive to pay license renewals on time.

Goddard reported that she has consulted with the Williamson Law Book company, and it is possible to add late fees into system through the computer software. The late notice letter can likewise be adjusted to reflect possible late fees. Residents will be notified about this change through the Danby Area News and information attached to dog license renewal forms.

Brenner asked that dog owners get at least two notices prior to a late fee being added to their license cost. Members of the Board also asked that the fee for unaltered dogs be increased. The fee for altered (spay/neutered) dogs will remain the same. There was a discussion as to the appropriate level for the monthly late fee.

Dietrich informed the Board that the Town will participate in drafting a county-wide RFP for dog enumeration. Danby will be due for a new enumeration in the next year or two.

RESOLUTION NO. 21 OF 2014 - 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 \$24 for unaltered dogs. A late fee of \$3 per month will be added to dog licenses that are more than two(2) months overdue.

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

In Favor: Brenner, Connors, Holahan, Dietrich

Living Wage

There was a short discussion as to whether Danby can be certified as a “Living Wage” employer and what documentation is needed for this. A preliminary review shows that the lowest paid municipal employees is being paid better than \$12 an hour. This person is part time. Brenner provided some information about the certification process. This information will be forwarded to Laura Shawley.

Association of Towns Meeting

There was a short discussion about the February Annual Meeting of the Association of Towns. The Town needs to designate a voting representative no later than February 8. This should be done during the next Town Board meeting. The Clerk will attempt to forward Resolutions for consideration to the Town Board members.

Town Clerk’s Report

Clerk Goddard presented the December 2013 and 2013 Year End report. December had one day of DECALS sales, one BZA appeal fee, one Planning Fee, 2 building permits, and 47 dog license renewals. The Annual Report includes such data as a record of 10 marriage licenses issued, seven BZA appeals, 14 Planning Fees, 42 Building Permits, and 595 dog licenses in 2013 for a total of \$25,496 in revenue (exclusive of tax collection) through the Clerk’s Office.

Justice and Code Report

Written reports from the Town Justices and the Code Enforcement Office were distributed.

Beeners made a report on behalf of the Code Office. She reported that the Code Office is preparing between 11-13 public hearings that need to occur through either the Planning Board and/or Board of Zoning Appeals. This is the amount usually managed in two or three years.

Alarm System

Beeners advised the Board that she expects to bring a proposal for a new alarm system for Town Hall before the Board during its next meeting. The current system is not communicating properly with the monitoring service. This system is at least eight years old and has been having recurrent problems.

The cost for a full replacement system is \$4,500-5,000. The new system has an option for wired “panic buttons” for the Court and Clerk’s offices at a cost of \$150 per unit. The Town offices will discuss and decide how many panic alarms are needed.

Adjournment

The Meeting was adjourned at 9:02pm.

Pamela Goddard, Town Clerk