

**Danby Town Board
Minutes of Regular Meeting
May 12, 2014
DRAFT**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Code Officer Sue Beeners
Public Ted Crane, Ronda Roaring, Deanne DeMark, Erick Palmer, Craig Palmer,
Judith Palmer, Dan Klein, Ted Melchen, Mary Ann Kozak.

The Danby Town Board Meeting was opened at 7:00pm

Pond Supervisor Stipend

Brenner introduced a proposal to increase the stipend for the Jennings Pond Supervisors, for 2014. Approval of Amy Cusimano and Mary Ann Kozak sharing responsibilities for this service was given during the April 21 Town Board meeting. The stipend paid to the pond supervisor (\$1,000.00) has not increased in many years. There was a conversation with Mary Ann Kozak about the different tasks done by each of the supervisors.

Brenner voiced her support for two pond supervisors, as a safety and oversight benefit. She suggested that two supervisors, or a designated pond supervisor and supervisor assistant, be considered for the future. Supervisor Dietrich reported that it would be possible to adjust the budget for this year. It may be possible to add other funds required to run the pond program as well. The Board made no change to the pond supervisor status at this time, but agreed to increase the stipend.

RESOLUTION NO. 55 OF 2014 - AUTHORIZATION TO INCREASE POND SUPERVISOR STIPEND

Resolved, that the Town Board of Town of Danby approves to increase the stipend for the Jennings Pond Supervisor(s) to \$1,6000.00 for the fiscal year 2014.

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

Warrants

ABSTRACT #4 OF 2014: GENERAL FUND

#198-240 for a total of \$30,566.75

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

WATER DISTRICT

#018-029 for a total of \$2,650.96

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

HIGHWAY FUND

#083-104 for a total \$70,717.25

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

Approve Minutes

Brenner asked that approval of the April 21 minutes be postponed a week, for further review. She expressed her intention to abstain from the approval of the April 14 minutes, as she did not attend that meeting.

RESOLUTION NO. 56 OF 2014 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of April 14, 2014.

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

Abstain: Brenner

In Favor: Connors, Holahan, Miller, Dietrich

Award Mowing Contract Bid

Clerk Goddard informed the Board of the bid received from Tony Catlin, for the exact same amount (\$35 per hour) as the past two years. This is for mowing four cemeteries, Jennings Pond Park, and the Town Hall property. No other bids were received. There was a short discussion about the advertising and bid process.

RESOLUTION NO. 57 OF 2014 - RESOLUTION TO ACCEPT BID FROM TONY CATLIN FOR MOWING

Resolved that the Town of Danby accepts bid from Tony Catlin for mowing Town of Danby properties in 2014.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Legislator's Report

Dan Klein made a report on attempts to restore funding for municipal youth programming. Klein expressed concern that the municipal youth services system may collapse. \$200,000 is needed to restore the program to its year-200x level. In a related matter, Klein reported that, while the County has overridden the NYS tax cap for the past three years, it may not do so this year. Given this prediction, it will be a difficult "pitch" to restore these funds to the youth services budget. A presentation on this topic was scheduled for the County Legislature for May 13. Klein may ask the Danby Board for a resolution of support.

There was a general discussion of the future of Youth Services programming for Danby. This discussion included questions about seeking private grants to support the program. These have had only limited success in the past. There was discussion about localized programming vs. programming centralized through the County. No decisions were made. Klein agreed to attend the next TB meeting and give an update report on the issue.

Marsh Road Extension Request - Next Steps

Code Officer Beeners outlined the next steps in the process for the consideration of extending the year-round section of Marsh Road, as outlined and approved by the Town Attorney. These steps include:

- drafting a SEQR review as an "unlisted action,"
- a one page draft local law (changing the road classification)
- an escrow agreement between Palmer and the Town
- the adoption of Conservation Easements.

The TB needs to establish itself as lead agency, and adopt other procedural resolutions.

A public hearing regarding the local law could possibly be held in June or July, with the understanding that no action can be taken until the escrow agreement is in hand and the development of Conservation Easement(s) is ready for execution. As per the resolution of consideration, Conservation Easements must be in place prior to the adoption of a local law reclassifying the section of road.

Beeners shared the information that the Conservation Advisory Council believed it might be possible for the TB to adopt the Conservation Easements and local law on the same night. The local law has a provisions that work to begin improving the road will not take place until the next fiscal year.

There was a lengthy discussion between Brenner and Beeners regarding the SEQR review process and whether the long or short form should be used. Beeners informed the Board that 2013 revisions on the NYS DEC web site clearly advise that the long form should not be used unless the project considered is very large. As this is not a town-wide project, but covers less than 700 feet of road, the short form is recommended. This recommendation has been confirmed with the attorney. Brenner accepted this recommendation but expressed concerns that the long form might be triggered.

Brenner asked whether the turnaround was a separate project from the local law action triggered by the petition. Beeners informed the Board of the actions that are combined in this SEQR review. Beeners will attempt to have the completed SEQR review to present to the Board for its next meeting.

Palmer expressed his concern that this project not be overly delayed. He was willing to take the risk on starting with the short form SEQR.

Short Reports

Goddard presented Town Clerk's Report for April. \$3,489.06 was paid to the Supervisor, the bulk of which (\$2,969.00) was income from building permits. 39 dog licenses were processed, with \$51 paid to the NYS Animal Population Control Fund. \$129.44 was paid the the DEC for fishing licenses. Records Management destruction of non-required documents is ongoing.

Bench reports from Justices Klinger and Huddle were circulated among the Board.

Correspondence

A letter was received from the Co-operative Extension Rural Grants Beautification Coordinator, advising the Town that beautification funds are available again this year.

A letter of resignation was received from Kate O'Neal, resigning her seat on the Conservation Advisory Council effective immediately.

There was a discussion of a letter from Tomo Shibata, requesting that the Town Board consider a zoning change in the area of East Miller and Nelson Roads. Shibata asked about the procedure for this to be considered. There was a brief discussion regarding the process for such a request. Normally, such a request would be referred to the Planning Board. The Board opted to put it on its next agenda for discussion.

Email Research Report

Holahan made a report on ongoing research into Town Email addresses/archiving/service. He provided information about service available through SCT Computers, Inc. The Town has an existing computer services contract with SCT. It was recommended that the Town look into Microsoft Exchange, a "cloud-based" Email system. 50GB of mailbox storage could be available for \$4 per user per month. Email archiving, spam filters, etc. are included. This could be set up through SCT at its standard hourly rate of \$65 per hour, with an estimate of four hours of work. This would be a web-based system. Holahan will send details of this proposal to the Board and staff via Email.

Holahan suggested that setting up Town emails be separated from designing a new web site. He advised that once a decision was made regarding how many Email addresses are needed and whether to change the extension/address, this could be set up rather quickly. There was a brief discussion of the estimate of total cost. Holahan will present more information at the next meeting.

Executive Session

Connors made a request to enter executive session for the Board to discuss communication issues. There was a discussion regarding the of grounds for entering Executive Session. The Town Clerk outlined conditions/grounds for entering into executive session specified in Public Officers Law, including a pending legal matter or a personnel issue regarding a specific person. Connors framed the grounds as a time to discuss communications without coming to any conclusions. She requested that this be done in “executive session” in order to avoid conflict. This was request was supported by other Board members. Only Board members were to be included in this conversation.

The question was raised whether this was legal grounds for entering into executive session. The Supervisor agreed to entertain the motion, with reservations and concerns.

RESOLUTION NO. 58 OF 2014 - ENTER EXECUTIVE SESSION

Resolved that the Town Board of the Town of Danby enters into executive session to discuss communications among board members, related to a personnel matter.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

The Board entered Executive Session at 8:30pm.

Executive Session was adjourned at 10:30pm.

Pamela Goddard, Town Clerk