

**Danby Town Board  
Minutes of Regular Meeting  
July 14, 2014  
DRAFT**

**Present:**

Councilpersons: Rebecca Brenner, Leslie Connors, Jim Holahan, Jack Miller

**Excused:**

Supervisor: Ric Dietrich

**Others Present:**

Town Clerk	Pamela Goddard
Code Officer	Sue Beeners
Bookkeeper	Laura Shawley
Planning Board Chair	Frank Kruppa
County Leg.	Dan Klein
Justice	Garry Huddle
Public	Dylan Race, Kevin and Michelle Fullagar, Walt and Marie Drake, Doug and Mellora Paucke, William and Eva Siegard, Ted Crane, Ronda Roaring, Deanne DeMark, Erick Palmer, Katharine Hunter, Bill Kuhns

**The Danby Town Board Meeting was opened at 7:01pm**

Councilperson Jim Holahan chaired the meeting in the absence of Supervisor Dietrich.

**Privilege of the Floor**

Doug Paucke, Hill Road, presented some research on house numbering systems used in various countries and places in the USA. He recommended that a rule of assigning numbers every 200 feet from the start of a road be used in Danby. He suggested that this change could be made gradually over time. Residents on Hill Road were asked whether they were comfortable with this suggestion. These residents answered, "yes" in that this would then not have to be redone again in several years.

Mellora Paucke suggested that, in the future such changes be handled better from the start. She also requested that more time be given to residents for making the change, at least three months or more. Sue Beeners noted that the US Post office allows a full year for address changes. She found this a sufficient amount of time when she was required to make an address zip code change.

Ronda Roaring suggested that the Town consider providing number signs for its residents, starting with Hill Road. She noted that at least one fire department in a Town in Tompkins County has provided these to its residents, free of charge, as part of 911 emergency rescue preparedness. This was done through a grant.

Beeners spoke on behalf of appointing the acting Town Historian and Webmaster, as they have been acting in this capacity without formal recognition for the first half of the year. She had a conversation with Joan Grant, who expressed concern about this. Beeners thought that people may be disheartened about doing Town work when appointments take so long. She urged the Board to make these appointments, retroactive to the beginning of 2014, for this calendar year.

## **Recreation Partnership Report**

Dylan Race reported on budget matters related to the Tompkins County Recreation Partnership. The Recreation Partnership is a consortium of nine Towns working together with the Youth Bureau on recreation opportunities for youth. Danby, as part of the Recreation Partnership, is in the middle of a five year contract. It is anticipated that a 3% budget increase will be needed in the 2014 to cover increases in the minimum wage and as a result of the Tompkins County Living Wage initiative. This would be an increase of \$685 through the year for Danby. Danby has already budgeted enough for 2014 to cover this increase. Race advised the Board to expect an additional increase for 2015.

In an effort to control costs, the Recreation Partnership is cutting football from its programming. Football is the single most expensive program that the Recreation Partnership has been offering. It is available through other programs, including the school system. Other sports programs, arts programs, and other workshops are being maintained.

Race reported that this is one of the oldest consortiums in the state and has been used as a model for how well things can work when municipalities cooperate on programming. Ironically, since this is a long-standing consortium, it does not qualify for new state grants encouraging consolidation and cooperation. The consensus of participants is to all remain "on board" for maintaining the consortium. No municipalities have withdrawn.

## **Planning Board Report**

Frank Kruppa reported on a proposal/request for special permit for "Eagle Automotive" which has been under review/vote by the Planning Board. The PB held a special meeting on July 2, following public hearing on June 19, to discuss this application. A vote resulted in a 3-3 tie vote. The motion to accept the application with a long list of mitigating factors failed. After consultation with the Aown Attorney, the PB has learned that the default is a denial if the PB can not vote to approve. Kruppa will clarify this for the PB and applicant during the July 17 PB meeting.

A formal letter of denial will be transmitted to the applicant. Kruppa advised the Town Board that the applicant has the right to appeal the Planning Board denial to the Town Board. It is expected that the applicant will appeal.

## **Warrants**

### **ABSTRACT #6 OF 2014: GENERAL FUND**

#287-334 for a total of \$20,866.92

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

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

General Fund Vouchers 280-286 will be reviewed for approval at the July 21 meeting.

### **WATER DISTRICT**

#031-038 for a total of \$575.12

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

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

### **HIGHWAY FUND**

#123-145 for a total \$48,233.07

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

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

Highway Fund Voucher 122 will be reviewed for approval at the July 21 meeting.

## West Danby Water District Grant Vouchers

Clerk Goddard presented four vouchers related to the West Danby Water District improvement project.

### RESOLUTION NO. 69 OF 2014 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

**Resolved**, that the Town Board of Town of Danby approves special payment of four invoices related to the OCR WDWD Improvement Grant: a) 20.5 hours of work from Tod Sukontarak at \$25 per hour for \$512.50, b) Utility Billing System installation and training to BAS, Inc. totaling \$1,370.00, c) Professional Engineering Services to T. G. Miller, P.C. totaling \$4,918.57, and d) tank installation by Statewide Aquastore, Inc. totaling \$102,392.90. The total of these four invoices, \$109,193.97, to be paid out of a dedicated checking account for this purpose.

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

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

## Approve Minutes

### RESOLUTION NO. 70 OF 2014 - APPROVE MINUTES

**Resolved**, that the Town Board of Town of Danby approves the minutes of June 9, 2014.

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

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

There was discussion of a sentence in the June 16 minutes related to the Hill Road renumbering issue. Code Officer Beeners clarified that this is a requirement in the NYS Fire Code. This code requires that all buildings have approved address numbers. Connors asked that the sentence, "*The change is required by the 911 dispatch, due to address numbers being out of order.*" be struck from these minutes. This was agreed to.

### RESOLUTION NO. 71 OF 2014 - APPROVE MINUTES

**Resolved**, that the Town Board of Town of Danby approves the minutes of June 16, 2014 as amended.

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

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

Prior to considering Town Board approval of the May 12 minutes, Connors asked that the paragraphs related to "Executive Session" be changed and offered new language:

*Connors made a request to enter executive session for the Board to discuss communication issues. There was a discussion regarding the 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 communication without coming to any conclusions. She requested that this be done in "executive session" in order to avoid conflict. This 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. **to be replaced with**, "Connors made a request to enter executive session for the Board to discuss communication issues, including website/email issues (not to include any decision making). She requested that this be done in "executive session" to be able to have a discussion without being yelled at. The communication issues impact personnel issues. The question was raised whether this was legal grounds for entering into executive session. This was request was supported by other Board members but not by the town Supervisor.*

Clerk Goddard stated that while the change was accurate it did not seem substantially different in intent from what was originally written. Connors replied that the change was important to her. Brenner supported this change. Goddard accepted the requested amendment.

## **RESOLUTION NO. 72 OF 2014 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of May 12, 2014 as amended.

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

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

### **Comcast Letter**

Bookkeeper Shawley made a report about the implications of a proposed Time-Warner/Comcast merger to Danby. The Tompkins County Council of Governments has been working jointly to negotiate an improved franchise agreement between municipalities and Time-Warner. To date, efforts to renew a more equitable franchise agreement have not been satisfactory. The last negotiated franchise agreement with the Town of Danby was 1988.

Shawley explained the need for a letter, to be signed by Jim Holahan on behalf of the Board, to be transmitted as soon as possible. The intent of the letter is to express the need of municipalities to reach negotiated renewal agreements with Time-Warner prior to any merger with Comcast. Similar letters are being prepared by each municipality at this time.

### **Health Consortium Resolution**

Bookkeeper and Health Consortium representative Shawley made a report on a recent action of the Greater Tompkins County Municipal Health Insurance Consortium. This health insurance cooperative has been very successful in its first years of operation. The New York State Insurance Department regulations require union representation on the Consortium board. Two voting Union seats were included when the Consortium was established. Union representation is proportional to the number of municipal members, as described in a proposed change in the Consortium Agreement language below.

*Change in Agreement language: If the number of municipal members on the Consortium rises to twenty-three (23), the Union Members may select from among their members a third At-Large Labor Representative to serve as a Director. Thereafter, for every increase of five (5) additional municipal members added to the Consortium Union Members may select from among their one (1) At-Large Labor Representative to serve as a Director. Attached hereto as Addendum "B" in a table illustrating the addition of At-Large Labor Representatives as set forth in this section. Any At-Large Labor Representative designated according to this section shall have the same rights and obligations as all other Directors.*

Shawley presented a resolution needed from each participating municipality, to approve the amendment to the Agreement in relation to union representation on the Health Insurance Consortium.

**RESOLUTION NO. 73 OF 2014 - TO APPROVE THE 2014 AMENDMENT TO THE MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM**

**Whereas**, the Town of Danby is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under article 5-G of the New York General Municipal Law, and

**Whereas**, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"), which provides for the operation and governance of the Consortium, and

**Whereas**, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Superintendent of Insurance set forth certain requirements for governance of municipal cooperatives which offer self-insured municipal health insurance plans, and

**Whereas**, Section 4705(a) (8) of the Insurance Law provides that the governing board of self-insured municipal cooperative must include representation of unions, which are the exclusive collective bargaining representatives of employees who are covered by the plan offered by such self-insured municipal cooperatives, and

**Whereas**, Section K of the Agreement currently in place provides for representation on the Consortium's Board of Directors (the "Board") by the Chair of the Labor Management advisory Committee (as defined in the Agreement), and

**Whereas**, by resolution adopted on September 26, 2013, the Consortium's Board approved an amendment to the Agreement to (a) increase the number of labor representatives on the Board, and (b) provide for future increases to the number of labor representatives on the Board in the event that the number of participants in the Consortium increases, all as more fully set forth in the 2014 Amendment to the Municipal Cooperative Agreement attached hereto as Exhibit "A" (the "2014 Amendment"), and

**Whereas**, Section T of the Agreement requires that any change of amendment to the Agreement shall require the unanimous approval of the Participants, as authorized by their respective legislative bodies, and

**Whereas**, the Town of Danby has determined that it is in the best interest of the constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2014 Amendment, now therefore be it

**Resolved**, that the Town Board of Town of Danby approves the following:

Section 1. The 2014 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium attached to this Resolution is approved.

Section 2. The Town of Danby Clerk is hereby authorized to execute this Resolution to indicate its approval, deliver a copy thereof to the Board of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Section 3. This Resolution shall take effect immediately.

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

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

## **Hill Road Renumbering**

Members of the Town Board, the Code Officer, and residents on Hill Road had a lengthy discussion about alternative plans for reassigning address numbers on this road: (1) the numbering devised by the Code Office is roughly based on 50-foot increments and attempts to have the least amount of impact; (2) numbering based on 200-foot increments, as seemed to be established in the zoning code; (3) a plan that was somewhere in between. Beeners emphasized that whatever plan is used, the numbering needs to be rational for the NY State Fire Code.

Brenner made a request that information regarding address numbering be transmitted to the Town Board prior to being sent to residents. Beeners agreed that this can be done for any change of address. Assigning new address numbers is a standard part of the building permit process and should not be hampered by adding levels of bureaucracy.

There was a lengthy discussion of whether to start at the beginning of the road and change all of the numbers, or to change the fewest addresses possible in an attempt to minimize disruption for

households on the road. The argument was made that disruption will take place in either case and that it was best to “do it right” so that re-numbering will not need to be done again.

Members of the Board asked whether there is a prioritized list of “problem roads” in relation to numbering anomalies. Beeners informed the Board that there is not such a list at this time. Rather, problem areas are reviewed when a new house number assignment highlights the need. A suggestion was made that there be a special meeting between members of the Town Board and the staff in the Code Office to review these problem areas together. Beeners said that the Code Office could accommodate such a meeting later in the summer or in September.

The Board asked Beeners to have the Code Office prepare new maps showing different numbering options. Beeners agreed to have these prepared as soon as possible. The Hill Road renumbering discussion will be continued at the next TB meeting.

### **Legislator’s Report**

Klein reported on an upcoming vote of the County Legislature regarding opting into an assessment exemption for clean energy systems on real property tax. Klein provided information about a NYS law allowing taxing agencies (eg: Town, County, and School Districts) to opt into a tax exemption for renewable energy improvements to homes/properties. Danby does not tax on value added related to renewable energy. Currently, assessments are not raised on houses which have installed solar panels and other renewable energy systems.

Tompkins County chose to opt out of the tax exemption a few years ago, due to a concern that large commercial operations such as the Enfield Black Oak Wind Farm not be exempt from property tax. The Tompkins County Legislature will have a vote as to whether to now opt into the tax exemption for renewable energy. There is now support for opting into the renewable energy as a response to the surge in solar installations through “Solar Tompkins.” The Wind Farm has agreed to make “Payments in Lieu of Taxes” on the business. The Town Boards of Caroline and Ulysses have voted to support the option for this tax exemption.

Klein reported that he intends to vote in favor of the tax exemption option. The Town Board informally voiced its support for opting into the tax exemption.

### **Board Training**

There was a discussion of a general need for more training for all of the Town of Danby municipal boards. Brenner was specifically interested in attending a planning training held in late July. There is a fee of \$80 for Planning Federation members. This could be made available, with Town Board approval.

Brenner asked that information about training opportunities be transmitted to the other Boards. The Clerk confirmed that this already takes place. Brenner believes that there is a need for ongoing and increased training for all of the Boards. Additionally, research is underway to find online training courses for the Boards.

There was a brief update on training from the NY State Archives and Records Administration, taking place on July 21, regarding managing Email correspondence/records.

### **Marsh Road Extension Request - Next Steps**

There was a short report of Email correspondence from Conservation Advisory Council Chair, Joel Gagnon. He reported that the CAC has been working with Palmer and Melchen on their respective easements. It is anticipated that these will come before the Town Board sometime in August or September.

### **Short Reports**

Bench reports from Justices Klinger and Huddle were circulated among the Board. Huddle made a short report that the court room renovation is complete. The Justices have made a request to meet

with the Town Board in executive session at July 21 meeting regarding a personnel matter of a particular person.

The June Code Enforcement Office report was circulated among the Board. Additional information was presented by Code Officer Beeners on a completed survey of ten acres on the north side of Deputron Hollow Road. This is property to which the Town holds clear title. This survey has been filed at the County Clerk's office. Holahan asked whether this property is included in the Town's liability insurance, on the chance that residents use the property for recreation. Bookkeeper Shawley reported that the property is not on the list of areas covered by the Town's insurance. She will research whether adding this is possible.

There was a brief discussion of the Deputron Hollow property on the south side of the road, thought to be Town property but with a clouded title. Board members asked the status of this unresolved question and what next steps should be taken. No decisions had been made. The Conservation Advisory Council will be urged to follow up with a possible conservation easement.

Goddard presented Town Clerk's Report for June. \$3,175.28 was paid to the Supervisor, the bulk of which (\$2,587.50) was income from building permits. 40 dog licenses were processed, with five new dogs welcomed to Danby. There were two marriage licenses processed. Records Management destruction of documents past their retention date is ongoing.

Connors reported that she will invite Joan Grant, acting Town Historian, to speak at the next TB meeting regarding the open position.

### **Eagle Auto**

Bill Kuhns requested to be on the next agenda, in relation to an anticipated appeal to the Planning Board decision regarding a special permit for Eagle Automotive. There was a discussion of the process for appeal of Planning Board denial of the special permit. Kuhns was encouraged to bring information and a letter of appeal to the July 21 meeting.

### **Adjourn**

The meeting was adjourned at 9:07 pm.

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Pamela Goddard, Town Clerk