

**Danby Town Board
Minutes of Organizational and Regular Meeting
January 12, 2015
Draft**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Public Garry Huddle, Theresa Klinger, Shelly Huddle, Ronda Roaring, Ted Crane, Edward Kokkelenberg, Camille Doucet, Katharine Hunter, Melissa Cady, Sharon Krupper, Rick Lazarus, Bill Keokosky, Phyllis and Sean Sudquit, Jeff Huddle, Gay Huddle, Lori and Jim Yarbrough, Ted Merritt, Carl Seamon, Naomi and Bob Strichartz, Lamar Herrik, Jonathan Zisk, Ben and Bernie Fitzpatrick, David Hall, Robert and Elizabeth Roe, Randal Schmitt, Ben Altman, Keri Blakinger, Deirdre and Mark Silverman, Kelly Morris, Frank Darrow, Anna Marcus Hecht, Joan Marcus, Roger Hecht, Harry Brown, Tobias Dean, Nancy Medsker, Tom Seaney, Jim Rundle, Silas Conroy, and more.

The Danby Town Board Organizational Meeting was opened at 6:17pm

Organizational Resolutions: January 12, 2015

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 2015 - APPROVAL TO INVEST IDLE FUNDS

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

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

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

RESOLUTION NO. 2 OF 2015 - APPROVAL OF YEAR 2015 SALARIES

• Town Board, Councilpersons, total	10,327	(2,581.75x4)
• Town Supervisor	20,920	
• Deputy Town Supervisor	54	
• Assistant to Supervisor	10,000	
• Bookkeeper	20,803	
• Town Justices, total	28,222	(14,111x2)

- Court Clerk14,770
- Highway Superintendent55,133
- Deputy Highway Superintendent48,880
- Highway Secretary26,389
- Zoning / Code / Fire Enforcement Officer49,627
- Town Clerk30,409
- 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\$335,285**

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.

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

Holahan asked whether the amount for the Town Supervisor’s salary was the same as the previous year. Dietrich informed the Board that this has been the same amount for several years. Holahan recommended that the Town Supervisor receive an increase in salary in 2016.

The Town Board voted on several resolutions as a group.

RESOLUTION NO. 3 OF 2015 - 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 2015 - 2014 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, 2015 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

RESOLUTION NO. 5 OF 2015 - 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 2015 - 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 2015 - 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 seven cents (\$0.57) per mile.

RESOLUTION NO. 8 OF 2015 - 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 2015 - 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. 59 of 2011).

RESOLUTION NO. 10 OF 2015 - 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.

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

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

Miller asked a question regarding the naming of Town Attorneys in Resolution #6, whether Miller Mayer, LLP was added or whether there had always been two law firms representing the Town. Dietrich explained that, while Thaler and Thaler represent Danby in most concerns, Miller Mayer has special expertise for personnel issues. Dietrich confirmed that there is no retainer for either law firm.

RESOLUTION NO. 11 OF 2015 - 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 2015 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2015

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 \$296,659 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 2015 - 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 2015 - 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 2015 - 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.

RESOLUTION NO. 16 OF 2015 - 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 2015.

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

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

Brenner requested that the Board consider holding meetings at a different time, so that the Town Board meetings would be accessible to members of the Fire Departments. The Fire Department meets every Monday. She would prefer that the meetings not happen at the same time. After some discussion, no other nights are available on a consistent basis. Connors reported that the Fire Department is not interested in rescheduling its meeting night. Brenner suggested that periodically, perhaps quar-

terly, the Board move its meeting to a different night or time. Dietrich suggested that meetings might occasionally be held at the West Danby Fire Hall, in order to be accessible to residents of that area.

RESOLUTION NO. 17 OF 2015 ACKNOWLEDGMENT OF COURT CLERK APPOINTMENT

Resolved, that the Town Board of the Town of Danby acknowledges the Town Justices' appointment of Sherry Huddle as Danby Court Clerk.

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

RESOLUTION NO. 18 OF 2015 - APPOINTMENT OF DEPUTY SUPERVISOR

Resolved, That the Town Board of the Town of Danby acknowledges the Supervisor's appointment of Leslie Connors as his Deputy Supervisor.

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

RESOLUTION NO. 19 OF 2015 - APPOINTMENT OF PLANNING BOARD REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Anne Klingensmith to a seven year term on the Board of Zoning Appeals, effective January 1, 2015 through December 31, 2021.

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

RESOLUTION NO. 20 OF 2015 - APPOINTMENT OF PLANNING BOARD CHAIR

Resolved, That the Town Board of the Town of Danby reappoints Frank Kruppa to Chair of the Planning Board.

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

RESOLUTION NO. 21 OF 2015 - APPOINTMENT OF BOARD OF ZONING APPEALS REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Gary Bortz to a five year term on the Board of Zoning Appeals, effective January 1, 2015 through December 31, 2019.

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

RESOLUTION NO. 22 OF 2015 - 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.

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

RESOLUTION NO. 23 OF 2015 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Mary Woodson to a two year term on the Conservation Advisory Council, effective January 1, 2015 through December 31, 2016.

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

RESOLUTION NO. 24 OF 2015 - APPOINTMENT OF ASSOCIATION OF TOWNS VOTING REPRESENTATIVES

Resolved, That the Town Board of the Town of Danby appoints Leslie Connors to Voting Delegate and Jim Holahan as alternate to the Annual Business Session of the Association of Towns meeting to be held in New York City on February 18, 2015 and to cast the vote for the Town of Danby pursuant to the Constitution and By-Laws of said Association.

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

7:00pm - Hornbrook Road Incident Open Forum

There was an extended discussion between the Town Board and concerned members of the public regarding an incident on Hornbrook Road during the week of Tuesday December 29, 2014 through Friday January 2, 2015. An attempt to serve an arrest warrant resulted in a three day standoff with law enforcement, during which Hornbrook Road was closed to residents and the Highway Department, the death (by suicide) of David Cady, and the destruction of the rental home at 127 Hornbrook Road. It was stated that this property is owned by Autosalvage.

Supervisor Dietrich made a short report regarding a meeting of the Tompkins County Legislature's Public Safety Committee, attended by several members of the Board and the public. During this meeting, information was presented by incident commanders, describing a timeline of the incident with commentary by involved personnel. He asked that the discussion to be held this evening be civil and mindful of time. Connors noted that the afternoon Public Safety session brought up many questions and that answers are still needed.

Melissa Cady, the widow of David Cady, addressed those present regarding her experience of the incident. She made an extensive statement and provided information about her husband, the circumstances of his death, and the destruction of the house in which they lived. She refuted several claims by law enforcement, that David Cady was seen moving around inside the house during those three days. Melissa Cady maintained that David Cady was suicidal and afraid to go to jail. Based on information from the coroner and her own conversation with David, Melissa maintained that her husband had taken his own life early Wednesday morning. She asserted that movement inside the house after that was from domestic animals. She expressed anger and concern that everything that happened after Wednesday morning—including the damage to the house—may have been needless. She questioned the decisions that were made during the incident and expressed a strong concern that this level of law enforcement response not happen to others.

Two residents, Robert and Elizabeth Roe, reported hearing a single rifle shot at approximately 5am Wednesday morning, Dec. 31, 2014. Melissa Cady also stated that she heard the single gun shot at that time.

There was a question as to whether David Cady had CS gas in his lungs. Melissa Cady reported that the coroner's report is inconclusive, as there is no reliable test for this.

A resident asked, "Was there any explanation for the number of law enforcement personnel on the scene?" The answer was given that a large number of enforcement officers were needed to rotate shifts during the cold. There were additional questions about how quickly the number of SWAT officers escalated.

Dietrich expressed concern that there was a serious gap in communication between local residents and officials. He had been alerted early Wednesday morning that there was a situation with "multiple gun shots or flash bangs. This information came from members of the Highway Department, located adjacent to the incident location, and not from law enforcement. Highway Department personnel were blocked from entering its facility. When Dietrich attempted to gain additional information from the Tompkins County Department of Emergency Response, he learned that they were not being informed about the situation. Emergency Dispatch was not being informed about what was taking place. He expressed concern about being unable to identify or contact a Public Information Officer or Incident Command Center. Dietrich described the lack of communication with Town officials as, "pretty problematic." Dietrich expressed concern that, while being completely focused on the immediate problem, there was no effort to be concerned about impacts to adjacent residents and on the Town as a whole.

Several residents asked questions regarding the incident: Was the level of response appropriate to the situation? What can Danby, as a community, do so this does not happen again? Was a mental health professional brought in at useful time and used in an appropriate way? Were decisions made during this incident based on protocols that were not appropriate to the situation? Who had authority to escalate the response to the incident? Was it appropriate to have law enforcement from so many agencies? Can the house be salvaged or has it been damaged to the point that it must be condemned? Is there any remaining danger from propane tanks at the site of the damaged house? How does law

enforcement reconcile the reported time of death with the fact that the body was frozen? Can the Town request the complete call logs for the incident?

Ted Merritt, a former law enforcement officer, said that once a shot was fired the police were justifiably afraid. Merritt agreed that a committee was needed to investigate what transpired. Gay Huddle noted that, while this is a tragedy, felony DWI is not a minor offense.

Dietrich stated that he has already expressed a need for an After Action Report and independent review of the incident. There was strong support for this request from residents in attendance. There was a question as to who has the authority to initiate an after incident investigation? There was concern that there be clear outcomes from an investigation, improving future response.

There was extensive discussion regarding a draft resolution requesting an independent inquiry and after action report. The Board spent considerable time refining the resolution, with substantive input from residents. There was significant resident concern that specific questions be compiled in an organized manner and that the desired outcome from the review be clear. Dietrich suggested that residents submit their questions to members of the Board. The Board will compile a comprehensive list of questions.

The attendance sheet was circulated for those who wished to add Email addresses for further communication and updates.

Additional discussion refined the resolution. There were questions as to which agencies were to be included in this resolution and where the request should be directed. Dietrich made some preliminary suggestions, including the County District Attorney and emergency response. The resolution is to be reviewed by the Town Board and Town Attorney.

RESOLUTION NO. 25 OF 2015 - REQUEST FOR INDEPENDENT INQUIRY AND AFTER ACTION REPORT IN REVIEW OF INCIDENT ON HORN BROOK ROAD

Whereas, an incident involving response by law enforcement agencies that occurred during the week of December 29, 2014 through January 2, 2015 at or near 127 Hornbrook Road in the Town of Danby included the death of one resident, David Cady, damage to the residence at 127 Hornbrook Road to the degree that the residence is now uninhabitable, and the displacement of another resident, Melissa Cady, along with her two children, and

Whereas, there was no designated Public Information Officer, communications were inadequate, and did not follow proper protocols according to Tompkins County Emergency Response, and

Whereas, the Danby Town Supervisor was unable to access the names of, or contact for, an incident command officer, and

Whereas, the Town was unable to access the Danby Town Highway buildings and equipment, having the potential to place all residents in danger, and

Whereas, many residents of Danby and surrounding areas have been alarmed by the extent, and nature of the law enforcement response and have questions which deserve answers, **Therefore, be it**

Resolved, that the Town Board of Town of Danby requests that a full investigation, independent inquiry, and After Action Report of the incident, including but not limited to related tactics and communication, be conducted by an independent agency and reviewed by an independent agency, and

Further Resolved, that adequate communication of the results of the investigation and its review be made to the general public and submitted to relevant agencies.

Moved by Brenner, Second by Connors. The motion was tabled.

Warrants

ABSTRACT #12 OF 2014:

GENERAL FUND

#541-565 for a total of \$5,706.75

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

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

HIGHWAY FUND

#257-261 for a total \$11,694.87

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

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

WATER DISTRICT

#067-069 for a total of \$1,455.71

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

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

ABSTRACT #13 OF 2014:

GENERAL FUND

#566-577 for a total of \$5,067.85

HIGHWAY FUND

#262-274 for a total \$6,990.59

WATER DISTRICT

#070-071 for a total of \$248.25

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

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

ABSTRACT #1 OF 2015:

GENERAL FUND

#001-027 for a total of \$122,373.01

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

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

HIGHWAY FUND

#001-009 for a total \$113,778.02

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

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

WATER DISTRICT

#001-002 for a total of \$6,047.03

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

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

Approve Invoice for West Danby Water District Improvement Grant

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

RESOLUTION NO. 25 OF 2015 - 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: a) Professional Engineering Services to T.G. Miller, P.C. totaling \$1,615.31, b) Contractor's Application by Statewide Aquastore, Inc. totaling \$13,314.98 and c) \$1,900.80 in wage hours for Susan McLellan, office administrator. The total of these invoices is \$16,831.09, to be paid out of a dedicated checking account for this purpose.

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

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

Preliminary 2014 Financial Review

Dietrich and Shawley presented a preliminary financial review for 2014. Documents were distributed to the Board for their review. Additional information will be presented at 6pm, prior to the Jan. 19 regular Town Board meeting. Shawley anticipated that budget adjustments and additions to reserve accounts would be made at that time.

Gunderman Road Planned Development Zone Review

Dietrich opened discussion with David Hall regarding Hall's proposal of modifications to permitted uses at the Gunderman Road "Planned Development Zone #10." Hall asked to be on the February 9 Town Board agenda for a public hearing related to the proposed local law making amendments to such uses. Clerk Goddard advised the Board that the timeline for such a public hearing was possible, including attorney review, neighbor notifications, and published legal notice.

The Planning Board will need to do a review and make a recommendation during its January 15, 2015 meeting. At the January 19 meeting, following the PB meeting and expected recommendation, the Town Board will consider Hall's request for a public hearing.

Hall outlined some review which will take place with potential users through Cornell Co-operative Extension. He invited Town Board members to meet with him at the site for additional on-site review.

Adjourn

The meeting was adjourned at 9:10 pm

Pamela Goddard, Town Clerk