

**Danby Town Board  
Minutes of Financial and Regular Meeting  
January 19, 2015  
Draft**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Highway Super. Carl Seamon  
Public Ronda Roaring, Ted Crane, David Hall, Mathew Skeval, Anthony Augustine, Tammy Wylers, Ted Schwartz, Henrike Burton, Katharine Hunter, Camille Doucette, Joe Schwartz, Sarah Elbert, Nancy Medsker, and more.

**The Danby Town Board Financial Meeting was opened at 6:14pm**

Town Board discussion with Bookkeeper Shawley regarding 2014 end-of-year finances and options for adding to various reserve accounts. Shawley presented a list of amounts to be transferred between budget lines in order to balance the municipal accounts for the 2014 budget year. Shawley explained that this is standard procedure and in compliance with recommendations from the State Comptrollers Office.

The bottom line is that Danby stayed under budget, overall, for 2014. Shawley answered questions about specific transfers, particularly those over \$2,000. Most of the transfers of large amounts relate to highway equipment and personnel. Shawley and Seamon reported that the addition of a mechanic to the Highway crew has been working out well. They expect that this staff addition will reduce maintenance costs for the Town in the long run.

Shawley made recommendations for end of fiscal year additions to several reserve accounts. In the Highway Department accounts, Shawley recommended additions to the Salt Shed Reserve and Highway Equipment Reserve. When funds are added to a reserve, they may only be used for that purpose. Entering fiscal year 2015, the Highway Fund has roughly \$370,000 in cash. Seamon has asked the Board to consider adding \$2,000 towards a new top for the Salt Shed. It is anticipated that a new top will be needed in fourteen years. He asked that the Board add \$30,000 to the Highway Equipment Reserve. Old equipment, such as snow plows, will need to be rotated out. Shawley advised that the Town will need a new grader in five years. Connors asked whether some equipment, such as a grader, can be shared by municipalities. Seamon said this would not be possible, as municipalities need to use this type of equipment at the same time.

In the General Fund, Shawley recommended adding to the Building Reserve. Entering fiscal year 2015, the General Fund has roughly \$640,000 in available cash. The Building Reserve currently has roughly \$196,000. The General Fund Retirement Reserve has about \$3,500. The Highway Retirement Reserve has about \$6,500. There was a discussion about additions to the Retirement Reserves in both the General and Highway funds. The Retirement Reserve accounts were set up a few years ago, when retirement rates rose rapidly. Supervisor Dietrich recommended adding to the Retirement Reserves.

The Board discussed the financial strategy for 2015 and how much to add to each of the reserves at this time. Shawley advised that cash accounts not be dropped too low, as fund may be needed in case of emergencies.

Action on these recommendations took place during the regular meeting.

## **7:05pm - Regular Meeting**

### **Privilege of the Floor**

Jim Holahan read a quote from Martin Luther King Jr. in honor of MLK day.

Ronda Roaring brought three items to the Town Board attention. She described a Federal initiative for rural broadband buildout. She has submitted copies of deeds for Town properties to the Town Clerk. Roaring encouraged the Board to allocate funds for surveys of these properties. She also encouraged the Board to provide funds to the Danby Conservation Advisory Council for preserving open space, rather than to the Finger Lakes Land Trust towards property acquisition.

Ted Crane made comments related to a proposed change of uses at the Planned Development Zone on Gunderman Road. Crane requested that the Board consider neighbor notification be extended to 1,500 feet for a public hearing on this issue. Crane also raised a concern about light pollution from activities at the Gunderman Road property.

### **Hornbrook Road Incident - Public Comments**

Matthew Skeval, a law enforcement officer, spoke in regards the New Year's Eve incident on Hornbrook Road. Skeval said that he was at the scene as a Deputy Sheriff and first responder. He stated that he agrees that law enforcement needs to be accountable to the public and he believes that the release of information was handled appropriately. He encouraged the Board to stand up for local law enforcement and show support for their work. He expressed concern regarding an implied distrust of law enforcement in the proposed resolution. He thought that the draft resolution being considered not only questioned the judgment of but showed a lack of support for the work of law enforcement.

Ted Schwartz spoke as a lifelong resident and police officer, expressed concern about the draft resolution regarding the incident at Hornbrook Road. He asked the Board to remember that law enforcement officers are well vetted and highly trained. He pointed out that many of the officers on the scene during the incident are residents of Danby and not strangers. Rather than pass a resolution that accuses law enforcement of inappropriate or improper behavior, either directly or by implication, Schwartz asked the Board to meet directly with law enforcement to get answers to tough questions. He challenged the Board to build a relationship of trust.

Dietrich responded to the concerns of these residents. He would like further discussion on the matter. He noted that the Board is seeking a standard after action report to see what can be learned for the future. In his view, this need not lead to mistrust. He noted that there is always something that can be learned from incident command after action reports.

There was a discussion between the Board and the public as to whether a request for an investigation implied an accusation or implication of wrong doing. Supervisor Dietrich and other members of the Board tried to reassure Skeval and Schwartz that a request for investigation was not an accusation, but rather a way to gather unbiased information. Skeval and Schwartz expressed concern about the tone of the draft resolution from the January 12 meeting.

Henrike Burton spoke in favor of the resolution, saying that asking questions does not mean that residents do not support the police. She expressed the view that asking questions means that residents want to understand what happened.

Sarah Elbert spoke on behalf of Danby neighbors who are also police officers. She stated that she feels safe in this community, thanks to her law enforcement neighbors.

Nancy Medsker suggested that the Town needs a "meet and greet" in order to create connections between neighbors and help bind the community together.

Schwartz suggested that Danby Fun Day be used as a time to bring law enforcement and the public together to build understanding. Police are available to community outreach.

## **Approve Minutes**

### **RESOLUTION NO. 26 OF 2015 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of December 8 and 15, 2014.

**Moved by Holahan, Second by Dietrich. The motion was tabled.**

Consideration of the December minutes was tabled, in order to provide time for board members to review the documents.

## **Finger Lakes Land Trust Request**

The motion to consider a gift of funds to the Finger Lakes Land Trust, in support of the Allport property acquisition, was tabled by Supervisor Dietrich, pending review of the process by the Town Attorney.

## **Hornbrook Road Incident Resolution**

The Board discussed and revised the wording of a resolution requesting an After Action Report and Independent Inquiry regarding the late December/early January incident at the Cady home on Hornbrook Road. Connors suggested that the resolution focus on the problems with communication during the incident. She made several suggestions for edits to the January 12 resolution.

Brenner suggested the inclusion, in this resolution, of the establishment of an emergency notification system where by residents could self-subscribe Email through the Town web site. Dietrich and Connors suggested that, while this would be useful, setting up such a system should be kept separate. This topic can be addressed in the near future.

There was additional, extensive discussion between Supervisor Dietrich, other members of the Town Board, and local residents who are part of law enforcement. Dietrich and Brenner clarified the need for better communications in emergency situations and the intent of the draft resolution toward that goal. In this discussion there were different expectations as to what amount of information is appropriate and necessary at various times during and after an incident.

Members of law enforcement restated their concerns about the wording of the resolution. Brenner explained that the Board is attempting to balance two points of view regarding the incident. She stated that such an attempt may be destined to fail, but that the Board needed to address questions from residents who felt vulnerable. At the same time the Board recognized and supported police who were doing their best in a difficult situation.

There was a discussion of where the resolution should be directed and also what agencies would be involved in an independent inquiry. A list of agencies and people were included in a "further resolved." Dietrich suggested that someone from mental health, law enforcement, and citizens be involved in the independent inquiry. Specifics of that group will be worked out at a later date, in conjunction with Tompkins County agencies.

Holahan thanked Skeval and Schwartz for attending the meeting and adding their views. Brenner thanked those who had written letters as well.

### **RESOLUTION NO. 26 OF 2015 - REQUEST FOR AFTER ACTION REPORT AND INDEPENDENT INQUIRY 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**, the Danby Town Supervisor was unable to access the name of or contact for a public information 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, while supportive of our law enforcement, expressed the need for information,

**Therefore be it**

**Resolved**, that the Town Board of the Town of Danby requests that an After Action Report and an independent inquiry and review be conducted of the incident, and

**Further Resolved**, that this resolution be sent to the Tompkins County Attorney, County Sheriff, District Attorney's Office, Tompkins County Office of Emergency Management, and New York Assembly Representative Barbara Lifton.

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

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

### **Financial Resolutions**

Supervisor Dietrich suggested a break in the meeting and left the room. After a brief interval, with Dietrich still out of the room, in discussion with a Town resident, the Board acted on several resolutions, dedicating surplus funds to reserve accounts. Dietrich was able to return partway through the voting.

#### **RESOLUTION NO. 27 OF 2015 - APPROVE FROM THE TOWN BOARD TO MAKE THE APPROPRIATE BUDGET TRANSFERS FOR THE YEAR END ACCOUNTING PROCESS**

**Whereas**, it is necessary to modify the budget between accounts when there have been expenditures that exceed the budget in some accounts and are under the budget in others, now, **Therefor, be it**

**Resolved**, that the Town Board of Town of Danby authorizes the attached budget transfers to be made in the 2014 budget year.

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

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

**Absent: Dietrich**

The attached budget transfers are shown in attachment A of these minutes.

#### **RESOLUTION NO. 28 OF 2015 - THE TOWN BOARD DETERMINES TO FUND THE SALT SHED RESERVE IN THE HIGHWAY FUND**

**Resolved**, that the Town Board of Town of Danby authorizes the amount of \$2,000.00 be be transferred to the Salt Shed Reserve Account. This transfer will be made directly from the Highway Checking Account, DA200.

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

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

**Absent: Dietrich**

#### **RESOLUTION NO. 29 OF 2015 - THE TOWN BOARD DETERMINES TO FUND THE EQUIPMENT RESERVE IN THE HIGHWAY FUND**

**Resolved**, that the Town Board of Town of Danby authorizes the amount of \$30,000.00 be be transferred to the Equipment Reserve Account. This transfer will be made directly from the Highway Checking Account, DA200.

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

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

**Absent: Dietrich**

#### **RESOLUTION NO. 30 OF 2015 - THE TOWN BOARD DETERMINES TO FUND THE BUILDING RESERVE IN THE GENERAL FUND**

**Resolved**, that the Town Board of Town of Danby authorizes the amount of \$60,000.00 be be transferred to the Building Reserve Account. This transfer will be made directly from the General Fund Checking Account, A200.

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

#### **RESOLUTION NO. 31 OF 2015 - THE TOWN BOARD DETERMINES TO FUND THE RETIREMENT RESERVE IN THE HIGHWAY FUND**

**Resolved**, that the Town Board of Town of Danby authorizes the amount of \$10,000.00 be transferred to the Retirement Reserve Account in the Highway Fund. This transfer will be made directly from the Highway Checking Account, DA200.

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

#### **RESOLUTION NO. 32 OF 2015 - THE TOWN BOARD DETERMINES TO FUND THE RETIREMENT RESERVE IN THE GENERAL FUND**

**Resolved**, that the Town Board of Town of Danby authorizes the amount of \$10,000.00 be transferred to the Retirement Reserve Account in the General Fund. This transfer will be made directly from the General Fund Checking Account, A200.

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

### **Gunderman Road Planned Development Zone - Public Hearing**

The Board discussed a public hearing to be held in regard a proposed local law to change the permitted uses in Planned Development Zone #10, 303 Gunderman Road.

#### **RESOLUTION NO. 33 OF 2015 - 279-303 GUNDERMAN ROAD – LEAD AGENCY DESIGNATION AND SCHEDULING PUBLIC HEARING, PROPOSED CHANGE IN PERMITTED USES, PLANNED DEVELOPMENT ZONE 10**

**Whereas**, JLF Holdings, LLC/David Hall, owner/applicant, has requested a change in permitted uses in Planned Development Zone 10, which encompasses 9.22 +/- acres of Tax Parcel 9.-1-9.12, 279-303 Gunderman Road, with the remaining parcel zoned Low Density Residential; and

**Whereas**, the Planning Board on January 15, 2015, by Resolution No. 3 of 2015 has recommended that the Town Board adopt a local law amending Local Law No. 1 of 1997, "A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands,"

**Now, Therefore, it is**

**Resolved** that the Town Board of the Town of Danby affirms that it is Lead Agency in environmental review, with the Town of Danby Planning Board as an involved agency; along with the Tompkins County Department of Planning pursuant to General Municipal Law 239-l and -m, and the Tompkins County Department of Health is a potentially involved agency; and

**Further Resolved**, that the Town Board sets a public hearing date to consider Approval of the Modified General Plan and Adoption of a Local Law amending Local Law No. 1 of 1997, "A Local Law Amending the Town of Danby Zoning Ordinance Related to Boundaries and Permitted Uses of Planned Development Zone 10 and Adjoining Lands," for Monday, February 9, 2015 at 7:00 p.m.

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

Brenner expressed concern that the draft Local Law is a "moving target" with additional changes to permitted uses proposed by Hall. David Hall responded that the Planning Board had considered this draft local law during several meetings. He expressed regret that Code Officer Beeners had not been able to attend those meetings, and had made comments that may not have taken into account all of the discussion which had already occurred. He stated that noise from outside auctions has already been resolved. He further stated that his proposed uses meet goals of the current Danby Comprehensive Plan. In his view, the needs of a "business incubator" require activities included in permitted uses. Hall said that his intention is to have business at this location "low key," as he is the closest

neighbor. He may, at some time, wish to sell the Planned Development Zone parcel at 303 Gunderman and still live in his home adjacent to the development property.

Hall asked the Board to consider adding “Light Industrial” uses to permitted uses which do not need a special permit. He also expressed concern that any delay would negatively impact two potential tenants for the PD zone.

There was a related discussion of the timeline for a process to consider and adopt a proposed Local law. Clerk Goddard advised Hall, as applicant, that a final copy must be reviewed by the Town Attorney, be submitted to the Tompkins County Planning Department, and be reviewed by the Town Board. No Public Hearing should be set until a final copy of the law is ready for public review. Supervisor Dietrich expressed some concerns about Hall’s characterization of the process to this point. Dietrich was not comfortable with changes at this point. Brenner agreed and supported the expansion of neighbor notification to a broader geographic range.

Based on the time-frame needed for review and notification related to a Local Law public hearing, Hall withdrew the edits he had proposed. He provided additional information regarding code questions related to outside auctions and needed special permits. Connors reported code issues on behalf of Code Officer Beeners. Beeners noted that outside auctions would be a special event in an area that has not had this use to this date. A specific proposal for outside auctions, for a specified number of times in the summer, could be considered for a special permit. Beeners further suggested that a more specific proposal regarding examples and definitions of “light industrial” uses which could go to the Planning Board in the spring for a simple yet specific special permit. In the meantime, the Local Law, as currently written, could be considered for the sake of waiting tenants.

The Board discussed how far to extend neighbor notification for this public hearing. The discussion included consideration of what routes truck traffic might use to access the property and the potential impact of this traffic. It was agreed to extend the notification to those neighbors 2,000 feet from the subject property line.

## **February Meetings**

The February 16 Town Board meeting will be canceled, as a majority of the Board will be attending the Association of Towns annual meeting in New York City. The Board agreed to reschedule that meeting to February 2 at 7:30pm.

## **Appointments**

The Board discussed and made appointments to Conservation Advisory Council, Town web master, and Town Historian.

### **RESOLUTION NO. 34 OF 2015 - APPOINTMENT TO CONSERVATION ADVISORY COUNCIL**

**Resolved**, that the Town Board of Town of Danby appoints Jenny Caldwell to a two year term on the Conservation Advisory Council.

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

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

A recommendation for this appointment has been received from the Conservation Advisory Chair, Joel Gagnon. Ronda Roaring commented that the CAC needs volunteers, as a way to train new appointees.

### **RESOLUTION NO. 35 OF 2015 - APPOINT TOWN WEB MASTER**

**Resolved**, that the Town Board of Town of Danby appoints Jordie VanHam as web master for the year 2015.

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

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

There was a discussion regarding the potential re-appointment of Joan Grant as Town Historian. Connors asked whether the Board wished to have another interview with Joan Grant. Connors re-

ported a conversation with Grant, in which Grant agreed to meet the conditions and responsibilities in the NYS job description for Town Historian. Dietrich expressed a concern that the Town Historian, "Be held to task." The Board would like more of a presence from the historian, via Town meetings and publication on the Town web site and in the Danby Area News.

**RESOLUTION NO. 36 OF 2015 - APPOINT TOWN HISTORIAN**

**Resolved**, that the Town Board of Town of Danby appoints Joan Grant as Town Historian for the year 2015.

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

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

Other discussion items, including an update on the web site and Email system and a discussion of use of the Town Hall, will carry over until the next Town Board meeting.

**Adjourn**

The meeting was adjourned at 9:25 pm

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Pamela Goddard, Town Clerk