

**Danby Town Board  
Minutes of Public Hearing and Regular Meeting  
September 21, 2015  
Draft**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Highway Sup. Carl Seamon  
Code Officer Paul Hansen  
Public Ted Crane, Garry Huddle, Dan Disidoro, Jessica Withers

**The Danby Town Board Public Hearing was opened at 7:05pm**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Danby on Monday, September 21, 2015 at 7:00 p.m., at the Danby Town Hall, 1830 Danby Road, Ithaca, NY, 14850 to hear all comments of interested persons related to considering adoption of Town of Danby Local Law Number 1 of 2015 "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2016."

The full text of the proposed Local Law is on file in the Office of the Danby Town Clerk, located at 1830 Danby Road, and is available for review during office hours.

**Public Comment - Questions and Answers**

Written comment was received from Ted Crane, in support of passing the local law. Crane said that, based on information presented at Board meetings and in the Danby News, having the option to exceed the tax cap appears to be prudent and fiscally responsible.

There was a general discussion regarding the question, "What is the driving factor for this proposal?" This question was raised by resident Dan Disidoro. Supervisor Dietrich and Bookkeeper Shawley responded to the question with information regarding the fiscal pressures currently faced by the Town of Danby. These pressures include internal issues, such as deferred maintenance on Town property, that now needs to be addressed, and damage to the Town's road infrastructure during the difficult 2014/2015 winter followed by severe flooding in June. All repairs have needed to be paid out of the Town budget, as there has been no support for infrastructure from NYS.

There are additional, external fiscal pressures related to unfunded mandates from NYS, compounded by a mandate to not only keep the rate of tax increases to under 2% but to additionally cut municipal budgets by 1% per year for the next three years. Measures taken to reduce taxes in previous years, such as the creation of the Health Care Consortium, have not been allowed by NYS as contributing to cumulative cuts in spending.

Due to all of the needs which must be addressed, Dietrich and Shawley made a case for such cuts being unwise and imprudent. Dietrich and Shawley explained that, while the Town will continue to be as fiscally conservative as possible, the Local Law to Override the Tax Levy Limit gives the Town the flexibility it needs to maintain appropriate operating budget and infrastructure reserve levels.

It was noted and affirmed that this local law to override the tax levy limit is for 2016 only. The Town would need to pass a similar law, should it need to override the tax cap in future years.

Brenner noted that the Town has always worked with a conservative budget. She stated that it was important for the Town to be able to respond to a catastrophic weather event, be it winter blizzards or summer flooding.

Disidoro asked how a future budget would impact spending for the Highway Department? Is the budget shrinking, growing, or remaining stable for road repairs? Dietrich responded that, in recent years, the Highway Department has carried a great amount of responsibility for keeping the budget stable. At this time, spending needs to be more appropriate and realistic in the Highway line, in order to maintain and improve roads in Danby.

## **Public Hearing Closed at 7:30pm**

## **Regular Town Board Meeting Opened 7:30pm**

### **Privilege of the Floor**

The Board held a brief discussion with an Ithaca High School student about the problems of doing homework with rural internet. She described difficulties completing course work required online. The rural internet connection at her home on Steam Mill Road is slow and unreliable. There was a discussion regarding improvements which should be available in the next year. In addition, Town Hall is a local “hot spot” and is available for use by students.

### **Consider Adoption of Local Law**

Connors asked several questions regarding passing a local law to override the tax levy limit. Does the Town know for sure that there will be no reimbursement for funds spent on road repairs due to the June flooding? Highway Superintendent Seamon confirmed that there will be no funds from the state to cover these costs. Is the Intermunicipal Shared Services proposal off the table? Dietrich and Shawley answered that a decision from NYS is still pending, but it does not look good. Connors asked whether it was true that the Town’s ability to borrow money would be compromised if this is not done? Bookkeeper Shawley confirmed that banks look favorably on this action, as an indication that the municipality will have the flexibility it needs to pay its bills. Dietrich added that there is fiscal danger if the Town’s bond rating is damaged. This can be a safety issue in the case of an emergency.

### **RESOLUTION NO. 82 OF 2015 - PASS LOCAL LAW #1 OF 2015, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C FOR FISCAL YEAR 2016**

**Whereas**, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 1 of 2015 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2016; and

**Whereas**, this is a SEQRA Type II action for which no further environmental review is required; and

**Whereas**, the Town Board on September 21, 2015 has held Public Hearing on this proposed local law, which Public Hearing was duly noticed in the Ithaca Journal;

#### **Now, Therefore, It Is**

**Resolved**, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 1 of 2015 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2016; which Local Law is incorporated into this Resolution; and it is

**Further Resolved**, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Town Supervisor for approval; and it is

**Further Resolved**, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

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

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

The full text of the adopted local law is in appendix A of these minutes.

## Highway Department Resolutions

Shawley and Seamon presented two resolutions for Town Board consideration. The Board asked for some additional information regarding the trailer and how it will be used. Shawley and Seamon explained the cost savings of buying a used trailer, rather than new one. A new trailer costs in the range of \$18,000. They described this trailer as being in "excellent condition."

### **RESOLUTION NO. 83 OF 2015 - TO APPROVE THE PURCHASE OF A TRAILER FOR THE HIGHWAY DEPARTMENT**

**Whereas**, it is necessary for the Highway Department to transport pipe, concrete blocks, heavy equipment or other materials to job sites, and

**Whereas**, it is not always convenient to transport materials in the dump trucks, and

**Whereas**, the Highway Superintendent has located a 2003 trailer that will include replacement of all decking materials that meet the needs of the highway department, and

**Whereas**, the Highway Department has called the manufacturer and has received the information that this trailer has been specifically designed for hauling heavy equipment and the types of materials that the highway department handles,

#### **Now, Therefore, It is**

**Resolved**, the Town Board of the Town of Danby gives their permission for the Highway Department to purchase this 2003 Eager Beaver 20 ton trailer from Austin Excavating and Paving, Inc. for the sum of \$8,000.00. This amount will be paid out of the equipment reserve in the highway fund. This purchase is subject to passing full inspections from New York State.

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

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

Shawley, Seamon and Hansen presented information regarding a contractor chosen to replace the roof on the Highway Barn. Quick Construction has provided data sheets specifying the materials that will be used. These details still need to be incorporated into the work contract for this project. Hansen will be working with Scott Quick to clarify the contract.

Work is scheduled to begin on or about October 1.

### **RESOLUTION NO. 84 OF 2015 - TO AWARD THE JOB OF REPLACING THE ROOF OF THE HIGHWAY BARN**

**Whereas**, The roof of the Highway Barn is approximately 25 years old and has several leaks. The shingles are loosening and falling off in areas, and

**Whereas**, Quotes were obtained from six local builders for shingle removal, replacement and repair of any damaged construction, and shingle replacement, **Now, Therefore, It is**

**Resolved**, after reviewing the quotes, the Town Board awards the highway building roof job to Scott Quick Construction, pending approval of the Code Officer and Town Supervisor. The price of the project is \$33,000.00 to be paid for out of the Building Reserve in the General Fund.

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

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

## **Corrected Warrant: # 9 of 2015**

The board reviewed vouchers in the General Fund and Highway Fund, which had been missing in the review at the Sept. 14 meeting.

### **MOTION - APPROVE CORRECTED WARRANT**

**Moved**, to approve vouchers # 371, 372, 399 and 400 in the General Fund and vouchers # 192 and 220 in the Highway Fund which were previously missing from Warrant #9 of 2015.

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

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

## **Set Budget Meetings**

There was further discussion regarding setting times and dates for 2016 budget planning and review. The following dates were set: Monday, October 5 at 7:30pm, Wednesday, October 7 at 7:00am, and Monday, October 19 at 5:30pm. The Town Board will not meet on Sunday October 4. All budget meetings to be held in the Danby Town Hall.

## **Code Office Report**

Paul Hansen reported on his activities in the past month. He has been attending meetings regarding energy efficiency measures for rural homes. A draft project is being worked on. Hansen alerted the Board that a presentation will be made sometime this Fall. REAP (Rural Economic Area Partnership) will be seeking support from the Town Board.

There was a general discussion regarding the process of issuing and displaying building permits. This was a follow-up from the concern expressed by Roaring at the previous TB meeting. Building permits are on file at the Code Office and available for public review. The Board expressed support for the current policy through the Code Enforcement Office.

There was a continued discussion regarding the current construction at the Kuhns property/Eagle Auto. Hansen reported on a letter that has been sent to Kuhns, regarding the changes to the project intent and building design. Kuhns has not responded. No additional work has been done on the structure and Hansen does not expect completion in 2015 and possibly not in 2016.

Connors asked whether Kuhns needed a new or different building permit for this structure. Hansen stated that a new permit was not needed. The current permit complies with building code. Changes in a permit may be done administratively by the Code Officer. There was a discussion as to whether the special permit for a repair shop may be rescinded. This is not possible under the current zoning law.

## **Youth Program Report**

Brenner noted that the Fall schedule for youth programs has been posted. Four programs are being offered in four different locations.

## **Court -Shared Services**

Dietrich and Huddle had a discussion regarding a County proposal for Court Shared Services. What started as an effort to save money has evolved into an effort for justice equality in criminal cases. Danby's Local Justices are not in favor, for several reasons. Huddle noted that criminal cases are a small percentage of those which come before municipal court justices. In Huddle's view, it's likely that the proposal is not going anywhere. The Office of Court Administration has backed out of discussions with Tompkins County. Huddle noted that, in order to do this, there would need to be a change in State law.

## **Adjournment**

The Meeting was adjourned at 8:35 pm.

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Pamela Goddard, Town Clerk

## Appendix A

**Town of Danby**  
**Local Law No. 1 of 2015**  
**A Local Law to Override the Tax Levy Limit Established in**  
**General Municipal Law 3-c for the Fiscal Year 2016**

Be it enacted by the Town Board of the Town of Danby as follows:

### **Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Danby, County of Tompkins, pursuant to General Municipal Law 3-c, and to allow the Town Board of the Town of Danby to adopt a town budget for (a) town purposes; (b) the fire protection district; and (c) any other special or improvement district governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined in General Municipal Law 3-c.

### **Section 2. Authority**

This local law is adopted pursuant to General Municipal Law 3-c(5), which authorized a town board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the town board.

### **Section 3. Tax Levy Override**

The Town Board of the Town of Danby is hereby authorized to adopt a budget for fiscal year 2016 that requires a property tax levy in excess of the tax levy limit specified in General Municipal Law 3-c.

### **Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law directly involved in the controversy in which such judgement or order shall be rendered.

### **Section 5: Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.