

**Danby Town Board  
Minutes of Organizational and Regular Meeting  
January 11, 2016  
DRAFT**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Officer Paul Hansen  
Highway Sup. Carl Seamon  
Water Commissioner Tod Sukontarak  
Public Judith L. Bargher, Pat Woodsorth, Charles Tilton, Ted Crane, Ronda Roaring,  
David Hall, Frank Darrow

**Regular Meeting Opened at 7:07pm**

**Swearing In:**

Newly reelected Town Board members, Leslie Connors and Jack Miller Jr., were sworn in with their Oaths of Office for current terms. All other reelected officials had sworn their Oaths of Office at an earlier time.

**Organizational Resolutions:**

Clerk Goddard provided an overview of the 18 Organizational Resolutions. These standard, annual resolutions set forth some of the basic business of the Town. Resolution numbers and dates have been updated, as appropriate.

Brenner raised the question of times and dates for TB meetings. She expressed her concern that Town Board and Fire Department meetings are held at the same time, preventing people from attending both. There was a discussion of whether to start earlier one Monday a month. Tod Sukontarak informed the Board that FD meetings are the second Monday of each month. There is no conflict with the third Monday. He did not believe that changing the date or time of the TB meeting would have an impact on members of the FD. The result of this discussion was no change to the meeting schedule. The TB will consider shifting the time and/or location of its meeting once or twice a year in order to promote discussions between the Board and members of the Fire Departments.

Brenner made a request that a copy of Robert's Rules of Order be available at all Town Board meetings. Supervisory Dietrich confirmed this request. Clerk Goddard stated that a copy of Robert's Rules is in the Town Hall and will be present at future TB meetings. There was a preliminary discussion regarding having a statement regarding expected conduct at meetings included on TB agendas, as is done with the Planning Board.

**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 2016 - APPROVAL TO INVEST IDLE FUNDS**

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

**RESOLUTION NO. 2 OF 2016 - APPROVAL OF YEAR 2016 SALARIES**

• Town Board, Council persons, total .....	10,639	(2,659.75x4)
• Town Supervisor .....	21,548	
• Deputy Town Supervisor.....	56	
• Assistant to Supervisor.....	10,300	
• Bookkeeper.....	21,427	
• Town Justices, total .....	29,069	(14,534.50x2)
• Court Clerk .....	15,213	
• Highway Superintendent.....	56,787	
• Deputy Highway Superintendent .....	50,348	
• Highway Secretary .....	27,181	
• Town Clerk .....	31,322	
• Deputy Town Clerk .....	20,600	
• Code Officer .....	49,629	
• Planner.....	37,827	
• Water Plant Operator (West Danby).....	9,023	
• Water Plant Operator Assistants (West Danby), total.....	6,685	(3,342.50x2)
• Water Clerk (West Danby) .....	4,337	

**Total .....**\$401,991

**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.

**RESOLUTION NO. 3 OF 2016 - 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 2016 - 2015 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, 2016 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

**RESOLUTION NO. 5 OF 2016 - 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 2016 - TOWN 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 2016 - 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 four cents (\$0.54) per mile.

**RESOLUTION NO. 8 OF 2016 - 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 2016 - 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 2016 - 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.

**RESOLUTION NO. 11 OF 2016 - 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 \$170,000 (State Aid DA3501) be expended upon 71.98 miles of Town of Danby highways.

**RESOLUTION NO. 12 OF 2016 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2016**

**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 \$308,165 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: \$170,000 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 2016 - 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 2016- 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 2016 - 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 2016 - 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 2016.

**RESOLUTION NO. 17 OF 2016 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

#### **RESOLUTION NO. 18 OF 2016 - 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 Connors, Second by Holahan. The motion passed.**

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

#### **Appointments**

Clerk Goddard informed the Board that applications for reappointment had been received from Joel Gagnon and Dan Klein for the Conservation Advisory Council and from David Hall for the Board of Zoning Appeals. Marrell Cortright, Carl Seamon, and Tod Sukontarak all expressed interest in serving as a Water Commissioners. Other applications are pending.

Connors reported that Ted Melchen is not interested in serving another term on the Planning Board.

Tod Sukontarak, WDWD Superintendent, gave information regarding potential appointments of Commissioners to the West Danby Water District. Sukontarak suggested that Cortright be appointed to the open, 5-year term, that Sukontarak be appointed to fill out a term vacated by Jack Hobbie (who moved away) and that Seamon be appointed to fill out a term vacated by John Sills (who was badly injured last summer).

The Board decided to take action on the following appointments. Other appointments will be considered at future TB meetings.

#### **RESOLUTION NO. 19 OF 2016 - APPOINTMENT OF WATER DISTRICT COMMISSIONER**

**Resolved**, That the Town Board of the Town of Danby appoints Marrell Cortright to a five year term as Commissioner on the West Danby Water District, effective January 1, 2016 through December 31, 2020.

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

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

#### **RESOLUTION NO. 20 OF 2016 - APPOINTMENT OF WATER DISTRICT COMMISSIONER**

**Resolved**, That the Town Board of the Town of Danby appoints Tod Sukontarak to the remainder of a five year term as Commissioner on the West Danby Water District, effective January 1, 2016 through December 31, 2017.

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

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

#### **RESOLUTION NO. 21 OF 2016 - APPOINTMENT OF WATER DISTRICT COMMISSIONER**

**Resolved**, That the Town Board of the Town of Danby appoints Carl Seamon to the remainder of a five year term as Commissioner on the West Danby Water District, effective January 1, 2016 through December 31, 2018.

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

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

Brenner moved to make reappointments to the Conservation Advisory Council. There was no discussion regarding these appointments.

#### **RESOLUTION NO. 22 OF 2016 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVES**

**Resolved**, That the Town Board of the Town of Danby re-appoints Joel Gagnon and Dan Klein to two year terms on the Conservation Advisory Council, effective January 1, 2016 through December 31, 2017.

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

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

## **Warrants**

### **ABSTRACT #14 OF 2015:**

#### **GENERAL FUND**

#549-562 for a total of \$5,995.42

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

#### **HIGHWAY FUND**

#312-314 for a total \$176,833.00

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

#### **WEST DANBY WATER DISTRICT**

#58-61 for a total of \$390.55

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

### **ABSTRACT #1 OF 2016:**

#### **GENERAL FUND**

#1-27 for a total of \$117,896.61

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

#### **HIGHWAY FUND**

#1-19 for a total \$110,893.36

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

#### **WEST DANBY WATER DISTRICT**

#1-2 for a total of \$3,310.25

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

## **2015 Financial Review**

Laura Shawley presented a preliminary review of 2015 finances. Data on year-end estimates for remaining revenues and budget analysis was distributed, via paper copies, for each of the Town of Danby accounts. The books have not been finalized for the year, so the amounts below are not exact figures.

In review of the West Danby Water District, there is approximately \$195,000 in the WDWD accounts. The WDWD was approximately \$27,360 under budget for 2015. The Board asked whether these are average figures per year. Shawley stated that the cash amounts are similar to those of previous years.

In review of the General Fund, there is approximately \$567,000 in the checking account. The Building Reserve has approximately \$222,000 remaining after repair to the Highway Barn roof. The Retirement Reserve has approximately \$13,500. Shawley advised that the amount in the General Fund checking is an acceptable and adequate amount in case of emergencies. However, the Board could opt to add funds to its reserve accounts. There was a discussion with Board as to the purpose and limitations of Reserve Accounts. Shawley advised that additions can be made to Reserve Accounts at any time.

There was a discussion regarding suggested additions to General Fund Reserves. \$60,000 was added to the Building Reserve during the 2014 year end financial review. The Board considered adding \$5,000 to the Retirement Reserve, for pension costs, from of 2015 and 2016 funds. Dietrich supported a plan to add to all reserve accounts in a slow and methodical way. He expressed concerns about needs for

improvements to the Town Hall including concrete work, roofing, and replacing the metal railing at the entrance.

In review of Highway Fund, there is approximately \$222,000 in checking (compared to \$300,000 at the end of 2014), \$31,800 in the Equipment Reserve, \$16,500 in the Retirement Reserve, and \$4,000 in the Salt Shed Reserve. Due to various conditions, the Highway expenditures were over budget by approximately 82,600 for fiscal year 2015. This includes \$10,000 over in snow removal, \$6,000 related to rental of equipment for storm damage repair, and \$66,619 for equipment maintenance. A significant reason for those over budget amounts relates to major road repairs due to flooding and excessive storm damage during the year. Emergency repair funds were not provided by New York State to help cover that damage.

There were several recommendations for additions to Highway Reserves. Brenner suggested that a few thousand dollars per year to the Salt Shed Cover Reserve Account. It was suggested to add in the range of \$2,000 to the Highway Department Retirement Reserve. The Board considered whether it was appropriate at this time to add to the Equipment Reserve. There was an extended discussion about the age and condition of current equipment. It is anticipated that the oldest snow plow will need to be replaced in the next few years.

No additions were made at this time. Additions to Reserve accounts will be further considered at future TB meetings.

#### **RESOLUTION NO. 23 OF 2016 - TO FUND THE 2015 OVER BUDGET AMOUNT IN THE HIGHWAY FUND WITH MONEY FROM THE FUND BALANCE**

**Whereas**, That the Town of Danby has undergone situations in 2015, such as extreme weather conditions and intense storm damage, that has caused the Highway Department to exceed the budget for the year, and

**Whereas**, there are no relief funds from the State of County that have been brought forth to offset these added costs to the Town and the Town has had no choice but to fund equipment needs, materials, and manpower in-order to repair damage to town roads, and

**Whereas**, the Highway Department has kept the Town Board informed about the fact that the budget was being exceeded and that final totals would be brought forward for a budget increase, and

**Whereas**, the Highway Department, along with the Town Board, has put together a plan to help prevent some of these damages from reoccurring in the future,

#### **Now Therefore Be it**

**Resolved**, That the Town Board of the Town of Danby approves an amount up to \$85,000 from the Highway Fund Balance to be applied to increase the budget in the Highway Fund for the year 2015.

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

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

#### **Code Report**

Paul Hansen had distributed the December Code Report to the Town Board via Email. He stated that the Code Reports are now posted on-line on the [townofdanbyny] web site in a folder on the Code Office page. Q&A with Board.

Hansen and the Board discussed Code Training Hansen will receive over the next year. Hansen will take six courses, held monthly, between January and June 2016. This will result in full Certification in New York State Building Code. This training and certification includes Energy Code.

#### **Entry Cabinet Project - Discussion**

Paul Hansen presented ideas for remodeling the Town Hall front entry, cabinets etc. The anticipated cost is in the range of \$4,000 for materials. Hansen will do the work during less busy times in his work schedule. The new wall and cabinets will be made of local hardwoods. Hansen anticipated that the wall rebuild and kitchen area renovation can be done over the 2016 winter and spring. A entryway decorative "mural" would be designed and constructed over the following year.

There was a discussion of form and design in relation to function. Dietrich suggested that a more detailed plan be drafted for review by the Town Hall staff. Further discussion and consideration to be held to assure that the entry area and kitchen space is functional for daily use.

There was some discussion of the functional kitchen cabinets. Hansen asked for approval to expend funds for this purpose. The cost of the cabinets is less than \$2,000. There was a discussion regarding whether any improvements will be made to the existing cabinets and counter. These are old and are looking rather shabby. Clerk Goddard noted that new “high end” cabinets will make existing ones look even shabbier. Supervisor Dietrich advised Hansen to further consult with those who use the area every day, allowing more time for consideration.

Approval will be considered in early February.

### **Junk Car Law - Discussion**

Paul Hansen presented ideas for revisions to the Town of Danby “Junk Car” Local Law. The maximum fines have not been updated since the Local Law was enacted in 1987. Hansen encouraged the Board to update the amount and structure of fines to be more in keeping with current economics. Brenner asked what would be appropriate and what other Towns fine. Dietrich supported a structure that would add additional fines on a weekly or monthly basis and would increase over times.

The Board discussed what would be advisable and appropriate. The amount of the fine is somewhat to the discretion of the municipal Justice. It currently has a maximum of a few hundred dollars. Connors asked what warning system is in place prior to a fine being levied? Hansen outlined the code procedure related to this. There is an extensive process of Code visits and warnings over several months.

There was a discussion regarding a preliminary revision of the Local Law. The Board expressed approval for a fine of \$1,000 per week, up to \$1,000 per day. Dietrich stated that this is in keeping with what other municipalities levy at this time. Justice Huddle expressed support for some discretion in the fines, with a potential of \$1,000 per day.

Hansen will begin to draft a revision of the fee structure of this Local Law. It will be reviewed by the Town Attorney. Approval of any Local Law revision requires a public hearing.

### **Short Reports**

Clerk Goddard presented Town Clerk’s Reports for December 2015 and for the year 2015. She also presented a year end Records Management Report from Records Assistant, Mary Ann Barr. Barr has been working with records from the Code Enforcement Office.

Justices’ Reports from Klinger and Huddle were circulated among the Board. Justice Huddle added the information that the Court was awarded a grant of \$4,000. This will be used to purchase and install a scanning program which will improve electronic records management and retention.

### **Adjourn**

The meeting was adjourned at 9:00 pm.

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Pamela Goddard, Town Clerk