

**Danby Town Board
Minutes of Regular Meeting
August 15, 2016**

Present:

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

Excused:

Councilperson: Jack Miller

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Paul Hansen
Highway Dept. Carl Seamon, Jack Shawley
Public Ted Crane, Pat Woodworth, Charles Tilton, Katharine Hunter, Scott Davis, Kelly Makosch, Melanie Dilliplane, Colleen Strong.

Regular Meeting Opened at 7:02pm

Privilege of the Floor

Kelly Makosch spoke regarding proposed speed limit reductions on Gunderman and Lieb Roads. She spoke on behalf of herself and neighbors on Gunderman Road to thank the Board for their consideration of lowering the speed limit in this area.

Ted Crane informed the Board and residents about an upcoming program hosted by the Danby Community Council. He also urged the Board to take action on the Lieb and Gunderman Road speed limit requests, pointing out that the Board received a petition signed by all Lieb Road residents and landowners a month ago.

Legislator's Report

Klein reported that, after a substantial recruiting effort to hire enough drivers, TCAT has reinstated full service for the Fall. He reported that there is opposition in Caroline to the South Hill Recreation Way. Some Caroline residents may approach the Danby Town Board regarding this matter. Dietrich responded that there is no objection from Danby landowners along the trail, that he knows of.

Klein reported on the formation of a task force, through Tompkins County Council of Governments, to research efforts to provide emergency services in rural areas. The Town of Caroline no longer has Emergency Services as they were unable to recruit enough volunteers. Laura Shawley confirmed that TCOOG has recently established an Emergency Services Task Force.

Klein informed residents that the Town of Ulysses is proceeding with a ballot measure to change both the Town Highway Superintendent and Town Clerk from elected to appointed positions. In a related matter, he reported on County consideration of making the Sheriff an appointed position rather than elected. Klein stated that he expected that this measure would not be undertaken this year. Klein stated that he supports making the Sheriff an appointed position.

Speed Limit Reduction Request - Lieb and Gunderman Roads

Several residents spoke regarding this issue. Clerk Goddard read communication from David Shalloway, 90 Lieb Road, in strong support of lowering the speed limit on Lieb Road. Colleen Strong stated strong support for reducing the speed limit on Gunderman Road. She stated that there are a number of children living on the road who would like to walk or ride bikes to be with friends but that the parents are concerned about traffic safety. Other residents expressed similar concern, stating that there is a neighborhood feeling in “the big block” (Gunderman to 96B, up Bald Hill to Lieb and across Comfort back to Gunderman Road.) They would like to see this area be more pedestrian friendly. Ted Crane commented that the roads are all part of a vast system which merits review. He asked whether it was possible to have a four-way stop sign at the intersection of Comfort and Gunderman Roads.

Representatives of the Highway Department expressed support for lowering the speed limit on Town of Danby roads. This action would further traffic safety and would also reduce the damage to the roads caused by high speed traffic. Laura Shawley presented information from the NYS Department of Transportation regarding the process of reviewing roads for speed limits reduction. The regional representative of the NYS DoT advised that requests for speed limit evaluation be presented in blocks. This representative additionally stated that requests for speed reductions, particularly on dirt roads, would likely be approved. While each road needs to be evaluated individually, it is most efficient for the DoT to evaluate roads in blocks or batches of four to five roads at a time.

The Highway Superintendents presented the Town Board with a list of roads recommended for lower speed limits. The first block includes: Gunderman, Lieb, Bald Hill, Station, and Fisher Settlement Roads. The next block includes: Peters, Michigan Hollow, East Miller, and Updike Roads. The third block includes: Steam Mill Heisy, Curtis, Hill, and West King Roads. The fourth block includes: LaRue, Bruce Hill, Hill Top, and German Cross Roads. It was agreed to move the block of the first five roads. The next blocks will be considered at future Board meetings.

RESOLUTION NO. 72 OF 2016 - SPEED LIMIT REDUCTION - GUNDERMAN, LIEB, BALD HILL, STATION, FISHER SETTLEMENT ROADS

Resolved, that the Town Board of the Town of Danby directs its staff and its Highway Department to take the steps necessary to initiate NYS DoT review of five Town of Danby roads, or the portions thereof, with a desired maximum speed of 30mph on Gunderman, Lieb, Bald Hill, and Station Roads and a maximum speed of 40mph on Fisher Settlement Road.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

Residents thanked the Board for this action.

Highway Finances Report and Requests

Deputy Highway Superintendent, Jack Shawley made a report on activities of the highway mechanic. An explanation was provided for the need to transfer funds in order to cover mechanic’s expenses. The new mechanic has been doing more work replacing parts on older vehicles. Most of these were high expense safety issues. The cost would have been greater if the work was done by an off-site repair shop.

Bookkeeper Shawley made a case for funds to be transferred from the 2016 snow removal funds due to the mild 2015/2016 winter. There are sufficient funds in those accounts to help cover the overages in the Mechanics Contractual line while funding potential snow removal needs for the end of 2016. The Highway Department has a good reserve of salt for the rest of this year.

RESOLUTION NO. 73 OF 2016 - TRANSFER BUDGET AMOUNTS BETWEEN EXPENSE ACCOUNTS TO FUND THE MECHANIC'S EXPENSES

Whereas, the Highway Department has gone over the budget in the Mechanics Contractual line (DA5130.400) by approximately \$5,000 as of the end of August 2016, and

Whereas, the reasons for this overage have been explained to the Board in detail at the Board Meeting of August 15, 2016. Some examples explaining the overage were the Highway's thorough replacement of parts on all vehicles, unexpected large repair jobs, and the start of a new tire program that should be a cost savings in the future and ensure the safety of the operators, and

Whereas, the mechanics expense line will need to be funded for the remainder of 2016 as well as cover the overage as of August 31, 2016, and

Whereas, the Highway Superintendent does not feel the need for drawing from the fund balance at this time and would rather move funds from one line to another to cover these expenses,

Therefore, be it

Resolved, that the Town Board of the Town of Danby authorizes that \$10,000 from the Snow Removal Personal Services Line (DA5142.100), \$10,000 from the Snow Removal Contractual Line (DA5142.400), and \$10,000 from the General Repairs Contractual Line (DA5110.400) be transferred to the Mechanics Contractual Line (DA5130.400) to cover this overage and to fund the line item for future expenses.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

Bookkeeper Shawley presented a motion for an Agreement to Spend Highway Funds. A signed copy of the motion was prepared for the Highway Department files.

MOTION - AGREEMENT TO SPEND HIGHWAY FUNDS - LAYEN ROAD

Persuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvements of highways, and received from the State for repair and improvements of highways shall be expended as follows:

General Repair: A sum not to exceed \$45,000 shall be spent on Layen Road from Town Line Road to Jersey Hill Road. The road will be partially reconstructed and drainage will be added where needed. The surface treatment will be a triple seal of oil and stone. The funds for the project will come from the CHIPS program provided by New York State to the Town of Danby.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

Demolition Action - 1840 Danby Road, set Public Hearing

Hansen reported on the status of demolition at 1840 Danby Road and the need for a public hearing regarding the same. The owner has been given a finite amount of time to take care of the unsafe structure. Progress has been made, but his time is running out. The intent of this action is to keep progress moving, with an engineer's report and approval from the Health Department for a septic system. In order for the demolition order to be rescinded and a building permit issued, the owner must have an engineer's report that the structure is safe, the basement must be infilled, and there needs to be a Health Department approved septic system plan. The Owner is aware of these requirements and the timeline for Code Enforcement approval.

Hansen reported to the Board that the Town Attorney advised a public hearing for September 19 with a vote to follow that same date. There was some discussion regarding the process and procedure at this time. Proper legal language for posting this public hearing will be provided by the code officer and/or town attorney.

RESOLUTION NO. 74 OF 2016 - SET PUBLIC HEARING - DEMOLITION ACTION, 1840 DANBY ROAD

Whereas, the Town Board of the Town of Danby found the building at 1840 Danby Road, Tax Parcel 10.-1-25, Christopher Muka owner ("the Owner") and unsafe structure; and

Whereas, this determination is recorded in Resolution No. 29 of 2016; and

Whereas, the Code Enforcement Officer allowed the Owner 60 days to accomplish the required demolition and remediation; and

Whereas, the Town Board has reviewed the CEO Report;

Now Therefore, It Is

Resolved, that the Town Board of the Town of Danby sets a second public hearing regarding the dangerous and unsafe building at 7:00pm on September 19, 2016 at the Town Hall, 1830 Danby Road, Ithaca, New York.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

Power Purchase Agreement

Hansen made a short report on the progress of contract negotiations for the Hornbrook Road solar installation. Hansen stated that the contract needs improvement and will be revised soon. Once this revision is completed by the Town Attorney it will be sent to Renovus for their review

Discussions are underway with the Fire Commissioners regarding a letter of agreement or resolution of support regarding shared services related to the municipal solar installation. Hansen reported that there had been some misunderstanding among the Fire Commissioners regarding their role in this project.

Highway Superintendent Elected/Appointed, Set Public Hearing

Clerk Goddard provided information regarding the narrow timeline for a public hearing to pass a Local Law changing the currently elected Highway Superintendent to an appointed position. According to communication from the Town Attorney, a local law subject to mandatory referendum needs to be submitted for approval not less than sixty days, but not more than seventy-five days prior to the ballot measure. If a Law is passed by the Board, the proposed referendum takes place during the general election on November 8, 2016. The ballot proposition needs to be with the Board of Elections no later than September 30.

There was discussion regarding whether this was a good time to do this and whether there was time to inform residents of the proposition. Supervisor Dietrich expressed concerns he has heard from some residents regarding the integrity of their vote. Dietrich further stated his view that a choice of Highway Superintendent should not be a political appointment or popularity contest. Instead, the Town should have the services of the most qualified person it can find and afford.

There was some discussion regarding the need for members of the Board to work on this effort between now and the November election. Members of the Board stated their interest to hold a public hearing and move this forward at this time. There was discussion regarding previous efforts to publicize this effort and what would be needed at this time.

Clerk Goddard recommended that a Public Hearing be set for the last week of August; August 29, 30, or 31. Information about this will be posted on the Town web site, on the Town Hall bulletin boards, and legal notice will be posted in the Ithaca Journal.

RESOLUTION NO. 75 OF 2016 - SET PUBLIC HEARING - HIGHWAY SUPERINTENDENT REFERENDUM

Resolved, that the Town Board of the Town of Danby sets a Public Hearing on a Proposed Local Law, providing for the abolition of the elective office of Town Highway Superintendent and the creation of the appointive office of the Town Highway Superintendent of the Town of Danby, to take place at 7pm on Tuesday August 30, 2016 in the Danby Town Hall, 1830 Danby Road. This Local Law is subject to a mandatory referendum.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

There was a related, preliminary discussion regarding drafting a job description and requirements for a future Highway Superintendent. Members of the public made specific suggestions for a review committee. Brenner expressed support for those suggestions.

Tax Cap Local Law, Set Public Hearing

There was a brief discussion regarding enacting a Local Law permitting the Town to override the tax cap for fiscal year 2017, should it need to.

RESOLUTION NO. 76 OF 2016 - SET PUBLIC HEARING - LOCAL LAW PERMITTING OVER RIDE TAX CAP

Whereas, the Town Board of the Town of Danby is considering adoption of a Local Law "Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2017,"

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby sets a Public Hearing related to considering adoption of a Local Law to Override the Tax Levy Limit for the Fiscal Year 2016, for Monday September 19, 2016, 7:00pm following a public hearing regarding a demolition action at 1840 Danby Road.

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

In Favor: Brenner, Connors, Holahan, Dietrich.

Appointment Policy

There was a discussion regarding needed revisions to the Town of Danby Appointment Policy. Dietrich and Brenner suggested that citizen input be included in consideration of revisions. It was also suggested that input be gathered from chairs of the Planning Board, Board of Zoning Appeals, and Conservation Advisory Council. Brenner suggested that a committee be formed from these chairs and interested citizens. The Board directed the Clerk to send copies of the most recent draft to these people.

Brenner suggested that the appointment policy include characteristics for each board appointment so that the qualifications are less arbitrary. Connors stated that this effort has begun. There was a preliminary discussion of the requirements, characteristics, and skill sets which would be sought for various volunteer board appointments. Connors suggested that there be some flexibility in these characteristics. Brenner suggested that there be standard requirements so that "apples to apples" comparisons of applicants can be made. Further discussion of these questions will be conducted at future Board meetings, following review of the current draft policy.

Code Planning Report

Paul Hansen made a report on a few pending items. Hansen is working on a redesign for the ramp entrance to the Town Hall. There are several problems with the curb, ramp, and rails at the main entrance to the Town Hall. The complex is not up to code. Funds will need to be allocated for this project. Funding could be available for this, and other projects, through the County Beautification Grant program.

Hansen drew up an alternate proposal for a new Fire District sign at the Danby Fire Hall property. The Fire District is currently looking into an LED display sign. Members of the Board expressed concern about driver distraction related to a sign which is "flashing" or which changes message frequently.

There was a related discussion regarding specifications in Danby zoning regarding limits to sign size and lighting. The Fire District has limited immunity from such zoning. Hansen is working with the FD to avoid a scenario where they need to appeal to the BZA.

Adjournment

The meeting was adjourned at 8:55 pm.

Pamela Goddard, Town Clerk