

**Danby Town Board
Minutes of Organizational and Regular Meeting
January 8, 2018, 7pm**

Present:

Councilpersons: Leslie Connors, Ric Dietrich (Supervisor), Jim Holahan, Jack Miller, Matt Ulinski

Others Present:

Town Clerk Pamela Goddard
Code Paul Hansen
Bookkeeper Laura Shawley
Public Ted Crane, Rick Dobson, Ronda Roaring, Katharine Hunter, Dan Klein, Pat Woodworth, Charles Tilton.

Organizational and Regular Meeting Opened at 7:08pm

Supervisor's Statement

Dietrich made a formal statement regarding his vacating the Executive Session during the December 18, 2017 Town Board meeting.

“Discrimination and prejudice should be confronted, otherwise we are complicit in the act. I voted not to go into executive session as I wanted a frank and open discussion of qualifications and experience of candidates. I was confronted, in my opinion, by immediate discrimination and extreme prejudice toward half of the candidates. Since this was the basis of their reason to reject candidates outright, I could not in good conscious participate.”

Privilege of the Floor

Ric Dobson spoke to complain about “zoning changes” and to object to a “stop work order” which has been placed on his property.

Ted Crane informed the Board about upcoming events being presented by the Danby Community Council, including a Bluegrass concert on Jan. 21 and tax preparation workshops to be held in February. He suggested that the Town owes the Town Clerk’s office a round of thanks for working to mail tax bills in time for pre-payment so that Danby property owners can take advantage of deducting state and local tax ahead of changes in the Federal Tax change, effective 2018.

Katharine Hunter invited the Board and members of the public to the Danby Community Council annual meeting, to be held on Wednesday January 10. The DCC is seeking new members and volunteers for its activities. Hunter outlined more of the planned educational and entertainment programming planned for 2018. Hunter additionally spoke in appreciation of the Supervisor’s statement regarding the process for discussing applicants to volunteer boards. She expressed frustration with the interview process and encouraged the Board to more complete transparency and public participation in consideration of volunteer board appointments. In her opinion this would increase public interest and involvement.

In the spirit of disclosure and transparency, Ronda Roaring asked Connors to clarify her working relationship with Frank Kruppa and Ed Bergman and whether there was any conflict of interest in her involvement in those appointments? Connors clarified that her only work relationship with Bergman is that they sit on a sub-committee together. Kruppa is not Connors’ immediate supervisor, although they both work for Tompkins County Mental Health. Connors stated that there was no conflict of interest in her voting on their appointments.

Pat Woodworth asked whether sound recordings were made and kept of Conservation Advisory Council meetings. Ulinski responded that no meetings of the CAC have ever been recorded. Minutes are taken of each meeting. Woodworth asked why not and suggested that it would be “safer” for all to have

all meetings sound recorded. Supervisor Dietrich responded that, while there is no requirement for voice recordings, CAC meetings could be recorded in the future. This will be arranged.

Organizational Resolutions

Clerk Goddard distributed the annual Organizational Resolutions and outlined changes compared to the previous year. The salaries have been updated in Resolution #2, Tompkins Trust Company has been added as a bank depository in Resolution #5 (reflecting changes of accounts for the Town Clerk and Tax Collection deposits), mileage reimbursement has been updated in Resolution #7, and the number of miles of roads and amount for general expenditure for road repairs updated in Resolutions # 10 and 11.

Connors stated her view that she would like to see the Deputy Supervisor be a member of the elected Town Board. She asked that Resolution #17 be considered on its own. Dietrich gave his rationale for keeping Rebeca Brenner as his Deputy. Brenner has been involved in talks with the Fire Department regarding the needs of emergency services and her continued involvement is important. In addition, Dietrich wishes to have continuity of service by retaining Brenner as Deputy Supervisor.

Miller asked a question regarding the amount in "Idle Funds." Bookkeeper Shawley responded to this with information that investing idle funds would not be done without Board review and approval. The Town is investigating this as a possible revenue source.

Organizational Resolutions: January 8, 2018

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 2018 - 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 2018 - APPROVAL OF YEAR 2018 SALARIES

• Town Board, Council persons, total	11,287	(2,821.75 x4)
• Town Supervisor	27,860	
• Deputy Town Supervisor	2,822	
• Assistant to Supervisor	10,928	
• Bookkeeper	22,731	
• Town Justices, total	30,840	(15,420 x2)
• Court Clerk	16,140	
• Highway Superintendent	60,245	
• Deputy Highway Superintendent	53,414	
• Highway Secretary	28,836	
• Town Clerk	38,229	
• Code Officer	52,651	
• Planner	40,130	
• Water Plant Operator (West Danby)	13,135	
• Water Plant Operator Assistant (West Danby), total	3,633	
• Water Clerk (West Danby)	4,708	
Total	\$417,589	

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 2018 - 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, health insurance, 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 2018 - 2017 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, 2018 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

RESOLUTION NO. 5 OF 2018 - 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 Key Bank and Tompkins County Trust Company as banks for the depository of Town Funds.

RESOLUTION NO. 6 OF 2018 - NAMING 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 2018 - 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 five cents (\$0.55) per mile.

RESOLUTION NO. 8 OF 2018 - 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 2018- 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. 10 OF 2018 - 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 70.2 miles of Town of Danby highways.

RESOLUTION NO. 11 OF 2018 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2018

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 \$307,737 may be expended for general repairs upon 70.2 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. 12 OF 2018 - 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 2018.

RESOLUTION NO. 13 OF 2018 - 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 2018- 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 2018 - 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 2018 - ACKNOWLEDGMENT OF COURT CLERK APPOINTMENT

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

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

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

The Board continued discussion of resolution #17, Deputy Supervisor. Holahan stated that he understood Dietrich's reasoning, and that Brenner although had done a good job in the past, he would also like to see the Deputy Supervisor be a member of the elected Town Board. He asked that Dietrich consider asking Brenner to attend as many Board meetings as possible and otherwise stay informed of what is happening with Town business. Ulinski asked for clarification that appointment of a Deputy Supervisor is at the discretion of the Town Supervisor and the Supervisor can appoint who they choose. This was confirmed. It was noted that non-elected Board members have been Deputy Supervisor in the past. There is precedent for this action.

RESOLUTION NO. 17 OF 2018 - APPOINTMENT OF DEPUTY SUPERVISOR

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

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

In Favor: Holahan, Ulinski, Dietrich

Opposed: Connors, Miller

Warrants

ABSTRACT #14 OF 2017:

GENERAL FUND

#562-575 for a total of \$31,557.09

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

HIGHWAY FUND

#274-285 for a total \$17,090.94

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

ABSTRACT #1 OF 2018:

GENERAL FUND

#1-20 for a total of \$85,323.92

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

HIGHWAY FUND

#1-3 for a total \$110,900.40

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

WEST DANBY WATER DISTRICT FUND

#1-2 for a total \$3,016.11

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

Appointments

Supervisor Dietrich suggested that consideration of appointments to the Planning Board, Board of Zoning Appeals, and Conservation Advisory Council wait until all of the applicants (new and re-applying) could be interviewed. All current applications for seats on the PB, CAC, and BZA were distributed to the Board. Interviews with all of the applicants will be arranged for the next TB meeting.

Ulinski asked whether there was any conflict with his continuing to serve on the CAC now that his a Town Board member, and whether there was any conflict with his serving as Chair. Clerk Goddard noted that the enabling resolution for the CAC specifies that a member of the TB can be a seated member of the Council. Supervisor Dietrich stated that, while the issue of a TB member serving as Chair of an Advisory Council is an open question, he saw nothing in the current situation that would be a conflict of interest.

The Board discussed appointments of Chairs to the various Boards. Dietrich stated that he would like to have input from the BZA prior to appointing a Chair of that board. Gary Bortz had declined to continue to serve as BZA Chair. Connors suggested that the appointment to Planning Board Chair could proceed, as Frank Kruppa is willing to serve another year. Ulinski suggested that members of the CAC be allowed to give their recommendation for Chair.

RESOLUTION NO. 18 OF 2018 - 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 Connors, Second by Dietrich. The motion passed.
In Favor: Connors, Holahan, Miller, Ulinski, Dietrich

Appointment Procedure Review, Reaffirm

There was an extensive discussion. Connors suggested that the current appointment procedure be reaffirmed for 2018 so that a policy is in place. Review and revision of the procedure could then follow at a later date. Dietrich stated that he did not want to vote on what he viewed as a deeply flawed policy. He thought that it be a lengthy discussion.

RESOLUTION NO. 19 OF 2018 - 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).

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

The discussion continued, with particular focus on the provisions for executive session for discussion of applicants. Dietrich wanted the Board to put consideration into the criteria for choosing applicants to fill volunteer board seats. He referred to his opening statement and advocated for a system that would be less subjective, based on credentials rather than personalities. He stated his strong opposition to the current procedure.

Connors noted that there had been an attempt to revise the Appointment Procedure in 2016. That attempt was never completed or voted on. She agreed that this could be a lengthy discussion, but that the Board should have something in place at this time. Connors and Miller stated that they were also opposed to appointment choices based on personalities.

Miller asked for clarification as to whether appointments could or should proceed if the appointment procedure was not reaffirmed. Clerk Goddard noted that many years of appointments were made prior to an appointment procedure being adopted in 2011.

Ulinski noted that he has not had the opportunity to read and review the current Appointment procedure. Other Board members had also not reviewed the procedure in recent months. Clerk Goddard will resend the procedure to all of the current TB members. Holahan suggested that a vote on the procedure wait until all the members have had a chance to read and review.

There was further discussion regarding the role of executive session and the limitation of what may be discussion in executive session and what may be discussed about executive session. Clerk Goddard provided some information. She will make an effort to arrange training on Executive Session and Open Meetings Law with Robert Freeman, the Committee on Open Government. There was some discussion of whether a vote on the procedure should wait until after this training takes place.

There was discussion of whether to table the motion until the next TB meeting. Dietrich and Holahan suggested that the motion be tabled for a week, to allow time for Board review of the current procedure. Dietrich would like to see the procedure outline qualifications for viable candidates on Town boards.

MOTION - TABLE CONSIDERATION OF 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).

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

In Favor: Holahan, Ulinski, Dietrich

Opposed: Connors, Miller

Arrangements will be made to have Robert Freeman, NYS Committee on Open Government, present training on Executive Session for the Board.

Short Reports - Code, Court, Town Clerk

A Code report was made by Code Officer Paul Hansen. The first commercial solar array, 50kW, was installed at "Fort Locks." These were roof-installed solar collectors. The annual fire safety inspections have been completed. He gave a brief history of the revenues received for building permits over the past 5–10 years. Revenue received during 2017 was above average.

Justices' reports from Huddle and Klinger were circulated. A jury trial will be held in mid-January.

The December Town Clerk's Report; \$884.00 was received in the month of December for one fishing license, 41 dog licenses, and two building permits. Clerk Goddard made a brief report of pre-pay of the 2018 property tax bills. More than \$800,000 was collected during the last week of December and first week of January. This is far more than the average tax collection for the beginning of the month. A Records Management year-end report, compiled by Mary Ann Barr, was circulated among the Board.

General information for the Annual Association of Towns meeting was received and made available to the Town Board.

Adjournment

The meeting adjourned at at 8:55 pm.

Pamela Goddard, Town Clerk