

**Danby Town Board
Minutes of Regular Meeting
April 16, 2018**

Present:

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

Others Present:

Town Clerk	Pamela Goddard
Code Office	Paul Hansen
Bookkeeper	Laura Shawley
Historian	Mary Ann Barr
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Katharine Hunter.

Regular Meeting Opened at 7:06pm

Privilege of the Floor

Ronda Roaring expressed concerns about potential advanced advertising, on the Buttermilk State Park web site, for an Earth Day event she is organizing. She was concerned that too many non-Danby residents might show up, crowding out potential Danby residents. Roaring's intent is to create an event to bring Danby people together.

During discussion related to this concern, several people noted that these are public programs and therefor could not be "closed" or for only Danby residents. It was also noted that, since there are numerous Earth Day events happening around Ithaca and in the county, there was only a small chance that Roaring's events would reach maximum capacity. Ulinski and Dietrich suggested that she let the Buttermilk Park staff know that the event is directed to Danby residents, and see what they say.

Ted Crane made a statement regarding the problems at Deputron Hollow, noting that, "logging is an ugly business."

504 Grievance Policy and Procedure, Americans with Disabilities Act compliance

Laura Shawley gave the context for two action items. These actions are required for compliance in applications and granting awards through state and federal agencies. A "504 Grievance Procedure" needs to be in place to close the final audit of the grant related to improvements in the West Danby Water District a few years ago. In addition, a "504 Grievance Coordinator" must be appointed. These two actions are to complete those requirements.

Holahan asked what the procedure is when the designated Coordinator is not available. The policy/procedure states that the Coordinator, or his/her designee, shall investigate a grievance within 30 days. Presumably, the Coordinator would designate a second person to investigate in his/her absence.

There was an in-depth discussion of the draft grievance procedure for individuals who feel that they have been discriminated against because of a disability.

The original draft allowed ten (10) days for a person to file a grievance ("Grievance must be submitted to the section 504 Coordinator within ten days of the date the person filing a grievance becomes aware of the alleged discriminatory action."), and an appeal of the decision within fifteen (15) days of receiving the Section 504 Coordinator's decision. Ulinski expressed concern that ten and fifteen days may not be enough time for someone with a disability to take action. He suggested that that time frame be extended to thirty (30) days. Connors noted that grievance procedures through the County do not have a time deadline for filing or appeal. She supported extending the time frame to at least 30 days. Shawley stated that the Board could extend this time frame as it wished. The draft procedure was based on a template from the CSA union.

Laura Shawley clarified that this grievance procedure does not block a person from filing a grievance or complaint with the U.S. Department of Health and Human Services, Office for Civil Rights. Ulinski noted that it would be preferable for the Town to manage any potential grievance or complaint at the Town level, rather than have the matter go before the U.S. Department of Health and Human Services. Shawley further clarified that the 504 Procedure relates to employment and the awarding of contracts.

Miller asked whether ten days was a standard time through Civil Service? Shawley stated that she did not know. She thought that 30 days would be suitable for Danby. Miller expressed the view that ten days was enough. Holahan initially supported Miller's suggestion that ten days was a sufficient amount of time for filing a grievance. After further discussion, Holahan agreed that there was no harm in extending the deadline to 30 days.

Dietrich and Hansen emphasized that establishing this procedure and appointing a Coordinator is a "stopgap" measure, in order to be in compliance with the granting agency. Leslie Connors moved the establishment of the Town of Danby Section 504 Grievance Procedure with an allowance of 30 days for preliminary filing and 30 days for filing a grievance appeal.

RESOLUTION NO. 42 OF 2018 - TO APPOINT FREDRIC DIETRICH AS THE SECTION 504 COORDINATOR FOR THE TOWN OF DANBY

Whereas, The U.S. Department of Health and Human Services requires organizations to appoint a Section 504 Coordinator in the event that any citizen feels that they have been discriminated against by the organization because of a disability,

Therefore now be it

Resolved, The Town of Danby Town Board appoints Fredric Dietrich as the Section 504 Coordinator for the Town of Danby.

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

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

RESOLUTION NO. 43 OF 2018 - ESTABLISHING A SECTION 504 GRIEVANCE PROCEDURE IN-CORPORATING DUE PROCESS STANDARDS

Whereas, It is required by the U.S. Department of Health and Human Services that organizations such as the Town of Danby develop a set of grievance procedures which are publicized for the use of individuals who feel that they have been discriminated against by the organization because of a disability,

Therefore now be it

Resolved, that the Town Board of the Town of Danby establishes the attached grievance procedure as the adopted procedure complying with the requirements of the U.S. Department of Health and Human Services and for the use by all citizens who may feel that they have been discriminated against.

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

In Favor: Connors, Holahan, Ulinski, Dietrich

Opposed: Miller

The full text of the 504 Grievance Procedure is found in Appendix A.

Historian's Report

Town Historian, Mary Ann Barr, reported on activities undertaken by the Historians in 2017, activities currently underway, and goals for 2018. Barr has been regularly attending meetings of the Municipal Historians of Tompkins County (MHTC). In addition she has met with the archivist/historian at the Danby Community Church and has met with members of the Danby Community Council (DCC). She has collaborated with the Danby Library/Reading Room on a display of historic photographs and has submitted three articles to the Danby Area News (Feb., March, and May 2018).

Barr is currently working on an article about Jerusha Parker (Danby resident, wife of the first pastor of the Danby Federated Church circa early 19th century) as part of a collection of essays being compiled by the MHTC. She is part of a team developing an historic information "Walk and Talk" event to place at

the Danby Community Church. She has contacted the DCC to help develop programs and activities promoting interest in local history with Danby youth. An ongoing project is organizing the Historian files.

Barr's primary goals for 2017 include establishing an ongoing presence of Danby's history in the Town, through the use of displays, events, and articles in the Danby Area News. Increase outreach through a presence on the Town of Danby website. Increase contact with persons who may be interested in Danby history and develop participation in historic discovery and preservation. She would like to develop an historic "Walk and Talk" even in West Danby.

Highway Updates

Laura Shawley made a report, on behalf of Highway Superintendent Carl Seamon. The Highway Department is monitoring Deputron Hollow Road through daily visits. The condition of the road is about the same as it was in mid-April. Seamon recommends that the logger be permitted to complete his work and get out of there with little delay. The DEC has made a review of the situation and been in touch with the logger. Only a few minor problems were found. The logger and the Highway Department will work together to restore the road condition at the end of this logging operation.

Ulinski stated that he supports the suggestion from Superintendent Seamon. He thought that this course of action would be welcomed by the neighbors.

Ulinski opened a discussion of actions the Town could take to prevent damage to Deputron Hollow and other similar locations in the future. There is the potential for more logging on Deputron Hollow in the near future. Ulinski would like to see a provision in the Road Use and Preservation Local Law that would allow the closing of seasonal roads at some times of the year (mud season) by the discretion of the Highway Superintendent. Dietrich said that it may be possible to close roads at this time, using weight limits already included in the Road Preservation LL. This information was supplemented by Shawley, with details about the current procedure and formula used to determine the need to reroute heavy traffic or close a road to heavy traffic. This procedure is already in the LL. There was further discussion of the methods to close a road. Logging is specifically exempt from many or all of these weight limit closures. Ulinski suggested that the LL be re-written to clarify that seasonal road closures include logging as a prohibited activity during wet seasons.

Any changes and updates to the LL will need input from the Highway Department and review by the Town Attorney. Clerk Goddard added that an amendment to a Local Law is done through the adoption of another LL, and that this requires standard notification and a public hearing.

Connors noted that some Towns require a timber operations that will log over a certain acreage of land to present a plan and receive a permit in order to proceed. This is something that could be considered and adopted by the Town of Danby for future operations. Dietrich stated that he would like to refer this to the CAC for research and review. Ulinski responded that the CAC is interested and willing to undertake several actions, including potential regulatory review and public education particularly in relation to best land management practices. There may be several actions the Town can take to prevent damage while allowing responsible timber harvest. The Highway Department can reach out to other municipalities in the state, particularly in the Adirondacks, for information and advice.

Dietrich informed the Board that the landowner of the currently logged property has given permission for photographic documentation to be collected via a drone. This documentation may be used for public education as a "wake up call" and to build support for regulatory changes to Danby's local laws.

Code of Ethics Policy Review

Ulinski made a report on preliminary review of the current Town of Danby Code of Ethics. He and Connors have been reviewing the document in place against current guidelines from the Association of Towns and the Tompkins County Code of Ethics. They have several additions they would like to make related to a) Use of Municipal Resources, b) Nepotism, and c) Political Solicitations. These are not in Danby's Code of Ethics, but are included in most other Towns' documents. The current Code of Ethics refers to "Fire Volunteers" and fire commissioners. These are not municipal officials under the authority of the Town of Danby. They should not be included in this document.

Ulinski raised the question of whether the Town should have a “Board of Ethics” for enforcement and review. Ulinski thought that Danby may not need another board, but should have a structure and process in place for reviewing and addressing Ethics concerns. This will need further discussion, particularly to identify who would serve on such a board.

Dietrich raised a concern about “Nepotism” and the constraints in a small rural Town. He cautioned against an overly restrictive policy in this case, as there are few residents able and willing to step into Town roles. This would need further discussion.

Ulinski and Connors will continue their review and bring a draft revision to the Town Board.

Code Report

A Code report was made by Paul Hansen. He gave an update on the LED street light replacement project. Replacement of lights will not take place until sometime in 2019.

Hansen and Shawley gave an update on billing related to the solar installation on Town land. It appears that the Town is receiving a lower rate on the energy buy-back than had been advertised. The contract and other information will be reviewed more closely. In the meantime, the billing for Fire District energy use is being worked out. Sorting this out has been complicated by delays in how NYSEG keeps track of usage and costs.

Hansen reported on information gathered during a Grant Writing Workshop he attended with Shawley. There are now two copies of a handbook in the Danby municipal offices. An engineer will be hired to help manage the Brown Road project grant. The Town will still need someone to manage all Town grants and contracts.

There was a lengthy discussion of a well data survey that will be included in the May Danby Area News. Some Board members had questions regarding the intent and purpose of this survey. Dietrich responded that the intent is to gather more current well data and water resource information from Danby residents. Concerns about water resources are a common and recurring topic during subdivision review. There are concerns about the impacts of new wells on neighboring existing wells. A similar survey was conducted in the Town of Ulysses and gathered useful information. The information gathered from this survey will be added to the already existing information available to the Town. The survey is only to gather data.

Short Reports - Town Clerk

Clerk Goddard report on Deputy Clerk search and hire. Alexandra Pfeifer has been selected to replace Susan McLellan, after McLellan moves from Danby. There will be some overlap during the next month, for training purposes.

Adjournment

The meeting adjourned at 9:00 pm.

Pamela Goddard, Town Clerk

TOWN OF DANBY

504 GRIEVANCE PROCEDURE

It is the policy of the Town of Danby not to discriminate on the basis of disability.

The Town of Danby has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of Fredric Dietrich, (Town Supervisor, phone number 607-227-2434,) Section 504 Coordinator, who has been designated to coordinate the efforts of the Town of Danby to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Town of Danby to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

PROCEDURE:

Grievance must be submitted to the Section 504 Coordinator within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Town of Danby relating to such grievances.

The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.

The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town Board within 30 days of receiving the Section 504 Coordinator's decision. The Town Board shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

The Town of Danby will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.