

**Danby Town Board  
Minutes of Regular Meeting  
February 11, 2019, 7pm**

**Present:**

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

**Not Present:**

Councilperson: Jack Miller

**Others Present:**

Town Clerk	Pamela Goddard
Bookkeeper	Laura Shawley
Legislator	Dan Klein
Public	Ted Crane, Ronda Roaring, Bruce Richards, Susan Franklin, Pat Woodworth, Katharine Hunter.

**Meeting Opened at 7:03pm**

**Legislator's Report**

Dan Klein made a brief report, updating the status of grant funded project to address flood mitigation and stream bed restoration Station Road. It is anticipated that this will be complete by the Fall of 2019.

Klein reported that there was a 6.4 percent increase in sales tax revenue during 2018, compared to the amount collected in 2017. Bookkeeper Shawley clarified that none of this revenue comes directly to the Town. A portion of this helps offset property taxes, lowering the amount levied from residents.

**Privilege of the Floor**

Ronda Roaring asked for clarification on two items; that the Joint Scoping meeting is to be held at 6pm on Thursday February 21, to be followed at 7pm by the regular Planning Board meeting. This was confirmed. Roaring asked whether additional bids were going to be sought for the energy audit, in addition to the Taitem proposal discussed at the previous meeting. This was confirmed and discussed later in the meeting.

Ted Crane spoke regarding the draft Code of Ethics. He noted that this it is not significantly different from the template provided by the NYS Comptroller's office. He questioned the amount of time, including attorney time, spent on creating this draft. He again encouraged the Board to include language from the Fire Department's Code of Ethics regarding perception of conflicts of interest.

Crane further expressed concern regarding the presentation of a Taitem Engineering proposal during the previous meeting. He expressed surprise that there was no action by the Board to stop the presentation, which could be perceived as involving a conflict of interest. Crane gave the positive example of the former Planning Board Chair, Frank Kruppa, removing himself both as Chair and from the table itself during discussions when there may have been a perceived conflict of interest with his job as Director of the Health Department.

A discussion regarding this particular situation, and conflicts of interest/perception of ethics violation, followed Crane's comments. Connors responded that, following the meeting, she made a point of making a request to find additional quotes. Ulinski added that such situations are difficult in small communities, where there are limited resources for such testing. Holahan noted that, since he works for the company, he may have the most knowledge about what is needed. He also supported having additional bids sought, to help illuminate the appearance of conflict of interest. Holahan added that he intended to recuse himself at the time when a decision was made.

## **Appoint Deputy Supervisor**

Supervisor Dietrich presented his appointment of Matt Ulinski as Deputy Supervisor. Dietrich outlined the various projects being undertaken by previous Deputy Supervisor Brenner and those which will be taken on by Ulinski. Brenner will remain active in developing plans for emergency management in Danby. Ulinski will take on more current projects and policies. Ulinski takes over all other standard duties of a Deputy Supervisor, including being the second signatory on financial matters.

### **RESOLUTION NO. 30 OF 2019 - APPROVE SUPERVISOR'S APPOINTMENT OF DEPUTY SUPERVISOR**

**Resolved** that the Town Board of the Town of Danby acknowledges Matt Ulinski as Deputy Supervisor, effective through December 31, 2019.

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

**In Favor: Connors, Holahan, Dietrich.**

**Abstain: Ulinski**

## **Energy Audit Proposal**

Matt Ulinski led a discussion, providing an update on the process for securing an energy audit for the Danby Highway Barns. Jim Holahan recused himself. The Highway Department has contacted four or five local companies regarding quotes on level II energy audits. This list of companies was gathered through contacts at Cornell University. They are still waiting for replies from those contacted. Some of the companies contacted, such as Snug Planet, do not do level II energy audits.

Ulinski advised the board that Taitem may still be the best option. He asked that action on this be delayed until the next Town Board meeting, in order to allow time for additional quotes to come in.

## **Code of Ethics**

Ulinski distributed the most recent draft Code of Ethics for continued discussion. He addressed Crane's concern regarding re-inventing a CoE in place of the template available through the Comptroller's office, stating that the template was designed with larger municipalities in mind. That template is not always applicable to small Towns like Danby. Ulinski stated that review by the Town Attorney has been necessary to assure that this meets Danby's needs and meets all requirements by law.

Ulinski and the Board went through a section by section review of the document. The document is posted on the Town Board page of the Town of Danby website. Much of the draft is, in fact, identical to the NYS template. Some pieces were left out intentionally, as not appropriate for this size Town. This CoE has a lower threshold for gifts, at \$50 where other municipalities have a limit of \$75. Comments on the draft will be gathered until March. Ulinski gave a time-table of final presentation at the first TB meeting in March and a resolution of acceptance at the second March meeting.

Roaring commented that she supports in the inclusion of a paragraph addressing appearance of conflict of interest or violation of ethics.

## **Dog Control Impoundment Fees**

Clerk Goddard presented information on an initiative to have consistent impoundment fees among the municipalities contracting with Tompkins County Animal Control (TCAC). Each municipality must set its own impoundment fees, enacted through a local law. The current impoundment fees in the Town of Danby are \$10 for a first offense, \$15 for a second offense, and \$20 for a third offense in a calendar year. These fees are remitted to the Town. These rates have not changed in more than ten years. The proposal is to increase impoundment fees to \$25, \$50, and \$75 in a calendar year. This would bring the fees into line with the Towns of Ithaca, Enfield, and Caroline, and the City of Ithaca. Clerk Goddard has a template Local Law from the Town of Ithaca. With Board approval to proceed, she will prepare the Local Law and have it reviewed by the Town Attorney. This can then be presented for a public hearing and consideration of adoption.

Ulinski expressed concern as to whether this would be onerous for low income residents. He stated that while this is not a lot of money, it might make it difficult for low income people to reclaim their dogs.

Clerk Goddard noted that the Town of Enfield has a comparable population and has this Impoundment fee in place. She also noted that the information sheet presented by TCAC notes that, “Public Assist’s do not pay impoundment fees.” She informed the Board that she would get more details on this service and share that information with them.

The Board agreed that this proposal be moved forward.

### **2017 Financial Audit Review**

Bookkeeper Laura Shawley presented detailed information from the financial audit of the 2017 records. Shawley informed the Board that, due to regulations that apply to all levels of Towns, small municipalities regularly receive “adverse opinions” as they do not have all the systems and protocols in place used by larger municipalities. For example, smaller municipalities often work on a cash basis rather than doing full accrual accounting and do not show depreciation of assets, etc. Shawley said that Danby works on a modified accrual system. The auditors have found that, in most cases, this is not a problem, and is rather appropriate for municipalities the size of Danby.

A report was made of areas for improvement. In example, financial record keeping procedures will be implemented for the West Danby Water District so that there are more checks and balances in this system. The auditors had recommendations for policies related to the transfer of funds between accounts. Shawley advised the Board that such measures can move forward, particularly in the area of improved policies and procedures.

Shawley asked whether the Board wanted to hear from the auditors directly. Members of the Board indicated that they would prefer to review the auditors’ report on their own. If there are additional questions or concerns, they will consider making an appointment with the auditors at that time.

### **Code Report**

Supervisor Dietrich gave, on behalf of Paul Hansen. Hansen is retiring in the month of February. John Norman is in trainin, to take over as Code Enforcement Officer. Transfer of staff should be in place by the end of February. John Norman will only be doing code and fire inspections.

Dietrich informed the Board of various options being considered for the management of special projects, particularly grant oversight and administration. He is considering hiring a special projects manager on an “as needed” hourly basis. Dietrich estimates that this would be, on average, 20 hours or less per week. This person would work primarily, with the Planning office. This would, more than likely, be a permanent position, taking the responsibility off of other staff. This administrative staff time can be written into grant proposals, and therefore funded by the grant.

### **Adjournment**

The meeting adjourned at 8:33 pm.

---

Pamela Goddard, Town Clerk