Danby Town Board, Minutes of

Organizational and Regular Meeting

Danby Town Hall

January 6, 2020

Present:

Councilpersons-Leslie Connors, Joel Gagnon (Supervisor), Jim Holahan, Sarah Schnabel, and Matt Ulinski

Others Present:

Town Clerk: Alexandra Pfeifer
Town Justice: Gary Huddle
Highway Superintendent: Carl Seamon
Bookkeeper: Laura Shawley
Code Officer: Steve Cortright
Town Planner: Jason Haremza

Members of the Public: Margaret "Marnie" Kirchgessner, Elana Maragni, Pat Woodsworth, Ted Crane, Pamela Goddard, Dale L. "Lew" Billington, Katharine Hunter, Ronda Roaring, Matt Cooper, Kim Overby and Gary Karetzky, Susan Franklin, Al Becker.

Meeting began at 7pm.

Clerk Pfeifer administered the Oath of Office to Supervisor Gagnon.

Ulinski added Workplace Violence Prevention Policy (WVPP) and Sexual Harassment Policy to the agenda. Holahan added an Update on the CDBG grant.

Privilege of the Floor:

Former Town Clerk Goddard read a statement regarding the Town's Appointment procedure and how she disapproves of the nature of the open applicant process, especially regarding her husband, Ted Crane. Ulinski asked how to reconcile open meeting process with applicant process. Goddard replied that the board can review applications ahead of time, use executive session, and think out of the box in general.

Marnie Kirchgessner questioned why the Town uses Key Bank instead of a local bank; such as Chemung Canal and Elmira State Bank. Joel said he would make a note of it. She also voiced admiration for the Highway Department when she had a problem with her driveway. Kirchgenssner said that the PB (and planning in general) is important to her because her home is her children's birthright. Kirchgessner asked if the process not fair to get on planning board, then how fair would the process be to her if she were to develop her land. Franklin mentioned the notions of messaging and fairness; saying that everyone has value.

Lew Billington commented on the need for transparency with the Town Board appointments. Billington remarked on giving up on politics in the 1980's and the need for dissenting votes, using the former Danby school as an example.

Susan Franklin introduced herself as the outgoing president of the DCC. She noted Crane's gathering information ability, as well as his passion. Franklin said that his voice needs to be heard. She, too wished for transparency with the application process and suggested having closed meetings for the interview process and then move to the public forum.

Katharine Hunter, too agreed with Franklin about re-looking into the town's appointment procedure and how the board interviews and selects the candidates. Hunter agreed with Susan Franklin, remarking that Crane does his research. Hunter remarked on the questions asked on application form, especially the one about hobbies. Hunter also mentioned feeling uncomfortable about applying for positions because of the application process.

Ronda Roaring asked TB to make sure that the Town Historian produced year-end reports in person or on paper, and that the town should have a representative to the EMC (Environmental Management Council).She also remarked on the Town Clerk's salary, how the board doesn't follow Robert's Rules of Order, how the town employees should not have a 2% COLA (Cost of Living increase), and how the meeting agenda was not posted in a timely manner. Supervisor Gagnon apologized for not having the agenda posted on the website.

Pat Woodworth said that the board has not been consistent in procedures, and that the candidates have already been chosen ahead of time. Woodsworth does not approve with the candidates being in close proximity of each other while being interviewed.

Steve Cortright introduced himself as the Town's new Code Officer, mentioned his past experience in construction, as a Code Officer with the Town of Dryden and his involvement with the West Danby Fire District. His hours are 8:00-4:30pm Monday-Friday, and he invites residents to come in to meet and talk with him.

Ted Crane mentioned that the group Bird in Hand would be performing at 3pm on January 12th in the Town Hall.

Susan Franklin mentioned the DCC Annual Meeting, January 9th at 7pm.

Justices' Report:

Justice Huddle reported his concern with the new law that the Governor passed regarding bail. (Joel mentioned that this is the controversial bill that is effective on 1/1/2020 and that it is about changing bail.) Huddle is concerned that "they won't be putting anyone in jail anymore." Huddle noted that December was a busy month, with lots of fines, surcharges, and one wedding in the court room.

December Court Fees: Huddle-$4145.00 and Klinger-$864.50

Supervisor's Opening Statement

Supervisor read the Opening Statement of the Supervisor, reiterating the use of Robert's Rules of Order to conduct town meetings and how the Privilege of the Floor will proceed. Supervisor Gagnon emphasized order, reiterated how each person is allowed to speak for three minutes, and must be recognized by the Chair.

Salaries are updated for 2020.

THE BOARD CHOSE TO APPROVE RESOLUTIONS 1 and 2 AS A GROUP:

RESOLUTION NO. 1 OF 2020 - 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 2020 - APPROVAL OF YEAR 2020 SALARIES

- Town Board, Council persons, total.....11,740.64 (2,935.16 x4)
- Town Supervisor.....28,985.34
- Deputy Town Supervisor 2,935.56
- Assistant to Supervisor.....8,993.34
- Bookkeeper 23,648.70
- Town Justices, total.....32,085.12 (16,042.56 x2)
- Court Clerk.....15,600.00
- Highway Superintendent.....62,677.98
- Deputy Highway Superintendent 55,571.64
- Highway Secretary.....30,000.24
- Town Clerk.....39,772.86
- Deputy Town Clerk.....22,737.84
- Code Officer.....52,500.00
- Planner 65,000.00
- Water Plant Operator (West Danby) 13,664.90
- Water Plant Operator Assistant (West Danby) 3,779.10
- Water Clerk (West Danby).....4,898.00

Total.....$474,591.26

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.

Moved by Connors, Second by Ulinski The Motion passed.
In Favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

THE TOWN BOARD CHOSE TO APPROVE RESOLUTIONS 3-10 AS A GROUP:

RESOLUTION NO. 3 OF 2020 - 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, execute contracts (except for bid awards, which shall be executed by the Town Board), and to conduct other normal proceedings, such as payroll, in advance of audit in order to keep affairs moving on a timely basis.

RESOLUTION NO. 4 OF 2020 - 2019 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, 2020 a copy of the report submitted to the State Comptroller required by Section 30 of Municipal Law.

RESOLUTION NO. 5 OF 2020 - 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 Trust Co. as depositories for Town Funds.

Joel opened floor to Bookkepper Shawley. Shawley explained to Susan Franklin why the Town was using Key Bank rather than a local bank. Reasons given were the relationship with Bob Fenner of 5-6 years, the equipment replacement plan for Highway equipment, and Key Bank's overall quality of service. Shawley is open to interviewing other banks and looking at other purchasing agreements. Shawley noted that because it takes time to decide on a new bank, that it would be appropriate to stay with Key Bank this year, and to look at a possibility of a new bank in 2021. Shawley also mentioned the possibility of using an investment company. Councilperson Schnabel asked why there are two banks-Tompkins Trust and Key Bank. Clerk Pfeifer answered about how the Clerk's office uses Tompkins Trust because of ease of use during tax season, especially with remote deposits of checks.

RESOLUTION NO. 6 OF 2020 - 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 2020 - 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-seven and a half cents ($0.575) per mile.

RESOLUTION NO. 8 OF 2020 - 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 2020 - TOWN BOARD MEETINGS

Resolved, that the Town Board of the Town of Danby regular monthly board meetings be scheduled at 7:00pm on the first and second Monday of each month for the year 2020.

Ulinski proposed holding Town Board meetings offsite (i.e. West Danby) and at different times in order to promote more community engagement.

RESOLUTION NO. 10 OF 2020 - 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 $3000 at any given time without prior approval of the Town Board.

Moved by Ulinski, Second by Connors. The Motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon.

The Town Board chose to Approve Resolutions 11-20 as a group:

RESOLUTION NO. 11 OF 2020 - HIGHWAY IMPROVEMENTS REIMBURSEMENT

Resolved, that the Town Board of the Town of Danby will sign an agreement that monies collected for repairs and improvements of Town Highways (State Aid DA3501, Consolidated Highway Improvement) be expended upon 70.2 miles of Town of Danby highways.

RESOLUTION No. 12 of 2020 - Agreement to spend town highway funds - 2019

Resolved, that 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 $267,786 may be expended for general repairs upon 70.2 miles of town highways, including roads, culverts, and bridges.
2. Improvements. in the allocation of CHIPS money to be spent on town highway improvement projects will be determined by the Highway Superintendent, with the concurrence of the Town Board, 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 Board approves the specifications and estimates for such construction.

RESOLUTION NO. 13 OF 2020 - 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 2020- ACKNOWLEDGMENT OF DEPUTY TOWN CLERK

Resolved, that the Town Board of the Town of Danby acknowledges the Town Clerk's appointment of Jenny Caldwell as her Deputy Town Clerk.

RESOLUTION NO. 15 OF 2020 - 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 2020 ACKNOWLEDGMENT OF COURT CLERK APPOINTMENT

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

RESOLUTION NO. 17 OF 2020 - 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).

Connors moved to approve the procedures in the current form, and look at them again in February. Gagnon stressed importance of getting appointments done in a timely manner. Ulinski would like to talk to the town attorney regarding the Open Meeting Law.

RESOLUTION NO. 18 OF 2020 - APPOINTMENT OF DEPUTY SUPERVISOR

Resolved, that the Town Board of the Town of Danby acknowledges the Supervisor's appointment of Matt Ulinski as his Deputy Supervisor.

RESOLUTION NO. 19 OF 2020- APPOINTMENT OF PLANNING BOARD CHAIR

Resolved, that the Town Board of the Town of Danby reappoints Jim Rundle to Chair the Planning Board.

RESOLUTION NO. 20 OF 2020 - APPOINTMENT OF BOARD OF ZONING APPEALS CHAIR

Resolved, that the Town Board of the Town of Danby reappoints Earl Hicks to Chair the Board of Zoning Appeals.

Moved by Connors, Second by Holahan. The Motion Passed
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

RESOLUTION NO. 21 of 2020-APPOINTMENT OF EMC REPRESENTATIVE

Resolved, that the Town Board of the Town of Danby appoints George Adams as Danby Town Representative to the EMC (Environmental Management Council).

Moved by Ulinski, Second by Connors. The Motion Passed
In favor: Connors, Holahan, Ulinski, Gagnon. Abstain: Schnabel

WARRANTS

2019-GENERAL FUND

#535-568 in the amount of $34,640.99
Moved by Connors, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

2019-HIGHWAY FUND
#366-385 in the amount of $68,096.22
Moved by Connors, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

2019-WEST DANBY WATER DISTRICT
#14 in the amount of $196.28
Moved by Connors, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

2020-GENERAL FUND dated January 6, 2020
#1-6 in the amount of $13,134.29
Moved by Ulinski, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

2020-HIGHWAY FUND dated January 6, 2020
#1-8 in the amount of $162,336.75
Moved by Ulinski, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

2020-WATER DISTRICT dated January 6, 2020
#1-2 in the amount of $2,368.52
Moved by Ulinski, Second by Connors. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

APPROVAL OF DECEMBER 9 MINUTES
Moved by Ulinski, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

Water District Interviews/Appointments

Neither Skip Fairchild or Bruce Richards were in attendance. However, Supervisor Gagnon noted Bruce Richards' experience on the Planning Board, saying Bruce was "a known quantity." Gagnon also noted that the TB had Skip Fairchild's application for re-appointment to the Water District.

RESOLUTION NO. 22 OF 2020-APPOINTMENT OF WEST DANBY WATER COMMISSIONERS
Resolved, that the Town Board of the Town of Danby appoints Bruce Richards and Skip Fairchild to the West Danby Water Board.
Moved by Holahan, Second by Connors. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon

CAC Interviews

Supervisor Gagnon noted how the CAC expanded number possible positions from five (5) positions to seven to nine (7-9). Gagnon suggested re-appointing Clare Fewtrell and himself to the board. Fewtrell said she became member of CAC two years ago, and has really enjoyed her time so far. Fewtrell, if re-appointed, hoped she would be able to get more done in the coming term. Ulinski supported Fewtrell's re-appointment.

Gagnon asked Hunter if she would like to interview tonight. Hunter agreed, and said that she applied for a position on the CAC because of her planning and zoning interests, and because she also has time. Ulinski supported Hunter's appointment, noting that she possesses the awareness, passion and interest in the position. Gagnon also supported Hunter's appointment to the CAC.

RESOLUTION NO. 23 OF 2020-APPOINTMENT OF CAC MEMBERS

Resolved, that the Town Board appoints Clare Fewtrell, Katharine Hunter and Joel Gagnon as members of the Conservation Advisory Council.

Moved by Ulinski, Second by Holahan. The motion passed.
In favor: Connors, Holahan, Schnabel, Ulinski Abstain: Gagnon

RESOLUTION NO. 24/25 OF 2020 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL CHAIR

Resolved, that the Town Board of the Town of Danby appoints Clare Fewtrell to Chair the Conservation Advisory Council.

Motion moved by Gagnon. Seconded by Holahan. The motion passed.

In favor: Connors, Holahan, Schnabel, Ulinski, Gagnon.

Planning Board Interviews

Four (4) Danby residents interviewed for 2 (two) Planning Board Appointments. One would replace Supervisor Gagnon, whose term ends in 2024, and the other will serve the full seven (7) Year term though 2026. The residents are Elana Meragni, Matt Cooper, Kathy Jett, and Ted Crane. The Town Board decided to interview them in alphabetical order. Elana Meragni chose to excuse herself from the room while the other candidates conducted their interviews in order to honor the discrepancies in the application process. After each applicant told the TB their backgrounds, the applicants were asked questions such as: why are you applying for this position, what are the biggest challenges facing Danby, and what would you change about Danby? Once the interviews ended, the TB decided not to appoint the two Planning Board positions until the January 13th meeting, after they sat in Executive Session at 6:30pm.

Proposal to Create a Planning Group

Supervisor Gagnon proposed creating a committee/board that would be open to all-comers that would focus on land-use planning. He would like the board to be diverse with interested and talented people. The focus would be planning, not regulation. This new committee would report to the Planning Board, would be subject to the Open Meetings Law and would have its own secretary, minutes, and agenda. Due to time constraints, the Resolution would not be voted on until the next Town Board meeting on January 13, 2020.

Code Report

Steve Cortright gave the Board a handout that recorded the number of Building Permits, Certificates of Compliance, and other permits to residents. He mentioned that a good amount of time was spent organizing his office. Ulinksi asked if in future reports if he could report new construction lots a list of new (active) permits.

Planner's Report

In the interest of time, Planner Haremza told the Board to read his handout, and talked about the highlights of the month, which included his outreach regarding the on the Howland Rd. Hemp operation and contacting the people involved with it, working with the PB committee to draft Commercial Design Guidelines, and scheduled a public hearing on January 13th regarding the trail license agreement with NYSEG to allow for an extension of the South Hill trail along the former railroad (DL&W) right-of-way.

Town Clerk's Monthly Report

In December 2019 the Town Clerk's office collected a total of $883.00. The amount dispersed to the Town Supervisor was $793.33. Animal Control was paid $53.00, NYS DEC was paid $14.17, and the NYS Health Department was paid $22.50 for one (1) Marriage License.

32 Dog Licenses were sold for a total of $401.00. Also sold were: One (1) Game of Chance License for $25.00, two (2) FOIL requests for $1.50, and a $15 donation to the CAC. The Clerk's office also processed two (2) Building Permits for a total of $102.50 and two (2) Planning Fees that amounted to $245.00.

Clerk Pfeifer said that the lower amount paid to the Supervisor and collected through the Town Clerk's office was most likely due to the office being closed for the holiday from December 23rd-January 1st.

Meeting Adjourned at 9:20pm.

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Alexandra Pfeifer, Town Clerk