

**Danby Town Board  
Minutes of Regular Meeting  
June 17, 2013  
Draft**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Others Present:**

Town Clerk Pamela Goddard  
Code Officer Susan Beeners  
Highway Sup. Carl Seamon  
Bookkeeper Laura Shawley  
Legislator Frank Proto  
Public Ronda Roaring, Robert Roe, Herb Sheffield, Ted Jones

**The Danby Town Board meeting was opened at 7:03pm**

**Privilege of the Floor**

Ronda Roaring suggested that the Town Board petition the NYS DOT to stop mowing the edge of Route 96B, particularly in the area between Van De Bogart Road and South Danby Road. In her view, the tall grasses and wild flowers are beautiful. Halton expressed concerns about visibility and road safety for those living along the highway should the shoulders not be mowed.

**Consider Resolution of Support for Dryden Amicus Brief**

The Board received a request for a resolution of support, from Town of Ulysses, for an Amicus Brief related to possible appeals in the Dryden and Middlefield gas drilling home rule cases. The request is that the court will decline hearing another appeal. Support from the towns are due by July 26. There was a decision to hold action until the first July meeting, to allow time to review the request and draft resolution.

**Community Council Contract**

Copies of a renewal contract between the town and Danby Community Council was circulated. There were some questions as to what changes had been made between 2009 and this contract. The Clerk stated that any changes were minor and better reflected current procedures in payment disbursements. This "cleaned up" contract has been completed by the new DCC board. There was a decision to hold action until July meeting, to allow the Board to more completely review the new contract.

**Warrants - Abstract #6 of 2013:**

**WATER DISTRICT**

#020-24 for a total \$5,283.68

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

**In Favor: Connors, Halton, Klein, Race, Dietrich**

## **Town Hall Floor Refinishing Proposal**

Cooper provided additional information in writing with a proposal. An additional quote was received from Bumblebee Refinishing, based in Ithaca. Bumblebee made a quote of \$9,900, including most furniture moving. This quote is higher than either Edgewater Hardwood Flooring (\$5,338 plus \$1,786 for furniture moving from Zolar Moving) or Superior Reflections (\$3,300, including moving). Dietrich reported that Cooper has revised his recommendation, to accept the lowest bidder; Superior Reflections.

There was further discussion about the solicitation of quotes and references received for each contractor. Members of the TB still had questions about the wide range of quote amounts between the contractors. Laura Shawley reported that a Candor contractor, who has looked over the project, gave her an informal estimate of \$4,500. No formal quote has been received from this party.

Race suggested that a decision be held off until an official quote is received from the Candor contractor. He continued to have reservations about the quote from Superior as being dramatically lower than the other bids. He was concerned that only one reference was able to be reached. The Board expressed a preference for having a local contractor do the work, as compared to one from Rochester. The Board decided to hold a decision until the next meeting, to allow time for Candor contractor to submit quote for review.

## **Highway Department Truck/Fleet Maintenance**

Shawley and Seamons made a presentation of a long range plan they drafted for truck maintenance and replacement over the next five years and more. The goal of the Highway Department in making this plan is to keep a hefty fund balance for security, in case of emergency situations, while spending each year to keep equipment current with a little maintenance costs as possible. This can be accomplished without going to the taxpayers for additional funds through bonding or other measures.

As per request from the Town Board, the Highway Superintendent and bookkeeper prioritized the vehicle equipment most in need of replacement. The highway department currently has six dump trucks with plows, ranging in age from 1999 to 2010. This equipment is used year-round and must be in good working condition at all times. All six vehicles are required to plow the 72 miles of Town roads, the Fire Department and Town Hall parking lots. The three oldest trucks (1999, 2001, and 2003) are currently using 33% of the Highway Department's maintenance budget. The Highway Superintendent called this "throwing good money after bad." These are the highest priority for replacement.

Additional equipment includes two Gradalls (1993 and 1994), a 2010 pick up truck, 2011 mower tractor, and 2013 pickup truck. The Gradalls will eventually need replacement, but are not as high a priority. They are not used every day and have a lifetime of 20-30 years. This equipment could be rented or borrowed, if needed, while the town equipment is out for repair.

Bookkeeper Shawley outlined a plan to replace the three oldest dump truck chassis through a five year lease/purchase agreement. Three sets of plow equipment, to go with these trucks, would be paid for out of the highway fund balance. This strategy was recommended, as interest rates are currently very low at a rate of 2.6% +/- . Payments for the truck chassis will be approximately \$72,000 per year. The interest portion of those payments would be more than met by the sale of old equipment. Sale money received above the finance charges would be put into an equipment reserve fund. During the five year lease period, the highway department plans to put all revenue in excess of \$40,000 over current year expenditures into an equipment reserve account. These funds would be used for future purchases, rotating out the next top priority equipment.

Extensive Q&A and discussion among the Board regarding the life expectancy of lower priority equipment, whether the plan would go beyond five years, and what the plan is for the next oldest vehicles. Seamon and Shawley clarified the various needs of different equipment. The Highway Department hopes that this plan will be sustainable for the next ten years at least. They added that the Town is able to receive a multiple purchase discount of approximately \$7,000 per truck on both the lease agreement (through riders on other municipal purchases) and for equipment purchase through

Wayne Welding. The money saved also helps off-set the interest charges on the lease/purchase vehicles.

There was an extensive discussion regarding leasing equipment vs. purchase outright from the fund balance. If the 2013 budget is true to estimates, there should be \$745,975 cash in the fund balance at the end of this year. After the expenditure of \$212,142 for the purchase of plow equipment, there should be a remainder of \$533,833. The fund balance is used to keep the Highway Department budget stable as well as for the purchase of new equipment.

Klein made a case for using the amount of roughly \$333,000 from the fund balance to purchase the new truck chassis outright. This would leave a balance of \$200,833. Policy discussion about what level of fund balance is needed for emergencies. Others expressed concern that Klein's suggestion would leave the highway fund balance at a critically low level. Shawley further informed the Board that there is no penalty for paying off the loan early. Klein made the argument that the Town has been able to add to the fund balance every year, and would be able to restore the fund balance to a secure level. Race expressed the view that interest rates may go up in the future and borrowing at the current low rate is good business.

Dietrich suggested that the question be tabled until the first July meeting, to allow more time to consider the new long range Highway Department plan. Shawley urged the Board to act, as the equipment has been on hold for the Town for two months. Members of the Board felt ready to act. Klein informed the Board that he would vote no on these resolutions on the principle that the Town should avoid paying interest when not necessary and that other options should be explored.

#### **RESOLUTION NO. 68 OF 2013 - PURCHASE OF THREE NEW DUMP AND PLOW TRUCKS**

**Resolved**, that the Town Board of the Town of Danby approves the purchase of three 2013 International Dump and Plow Truck chassis from Stadium International. This approval is subject to town attorney's review of the Onondaga County Contracts of which the Town of Danby will be a rider for this purchase. The price is not to exceed \$340,000 in total for all three trucks.

Payment for these trucks will be made with a lease purchase agreement with First Niagara Bank for a five year period as approved in resolution #70.

#### **RESOLUTION NO. 69 OF 2013 - PURCHASE OF PLOW AND DUMP EQUIPMENT FOR THREE NEW INTERNATIONAL TRUCKS PURCHASED FOR THE HIGHWAY DEPARTMENT**

**Resolved**, that the Town Board of the Town of Danby approves the purchase of three new sets of Tenco Plow and Dump equipment with installation for three new International Trucks approved on Resolution #68. The purchase will be from Wayne's Welding and is not to exceed \$220,000 in total. This approval is pending approval of the town attorney's review of the Oneida County Contract of which the Town of Danby will be a rider for this purchase.

Payment for this purchase will be made out of the fund balance of the Highway Department.

#### **RESOLUTION NO. 70 OF 2013 - APPROVAL TO ENTER INTO LEASE PURCHASE AGREEMENT WITH FIRST NIAGARA BANK**

**Resolved**, that the Town Board of the Town of Danby approves entering into a lease purchase agreement with First Niagara Bank for the purchase of three new International Trucks for the Highway Department. This lease agreement shall not exceed \$340,000 and the term shall not exceed five years.

**Moved by Race, Second by Connors. The motions passed.**

**In Favor: Connors, Halton, Race**

**Opposed: Klein, Dietrich**

### **Legislator's Report**

Frank Proto reported on several items: Board of Health, Youth Services, Records Management recognition, Foodnet, and Hydrilla remediation through the Water Resourced Council.

Proto reported that improvements to the TCAT fleet are pending a decision in Albany as to whether funds from a "mortgage recording" fee can be used for this purpose. The State Legislature is

reluctant to pass anything which resembles a tax increase. Proto and Halton encouraged Town Board members to call state representatives for support on this measure. Proto also reported a TCAT/Tioga Transportation situation in West Danby which affects 10-15 residents. Service to that area is covered by Tioga Transit rather than TCAT. Cornell employees who are living in Tompkins County are not reimbursed for Tioga Transit expenses. Proto and Brian Caldwell are investigating other alternatives including a possible “van pool.” They are also working with Cornell regarding reimbursements.

### **Aquifer Protection Ordinance and Water Quality**

Todd Miller has offered to compile an “Arsenic Information Sheet” that will be reviewed by members of the Water Resources Council. Once this will be available it can be made available to residents of Danby. Beeners and Goddard have drafted a brief article about water testing for the July Danby Area News.

Beeners reported that she has information from Miller about 20 specific wells in Danby. Only one well, which is unused, is over the EPA limit for arsenic. She has personal privacy concerns related to the source of the information and questioned whether this should be made public. This is an issue which may better be handled by the County Health Department. Members of the Board agreed with Beeners’ concerns and assessment.

There was further discussion about review and revision of the draft Aquifer Protection Ordinance. The Planning Board will be reviewing this during its next meeting. Beeners suggested that someone in industrial engineering or through the Cornell Water Resources Council be asked to review the current Danby draft for technical details. Information and links to other municipal Aquifer Protection Ordinances will be distributed to the Town and Planning Boards for review.

### **Short Reports**

Beeners gave highlights of the May Code Enforcement Report. She reported that Fun Day received \$1,600 from the County Tourism program. Cooper and Beeners will be meeting with various planners in the county regarding the “Cleaner, Greener Sustainability Plan” through the county. There are now funds available through NYSERDA to implement the plan. There may be ways for Danby to join in already funded projects.

Connors expressed a concern regarding abandoned buildings and asked how they are being dealt with. She described a few specific examples as problematic eye-sores and potentially dangerous situations. Beeners offered to review these situations, under the vacant building provision of the code, with Code Assistant Cooper.

### **Adjournment**

The Meeting was adjourned at 8:54pm.

---

Pamela Goddard, Town Clerk