

**Danby Town Board
Minutes of Regular Meeting
December 16, 2013
Draft**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Sue Beeners
Public Garry Huddle, Rebecca M Brenner, Jim Holahan, Ronda Roaring

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

Privilege of the Floor

Roaring renewed her request for a moratorium on new building in the town. In her view the Town is in violation the its Comprehensive Plan. She expressed a concern about building permits and un-monitored building taking place in the Town of Danby and stated that she was considering legal action against the Town.

Dietrich and Beeners refuted Roaring's allegations of "illegal" building. Beeners maintained that the monthly Code Enforcement reports and overall building statistics are correct. Beeners distributed a report on building trends in the Town with data from the 1999, 2000, and 2010 census and a summary of completed major construction, by year, from 2000 through 2013 as of Dec. 16.

Connors reported that concerns about increased development have been discussed by the Planning Board and included in its review of the Comprehensive Plan. Future Zoning Review is a priority for the PB.

Marsh Road Seasonal to Year Round Maintenance Request

There was continued discussion of the request by a landowner that a section of Marsh Road be changed from seasonal to year-round maintenance. Code Officer Beeners informed the Board that the Town Attorney recommended moving forward a public hearing on this matter. The related local law states that a public hearing on such a request be held within 30 days of the petition for road change.

Members of the Board expressed concern that adequate information was not yet available and that scheduling such a hearing should be delayed. The Town is still waiting for an accurate cost estimate for the project. Shawley reported, for the Highway Department, that this research is underway and more information should be available soon.

Consideration of this matter was tabled until the Dec. 30 year-end meeting.

Intent to Participate in the New York Rural Water Assoc. Water Protection Program

Beeners provided information about this program. Beeners hopes that the Rural Water Association would be a useful resource for review and quick edits of the draft Danby Aquifer Protection Law. The draft Aquifer Protection Law as been forwarded to the principal staff person in this program.

Halton reported a conversation with Todd Miller (of the USGS, who has drafted the Danby Aquifer Study Report). Miller encouraged the Town to engage the services of this program. While information gathering has already taken place through the Aquifer Study, the staff involved with this pro-

gram are skilled in drafting policy and could further develop local water resource data. Meanwhile, the Aquifer Study is still under peer review.

It was confirmed that there is no cost to the Town to participate in this program. Beeners encourage the Town Board to facilitate a working committee to work on this project. There was a brief discussion of people who might have the time and inclination to participate.

RESOLUTION NO. 106 OF 2013 - INTENT TO PARTICIPATE IN THE NY RURAL WATER ASSOCIATION SOURCE WATER PROTECTION PROGRAM

Whereas, the Town of Danby's comprehensive planning has long valued the critical importance of water resources; and

Whereas, the Town partnered with the U.S. Geological Survey and Tompkins County in a study of the Upper Buttermilk Creek/Danby Creek Aquifer, which study is nearing completion; and

Whereas, the Town needs to further develop its water resources planning and management strategies in order to protect drinking water resources for Town of Danby residents and for residents of adjacent communities within shared watersheds; and

Whereas, the New York Rural Water Association's Source Water Protection Program can provide technical assistance at no charge to rural and small communities for the development and implementation of local source water protection plans designed to prevent the deterioration of water resources used for drinking water; and

Whereas, development of a source water protection plan typically involves the following steps: defining water supply resources to be protected; identifying potential threats to the quality and quantity of these resources; recommending and implementing measures to reduce threats; and planning for the future, including for water supply emergency events; and

Whereas, NYRWA's Source Water Protection Specialist could work with a planning team at the Town to ensure that the completed source water protection plan would reflect local community needs;

Now, Therefore, it is

Resolved, that the Town of Danby intends to participate in the New York Rural Water Association's Source Water Protection Program.

Moved by Klein, Second by Race. The motion passed.

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

Aquifer Protection Law

There was a related discussion about moving the draft Aquifer Protection Law forward. The next step would be to send the draft law to the Town Attorney for review. Major changes have been made since the previous review by the Town Attorney. These changes are based on other municipal laws, particularly that from Big Flats New York.

RESOLUTION NO. 107 OF 2013 - LEGAL REVIEW - AQUIFER PROTECTION LAW

Resolved, that the Town Board of the Town of Danby authorizes review of a Draft Local Law amending the Zoning Ordinance by creating an Aquifer Protection overlay zone.

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

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

Setting January 2014 Organizational Meeting

There was continued discussion regarding when to schedule the January Organizational Meeting. Clerk Goddard cited a reference to guidelines presented by the Association of Towns on Organizational Meetings, that this meeting shall take place "during the first few weeks of January."

There was agreement to hold the meeting at the usual time on Monday, January 13, 2014 in order to accommodate the Councilpersons.

Budget Review

Shawley gave a report about the status of various budget lines in the General Fund. A few accounts had gone over budget. Shawley recommended budget transfers, from “Unallocated Insurance” as shown in Resolution No. 108. Shawley explained the reasons for each budget overdraw; e.g.: the \$1,200 for Supervisor Contractual was to cover staff training from the Community Dispute Resolution Center, new lifeguards for the pond program required training, extra mowing at the pond and cemeteries, etc.

There were questions from the Board as to whether these over-budget items were one-time events or whether the Town has been underbudgeting for things such as mowing. Shawley responded that the budget for mowing and for Dog Control has been increased for 2014. Dietrich advised the Board that money will need to be put aside for a dog enumeration, required in the next few years.

Funds in various budget lines in the Highway Fund were still in flux, due to winter snow removal and road maintenance.

RESOLUTION NO. 108 OF 2013 - BUDGET TRANSFERS FOR NOVEMBER 2013

Whereas, the budget serves as a guide for expenditures made by the Town and, when the amount of expenditures in any one expense account exceeds these guidelines, the Town Board must approve a budget transfer from one expense account to the deficit account;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby approves the following budget transfers be made on November, 2013 financial records:

General Fund:

Transfer from A1910.400 Unallocated Insurance	\$6,400.81
Transfer to A1220.400 Supervisor Contractual	\$1,200.00
Transfer to A3510.400 Control of Dogs	\$2,545.20
Transfer to A7150.100 Pond Program - Lifeguards	\$216.00
Transfer to A7150.400 Pond Program - Contractual	\$723.00
Transfer to A8020.400 Planning/BZA Contractual	\$846.00
Transfer to A8810.400 Cemeteries Contractual	\$870.00
Transfer from A7510.400 Historian	\$264.65
Transfer to A7620.400 Senior Citizens	\$264.65

Moved by Race, Second by Halton. The motion passed.

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

Creation of Budget Reserves

There was a preliminary discussion about the creation of reserve accounts from budget surpluses. Shawley made some suggestions and presented information/projections of year end budget figures. The Town is in a good position due to several factors, such as an increase in mortgage tax income.

Shawley suggested that the Board read over the material and think about what they would like to do at the year end meeting. Carl Seamon has requested that an addition be made to the Building Reserve for a new roof at the highway barns. The Highway Department would also like to set up a new reserve account for maintenance and replacement of the cover over the salt shed.

Shawley made a suggestion that, rather than setting up a new reserve account, a Cemetery Account be established within the Community Development Fund. This would provide easier access to funds for small projects.

Proposed Amendment to Employee Handbook - Holiday Pay

Beeners presented a suggestion for a revision to the Employee Handbook, correcting what she saw as a discrepancy between benefits stated for part-time employees being eligible for sick leave and vacation pay but not for Holiday Pay. Beeners proposed some revised language that would make holiday pay consistent with vacation pay and sick leave. Such pay would be pro-rated for part-time employees, based on the normal days that the employee works. Beeners reported that the County departments compensate their part-time permanent employees in this fashion, as do the towns of Dryden, Ulysses, and Ithaca.

There was a discussion of when and how the Town could make the change. Clerk Goddard suggested that this be done as part of the Organizational Meeting, as that meeting is intended as a time to amend policies. Additional discussion to be held at time of Organizational Meeting.

Danby has at least two part-time permanent employees, not including highway employees. Compensation for holiday pay has not been consistent, as the policy has not been clear. Members of the Board suggested that these employees be compensated for the year end holidays, in advance of formally adopting a revision to the Employee Handbook.

Deputy Supervisor

Dietrich initiated a discussion regarding the appointment of a new Deputy Supervisor. He expressed his concern that currently there is no backup person with signatory rights on the Town financial accounts. This could be a legal liability. The position will need to be reappointed, once Dan Klein serves on the County Legislature.

There was a discussion of the role and duties of a Deputy Supervisor. Dietrich stated that these are beyond budgetary duties. The Deputy Supervisor also Chairs Town Board meetings in the absence of the Supervisor. This person is also needed in times of an emergency, should the Supervisor be incapacitated. Appointment to this position is at the pleasure of the Supervisor. The definition/description of duties as stated in NYS Town Law will be distributed to the Town Board.

Those who have expressed interest and willingness to serve as Deputy Supervisor include Rebecca Brenner and Ted Jones. Neither Jim Holahan nor Leslie Connors are interested in the position. Dietrich asked for feedback from the Board about making this appointment. There was an expression of support for Ted Jones, as having experience in the position and experience with financial matters in the Town. An opinion was also given that the Deputy Supervisor should be an elected official.

2014 Board/Committee Appointments

Dietrich provided an opportunity for the outgoing Board to let the incoming Board know what background and concerns there have been, that might influence the selection of new Board and Committee appointments in 2014.

Clerk Goddard gave an overview of applications which have come in for various Town of Danby appointments. There have been two formal applications for the Planning Board vacancy and at least one other person has expressed interest. The outgoing BZA representative has expressed interest in serving another term, the current Town Historian has presented a formal application for reappointment, representatives on the Conservation Advisory Council have made applications to be reappointed. Asher Hockett has made a formal resignation from the Youth Partnership council. Ted Jones and Jack Miller have made formal applications to be appointed to the upcoming Town Board vacancy.

Ice Cream Stand

Beeners gave an update on the status of this proposed project. Thanks in part to input from the Board, it has been determined that this request may be reviewed and potentially approved by Special Permit under "Other Uses." The Planning Board has a hearing on this request scheduled for January 16. The project, if approved, will require a hearing before the Board of Zoning Appeals for a variance

for the parking area. There is no need to rezone the parcel. The Special Permit would be specific to the applicant.

Zoning Ordinance/Subdivision Consideration

A memo from Code Officer Beeners, describing a specific situation, was circulated to the Board. This is related to a parcel on Nelson Road that has been split into several lots. Beeners further explained the conditions under which the Town may or may not specify the limits of future subdivisions on a piece of property and the history of these conditions.

Beeners stated that Section 600 (4), "Number of Lots Allowed," in the Zoning Ordinance is not intended to be used for assigning lot entitlements to lots created by Land Division Permit. Beeners used an existing case as an example.

Beeners advised the Board that this is not an issue needing action. The information provided is to inform the Board of "one paragraph glitch" in the zoning ordinance; it should be revisited at some point in time.

Adjournment

The Meeting was adjourned at 8:50 pm.

Pamela Goddard, Town Clerk