

**Danby Town Board
Minutes of Year End Meeting
December 30, 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 Rebecca M Brenner, Jim Holahan, Jack Miller, Jr.

The Danby Town Board meeting was opened at 7:04pm

Swearing In

The first order of business was the swearing in of newly elected and re-elected officials; Ric Dietrich, Pamela Goddard, Rebecca Brenner, Jim Holahan.

Year End Warrant

Warrants - Abstract #13 of 2013:

GENERAL FUND

#557-579 for a total of \$9,853.52

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

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

WEST DANBY WATER DISTRICT FUND

#060 for a total \$248.97

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

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

HIGHWAY FUND

#207-217 for a total \$37,577.69

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

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

Year End Financial Review

Bookkeeper Shawley reported on the approximate year-end figures for the 2013 budget. The report includes all of the year-end payroll and most outstanding bills. "Cash" in the General Fund checking account amounts to \$720,872 with an additional \$45,537 in the Building Reserve and \$3,500 in the Retirement Reserve. 2013 expenses were under budget in the General Fund by \$94,264. 2013 revenue was over budget by \$54,739. Some of the additional revenue is from an increase in mortgage interest and highway CHIPS funds. Shawley reported that, in addition, the Town received a return of \$65,000 from the Health Care Consortium Capitalization. There was an increase in the General Fund Balance of more than \$124,003.

2013 expenses were under budget in the Highway Fund by \$75. 2013 revenue was over budget in the Highway Fund by \$20,875. There was a decrease in Highway Fund Balance of \$241,012. This decrease is due to the expenditure of cash for parts for three trucks. The Highway Fund Balance, as of December 31, 2013, is \$496,632.

Race asked about the advisability of setting up a special reserve account for a new grader. Shawley recommended keeping such funds in the general Equipment Reserve for greater flexibility. The Highway Department may look for a possible lease agreement for an eventual new grader.

Creation of Budget Reserves

Shawley made a request on behalf of Carl Seamon that an addition be made to the Building Reserve for a new roof at the highway barns. The Highway Department would like to set up a new reserve account for maintenance and replacement of the cover over the salt shed and would like to add up to \$100,000 to the Equipment Reserve.

There was a general discussion about the intent of Equipment Reserves and Building Reserves in relation to the Highway Department. After some discussion, the Board agreed to raise the amount to be added to the Highway Department Equipment Reserve to \$135,000. Halton asked about trends in the cost of road maintenance supplies, such as oil and stone. Shawley reported that costs have been going up and the Highway Department is researching alternatives.

RESOLUTION NO. 109 OF 2013 - FORMATION OF A SALT SHED RESERVE IN THE HIGHWAY FUND

Whereas, the salt-shed that was constructed in 2011 for the Town Highway Department has a fabric top covering a steel frame, and

Whereas, the life of the fabric is approximately 15-18 years;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby approves the formation of a Salt-Shed Reserve within the Highway Fund. The Reserve Account number is A232, and

Further Resolved, that the Town Board approves the amount of \$2,000.00 to be taken from the Fund Balance and put into the new reserve account.

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

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

Beeners asked a question about Building Reserves, which is a combined fund for all Town buildings, and whether it was possible to maintain two distinct accounts for the Town Hall and the Highway Barns. Each set of buildings has different needs. Beeners concerns were that the record should show the intent of additions to the building fund, that there should be clear tracking of expenditures on each set of buildings, and that the funds are spent equitably.

There was discussion about assuring that there are clear records related to the allocation of funds within the Building Reserve. The Board found it preferable to have a single Building Reserve, with good records, to having two separate accounts. Shawley recommended that this consideration be revisited at a future time when improvements to the Highway Barns are planned.

RESOLUTION NO. 110 OF 2013 - BUILDING RESERVE

Resolved, that the Town Board of the Town of Danby approves an increase to the Building Reserve of \$150,000, to be taken from the General Fund Balance. The non-binding intention of this increase is to use \$60,000 for a roof on the Highway Barn and \$90,000 for building improvements.

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

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

RESOLUTION NO. 111 OF 2013 - HIGHWAY EQUIPMENT RESERVE

Resolved, that the Town Board of the Town of Danby approves an increase to the Highway Equipment Reserve of \$135,000, to be taken from the Highway Fund Balance.

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

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

Shawley made short report on the financial review of the West Danby Water District. She then presented a resolution for the creation of a Cemetery Account.

RESOLUTION NO. 112 OF 2013 - TOWN APPROVAL OF ACCOUNT, A202, TO BE ESTABLISHED WITHIN THE GENERAL FUND TO BE USED FOR CEMETERY PROJECTS

Whereas, there are projects that need to be done for the preservation and enhancement of the Town cemeteries, and

Whereas, there are tools and other supplies that are needed to implement these projects;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby approves an amount of \$500.00 be put into an additional cash account, number A202, to be created within the General Fund for money to be spent on cemetery projects, and

Further Resolved, that this amount will still be part of the General Fund Checking account. Vouchers will be submitted for reimbursement within the General Fund abstract.

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

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

Marsh Road Seasonal to Year Round Maintenance Request

There was continued discussion of the resident request that a 620-foot section of Marsh Road be changed from seasonal to year-round maintenance. Code Officer Beeners circulated maps of the area in question. A packet of additional background material was distributed to the Board. This packet includes several maps and the section from Town law related to low-volume road classification as adopted in 2002. Section 8, *Discontinuance of Minimum Maintenance Designation* states that a property owner may petition the Town to discontinue the designation minimum maintenance of a road or part of a road and that, "The Town Board shall hold a public hearing upon such petition within thirty days after receipt and at least ten days public notice shall be given prior to the conduct of such public hearing." The Town Board may then decide whether or not to discontinue the minimum maintenance designation.

The material also included an estimate of cost of \$20,000 from Robinson Excavating. Beeners gave an explanation of the cost estimate, based in 50 car trips per day for a one lane road. There were questions as to how this estimate was reached. Beeners explained that this estimate is based on housing units and an average over an entire year. She cited a Town of Ithaca formula of 10 trips per day per household. She noted that there is also hunting and recreational travel on that road. Beeners recommendation was that the existing houses are not generating the full amount of travel in the standard estimate.

Beeners report that Palmer has been informed of the cost estimate. Beeners reported that Palmer is concerned about the cost but has not withdrawn his petition to have the road improved. There was a lengthy discussion of the fact that in previous, similar cases, the property owner was asked to pick up the entire cost of the road improvement. Palmer has not made a commitment, one way or the other. Members of the Board questioned whether it was necessary to go through the cost of a public hearing if the property owner is not willing to pay the cost of the road improvements. Beeners advised that the Town may not request that the property owner pay the entire cost of road improvements until after a public hearing is held.

Set Public Hearing

There was a lengthy discussion regarding whether a public hearing should be held at this time. Beeners informed the board that the Town Attorney strongly recommends that a hearing be scheduled as per Town law. There was further discussion of the use and purpose of a public hearing in this case. Beeners presented the Town Attorney opinion that a public hearing should be held in order to give a formal venue for the expression of concerns from the property owner and members of the community. Beeners additionally argued for the benefit of having a public hearing in order for the Town to present its concerns about dangers for growth and the danger of establishing a precedent related to the cost to the Town for road improvements for a single dwelling. The Town Board would have the opportunity to close the question for two years and develop a management plan for this sensitive area.

There was a discussion of extending neighbor notification beyond the legal notice in the paper of record and the property owners who abut the proposed improvement. The minimum notification would go to the Palmer and Norkus property owners. The Board asked for an extension to 500 feet of the property boundaries. Beeners noted that this would be justifiable, as there is precedent for that level of notification within other areas of the Zoning Ordinance. It was noted that a petition of concern has been received from residents in the Marsh Road area.

RESOLUTION NO. 112 OF 2013 - SET PUBLIC HEARING

Resolved, that the Town Board of the Town of Danby sets a public hearing for January 20 at 7pm to consider a petition requesting the discontinuance of a 620+/- foot portion of Marsh Road as a minimum/seasonal road, and its change to a year-round road. Erick C. Palmer, petitioner, and

Further Resolved, that notification of this hearing be extended to those property owners within 500 feet of the property boundaries.

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

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

Councilman Race suggested that the new Town Board consider clarifying this portion of the Town law. Beeners suggested that this be part of a reviewal of highway specifications.

Adjournment

The Meeting was adjourned at 8:30 pm.

Pamela Goddard, Town Clerk