

**Danby Town Board
Minutes of Regular Meeting
March 10, 2014
DRAFT**

Present:

Supervisor: Ric Dietrich
Councilpersons: Rebecca Brenner, Leslie Connors, Jim Holahan, Jack Miller

Others Present:

Town Clerk Pamela Goddard
Code Officer Sue Beeners
Public Ted Crane, Ronda Roaring, Deanne DeMark, Erick Palmer, Dan Klein, Garry Huddle, Kathy Halton, Nancy Medsker.

The Danby Town Board Meeting was opened at 7:00pm

Privilege of the Floor

Kathy Halton spoke as a library volunteer, expressing concern about impacts on the library during programs and events through youth services and the Danby Community Council. Patrons who use the library during times when there is no library volunteer available do not always properly check out materials. At times, the condition of the library is negatively impacted by programs. She asked the Board for any feedback on ways to improve these situations. The Clerk informed the Board that both the Youth Program coordinator and Community Council are well aware of the need to supervise and be mindful of the use of this space. A suggestion was made that the signage be made larger. The maintenance of the building is also being improved.

Ronda Roaring spoke in opposition of a proposed resolution regarding a “quit claim” on property in Deputron Hollow. She asserted that there is clear title to the Town of Danby, and no proof of title for the person currently paying taxes on the 14 acre parcel in question.

Susan Beeners suggested that the Town, Community Library, and Community Council collaborate on a grant for Town Hall improvements to the meeting room through the Tompkins Community Foundation. Funds could be used for storage units, a fixed stair to the balcony, and other related improvements. A funding request would be strengthened by multi-agency participation.

State Tax Formula Information

Dietrich informed the Board about an initiative (through the Tompkins County Council of Governments) to lobby for an alternate proposal, considered more sustainable, for tax abatement and the NYS budget. Draft letters will be distributed to the board.

West Danby Water District Grant Vouchers

Clerk Goddard presented three vouchers related to the West Danby Water District grant project. One from SCT Computing for computer setup. A second was a time sheet from Tod Sukontarak for hours related to installing new water meters. The third was a set of vouchers for engineering services through TG Miller.

RESOLUTION NO. 38 OF 2014 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

Resolved, that the Town Board of Town of Danby approves special payment of three invoices related to the OCR WDWD Improvement Grant: 33.5 hours of work from Tod Sukontarak at \$25 per hour for \$837.50, one voucher from SCT Computers for \$65.00 computer setup, and vouchers for engineering services from TG Miller in the amount of \$1,525.62, to be paid out of a dedicated checking account for this purpose.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Approve Minutes

RESOLUTION NO. 39 OF 2014 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of January 13 and 20, and February 3 and 10, 2014.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Consider Appointments to Conservation Advisory Council

There was a short discussion regarding appointments to the Conservation Advisory Council. Kate O'Neil and Matt Ulinski attended two CAC meetings and submitted all of the proper application paperwork.

RESOLUTION NO. 40 OF 2014 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby appoints Matt Ulinski to a two year term on the Conservation Advisory Council, effective January 1, 2014 through December 31, 2015.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

RESOLUTION NO. 41 OF 2014 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby appoints Kate O'Neal to a two year term on the Conservation Advisory Council, effective January 1, 2014 through December 31, 2015.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Aquifer Test Well in Danby Community Park

Dietrich and Beeners presented a draft resolution to approve funds for the purpose of permanently closing the test well drilled in the Danby Community Park as part of the Danby Aquifer study. At the time of the study, approximately eight years ago, this well tested positive for high levels of arsenic. Brenner asked if there was any other use for this well. Dietrich and Beeners asserted that the high level of arsenic found in this water made it unsafe for any use.

Brenner suggested that the well be tested prior to being capped, to learn if there had been any change in the level of contamination. Beeners and other Board members supported this suggestion. There was an extensive discussion regarding whether to have a broad spectrum test or a test focused solely on arsenic. The Code Officer shall report the results of any and all testing to the Town Board.

RESOLUTION NO. 42 OF 2014 - AUTHORIZE FUNDS TO TEST THE AQUIFER TEST WELL IN THE DANBY COMMUNITY PARK FOR ARSENIC

Whereas, A test well was drilled in the Danby Community Park as part of the now completed Danby Aquifer Study, and

Whereas, this well was found to contain dangerously high levels of arsenic at the time of testing,

Therefore, be it now,

Resolved, That the Town Board of the Town of Danby authorizes the Code Officer to proceed with the expenditure of not more than \$250 for a water test, limited to arsenic, of the Aquifer Study Test Well in the Danby Community Park. No further action will be taken until results of this test are reported back to the Town Board.

Moved by Connors, Second by Miller. The motion failed.

In Favor: Connors, Miller

Opposed: Brenner, Holahan, Dietrich

RESOLUTION NO. 43 OF 2014 - AUTHORIZE FUNDS TO TEST THE AQUIFER TEST WELL IN THE DANBY COMMUNITY PARK FOR A BROAD SPECTRUM TEST

Whereas, A test well was drilled in the Danby Community Park as part of the now completed Danby Aquifer Study, and

Whereas, this well was found to contain dangerously high levels of arsenic at the time of testing,

Therefore, be it now,

Resolved, That the Town Board of the Town of Danby authorizes the expenditure of not more than \$500 for a broad spectrum water test, consistent with previous water testing of the Aquifer Study Test Well in the Danby Community Park. No further action will be taken until results of this test are reported back to the Town Board.

Moved by Brenner, Second by Holahan. The motion passed.

In Favor: Brenner, Holahan, Miller, Dietrich

Opposed: Connors

Budget Adjustments

Shawley explained required budget modifications for the end of the 2013 budget year. This is according to procedure recommended from the Office of the New York State Comptroller. These budget line transfers are within dedicated Funds. The details of these budget adjustments are found in Appendix A of these minutes.

RESOLUTION NO. 44 OF 2014 - BUDGET MODIFICATIONS FOR THE YEAR ENDING DECEMBER 31, 2013

Resolved, That the Town Board of the Town of Danby approves the following budget transfers for the year ending December 31, 2013, (as shown in appendix A).

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

NYS Retirement System: Standard Work Day Resolutions

Shawley explained a requirement from the Office of the New York State Comptroller and the Local Retirement System. Elected and appointed officials who are part of the NYS retirement system are required to keep a time sheet for three months. A "Standard Work Day" needs to be established for each of these positions. The Board approved two resolutions, as provided by the Comptroller's office.

RESOLUTION NO. 45 OF 2014 - STANDARD WORK DAY FOR EMPLOYEES RESOLUTION

Resolved, That the Town Board of the Town of Danby, location code 30745, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping standard or the record of activities maintained and submitted by these members to the clerk of this body: Town Clerk 6 hrs/day, Board Member 6 hrs/day, Supervisor 6 hrs/day, Highway Superintendent 8 hrs/day, Code Enforcement Officer 7 hrs/day, Code Enforcement Officer - Part Time 6 hrs/day.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

RESOLUTION NO. 46 OF 2014 - STANDARD WORK DAY AND REPORTING RESOLUTION

Resolved, That the Town Board of the Town of Danby, location code 30745, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System, as show in Standard Work Day and Reporting Resolution form RS 2417-A, based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

Moved by Brenner, Second by Holahan. The motion passed.

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

West Danby Water District - Operators

The Board received communication from the Water District Operators requesting an exchange in operator positions between Carl Seamon and Tod Sukontarak. Both Seamon and Sukontarak agree to this change and a quorum of the Water Commissioners have accepted the proposal.

RESOLUTION NO. 47 OF 2014 - APPOINT WATER DISTRICT OPERATOR/SUPERINTENDENT

Resolved, That the Town Board of the Town of Danby appoints Tod Sukontarak as Water Plant Operator/ Superintendent, effective April 1, 2014.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Consider Other Appointments

There was a discussion regarding appointments to County Boards and Committees. There was a brief discussion regarding reappointment of the Jennings Pond Operators. Brenner is attempting to contact Amy Cusimano and Mary Ann Kozak. There was a brief discussion regarding reappointment of the Town Historian. Connors will invite Joan Grant to attend the next TB meeting.

There was continued discussion regarding Town representatives to the Environmental Management Council, Recreation Partnership, and Youth Services board at the County level. No appointments were made.

Marsh Road Extension Request

Supervisor Dietrich acknowledged the receipt of additional information late that afternoon. A cost/benefit information will be provided by the Highway Department as soon as possible. Dietrich recommended that the question continue to be tabled, that the Board review this material, talk to residents, and consider the matter further at the March 17 TB meeting.

A resident on Marsh Road asked a question, requesting clarity on whether the addition of one more house on that road would trip the "50 car trips per day" threshold for an automatic reclassification of the road. Beeners responded that this was currently unknown but unlikely.

Town Land Ownership - Deputron Hollow

There was a lengthy discussion of unclear title to a portion of land on Deputron Hollow Road. Beeners presented maps showing the location of the property in question and reported on a title search. A title search was done as part of a potential survey of this land, as part of the Conservation Advisory Council management plan for Town-owned properties. There is clear title to "Parcel A" of 10 acres on the north side of Deputron Hollow Road.

There is a "Quit Claim Deed" from New York State, dated 1925, that appears to transfer title "Parcel B" of 14 acres on the south side of Deputron Hollow to the Town of Danby. This is also shown as part of a larger piece of property to R. Palmer, and this person has been paying taxes on the property for more than 30 years.

The Town Attorney has been engaged to try clear up the question of whether the Town has clear title to the 14 acre "Parcel B." After some research, the attorney advised that it would not be fiscally responsible to spend potentially thousands of dollars in research and litigation in further pursuit of title to the disputed land. The property is not suitable for development and serves no municipal purpose. He advised that the Town clear up title of the land in order to prevent future litigation.

Beeners presented a draft resolution to "Authorize Town Attorney to Prepare Resolution(s) Prerequisite to Property on Deputron Hollow Road" to "quit claim the property or any potential interest in or adverse claim the Town may have (on a 14-acre portion of tax parcel 12.-1-14) to the current owners of record." Finalization of a quit claim on the land would need to go to referendum.

There was Q&A between TB and Code Officer. The property is not believed to be part of the Deputron Hollow Unique Natural Area, although it is recognized as being a special area. Beeners suggested that the Town pursue a Conservation Easement on this parcel. There was an extensive discussion of how this situation came to be. Beeners suggested that the Board consult with the Town Attorney for more details. This will be arranged for the March 17 TB meeting.

2013 Annual Financial Report/Financial Workshops

Bookkeeper Shawley made a report. The 2013 year End Financial Report was completed without an extension. This is now filed in the Town Clerk's Office.

There was a brief discussion of scheduling times when the Board can meet with the bookkeeper to learn more about the municipal financial process. New Board members will need to be trained in the process of an internal financial audit. Financial workshops will be held in the hour prior to regularly scheduled TB meetings.

CDRC Training - "Effectively Facilitating Heated Meetings"

Dietrich presented a training opportunity, offered to the Board through the Community Dispute Resolution Center. The training has been developed by the Tompkins County Council of Governments, ten Tompkins County municipal supervisors, and the CDRC. This will also be made available to members of the Planning Board and Board of Zoning Appeals. Two dates, a Thursday and a Saturday, were offered. This training will most likely take place on Saturday, April 26. More details will be forthcoming.

Warrant

ABSTRACT #3 OF 2014: GENERAL FUND

#083-136 for a total of \$485,964.20

Moved by Connors, Second by Brenner. The motion passed.
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

WATER DISTRICT

#008-015 for a total of \$2,307.53

Moved by Brenner, Second by Holahan. The motion passed.
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

HIGHWAY FUND

#042-057 for a total \$51,242.25

Moved by Brenner, Second by Connors. The motion passed.
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

Town Priorities/Joint Meeting

No meeting of the Town/Planning Boards planned at this time, other than the meeting for the Comprehensive Plan. There was a brief discussion of work overview from the Planning Department and other offices. Beeners offered to discuss this work overview with Board members at their convenience. Dietrich suggested that the Board review the list already presented and prepared thoughts and questions for further discussion and prioritization. The board and staff may meet together in April.

There was a brief discussion of Comp Plan Scoping meeting scheduled for March 19.

Town Communications Group

Connors suggested that the new Town Board meet prior to the next TB meeting to discuss what direction it wants to go in the way of Town communications and the Town web site. This was considered a priority and scheduled for 6pm prior to the March 17 TB meeting, in place of financial workshops.

Short Reports

Justices reports circulated were circulated among the Board. Huddle made a report/request regarding the disposal of equipment no longer needed, such as furniture, file cabinets, typewriter, etc. There was a discussion regarding the process for disposal of fixed assets. The Town needs to review/inventory the existing fixed assets. It was suggested that the Justice Office make a list of items to be disposed so that the TB can pass a resolution of disposal.

Justice Huddle informed the Board that the Court grant was awarded. The grant is for approximately \$15,000 to remodel the court room and offices. This work should begin in April.

Legislator's Report

Dan Klein made a short report on activities at the County Legislature. He reported on a possible discontinuance of bus service, especially to West Danby. This is related to changes in vouchers for social services from the State. This is an important service for Danby residents.

Klein reported that work is being done to preserve funding for youth programming. These programs are now on the verge of falling apart.

There was a discussion of NYS budget and the Governor's plan for a tax refund process. There would be a small tax refund to individual residents in Towns that have stayed below the tax cap. County and local governments are opposed to this plan as being inefficient and non-sustainable. Alternate suggestions are coming from the county Legislature and TCCOG. Rather than a tax rebate the suggestion is to shift unfunded mandates to local governments as an immediate, permanent relief for the tax burden. Klein encouraged the TB to write letters and/or pass a resolution about this at its next meeting. The clerk will forward additional information to the board.

Klein reported that the Health Care Consortium is advertising for a part time staff.

Adjournment

The Meeting was adjourned at 9:15pm.

Pamela Goddard, Town Clerk