

**Danby Town Board  
Minutes of Regular Meeting  
March 17, 2014  
DRAFT**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Town Attorney Guy Krogh  
Public Ted Crane, Deanna DeMark, Erick Palmer, Garry Huddle.

**The Danby Town Board Meeting was opened at 6:00pm**

**Closed Session**

The Town Board entered closed session, for the purpose of legal advice from the Town Attorney. Closed session began at 6pm and ended at 7:25 pm.

**Open Regular Meeting at 7:25pm**

**Town Land Ownership - Deputron Hollow**

There was a lengthy discussion of unclear title to a portion of land on Deputron Hollow Road. The Town Board had an extensive Q&A with Town Attorney, Guy Krogh. Krogh explained a title search that was done at the Tompkins County and New York State archives, in an attempt to clarify an apparent title of land to 14 acres on Deputron Hollow Road. This title comes from a “quit claim” deed by New York State in favor of the Town of Danby. This has been identified for a long time as a “problem area” with unclear title by the Tompkins County Assessment Office. There is no clear title to that land through the the State of New York Bureau of Land Management. Older deeds indicate that New York State did not own the land.

Krogh informed the Board that there are at least three chains of title to this land; one to the Town of Danby, one to Palmer (who has been paying taxes on this land), and a third to Chaffee. There was a lengthy discussion of the difficulty in researching the history of this confused title. Krogh explained how this may have occurred over time. Doing further research would take quite a lot of time and may not give a clear answer to the question. There could be multiple claims al of which are all legitimate. The cost of doing such research is in the range of \$6–15,000.

Krogh gave the opinion that clearing up title to such land is most often accomplished through litigation. Krogh advised against entering litigation, as this is often extremely costly (\$30–50,000). Krogh additionally stated that proving a claim would be, “a tough case for Danby.”

There was a discussion about what the next steps should be. The recommendation of the Code Officer is for the Town to “quit claim” the property to Palmer. Krogh gave legal advice about the cost and risk for the Town to pursue an unclear claim to the land. He characterized this as both a moral and legal question of competing claims and contrasting public interest. In response to a question about alleged over payment of taxes by Palmer, Krogh said there was a limit of six year of back taxes which might be paid. There was a discussion about approaching Palmer about a Conservation Easement on the property. This will be directed to the CAC.

## **Highway Pay Schedule**

Laura Shawley presented a request to change the pay date for union workers, on behalf of the Highway Department. This will facilitate more accurate accounting of overtime pay for weekends and holidays, affecting only the highway workers. This change has been approved by the union and shop steward. There are no other financial impacts of this action.

### **RESOLUTION NO. 48 OF 2014 - CHANGE HIGHWAY DEPARTMENT PAYROLL DATE**

**Resolved**, That the Town Board of the Town of Danby approves changing the payroll reporting date from Sunday to Thursday, for Highway Department Union workers.

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

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

## **Marsh Road Extension Request**

The Board informed Erick Palmer that new information has been received from the Danby Highway Department and Town Attorney. The Board would like time to digest this information, and so will continue to table a decision on the matter until the April TB meetings. They thanked the Palmers for their patience in this matter.

## **State Tax Formula Letters**

Dietrich provided additional information about action that has already been taken on an alternative tax proposal to the Governor's rebate program. There was a discussion regarding drafting a letter for all Town Board members to sign. Brenner offered to draft and circulate such a letter.

## **April Town Board Meetings**

The Board discussed whether it was necessary to change its meeting schedule in April due to religious holidays and school breaks. Brenner will not be able to attend the meeting on April 14. The Board decided to leave the schedule as is, with meetings on April 14 and 21.

In a related discussion, the Board agreed that a vote on the Marsh Road consideration should include the full Board. The Board will continue discussion on this issue on April 14 and consider a vote on April 21.

## **CDRC Training - "Effectively Facilitating Heated Meetings"**

There was further, brief discussion on scheduling this one day training. This will most likely take place on Saturday, April 26. The location will be determined, as the training involved multiple municipalities, and this information relayed to the Board.

## **Correspondence**

The Clerk shared a letter from the NYS Department of Transportation, giving its findings in support of a lowered, school zone speed limit of 30mph (this section of the road is currently 40mph) and pedestrian cross-walk in the area of the Waldorf School on Nelson Road near Route 96B.

## **Comprehensive Plan Meeting**

There was a brief discussion of an informational and scoping meeting related to the Danby Comprehensive Plan, to take place on March 19.

### **County Committee Appointments**

There was further discussion regarding which Town Board members will attend Youth Services, Recreation Partnership, and Environmental Management Council meetings. Board members may share attending meetings. Holahan will attend the next EMC meeting.

### **Short Reports**

The Town Clerk monthly report was circulated.

The Code Enforcement Office monthly report was circulated.

### **Adjournment**

The Meeting was adjourned at 9:00pm.

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Pamela Goddard, Town Clerk