

**Danby Town Board
Minutes of Regular Meeting
November 16, 2015
DRAFT**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Planner CJ Randall
Legislator Dan Klein
Public Ted Crane, Ronda Roaring, Garry Huddle

Regular Meeting Opened at 7:03

Privilege of the Floor

There were no comments in Privilege of the Floor.

NYS Deferred Compensation Plan Presentation

Dan Kain, the Central NY regional representative for the NYS Deferred Compensation Plan made a presentation about the plan. The Deferred Compensation Plan is a set of retirement investment contribution plans available to employees of municipal governments. Kain answered several questions about the investment options, distribution options, administration, and other elements of the Plan. The Deferred Compensation plan is available, free, for the Town to adopt. All other municipalities in Tompkins County have adopted this plan.

Employees may make contributions of varying amounts, as little as \$10 per pay period, directly from their paycheck. Contributions are made pre-tax. Contributions accumulate interest earnings on a tax-deferred basis until withdrawn. There is no penalty for premature distributions from the Deferred Compensation Plan, regardless of age, however income tax must be paid at that time. When an employee leaves service with the Town they may withdraw or roll over the funds into a different retirement plan, or they may leave the money to accrue benefits until retirement age.

Employees may change their contribution rate at any time. Kain noted that some Highway Department employees like to increase their contribution during the winter months when they are likely to earn overtime wages. Choices in investment options are available through the Plan, including mutual funds and socially responsible investments.

The Plan is completely separate from the NYS Retirement system. Kain stated that this is a complementary plan to the NYS Retirement system.

Kain clarified that there are no brokers or second party administrators for the NYS Deferred Compensation Plan. This is a NYS benefit. All investment recordkeeping for the NYS Deferred Compensation Plan is managed by Nationwide Investment Services. All questions and participant services are handled by the regional Account Executive; in this case, Dan Kain. Kain confirmed that employees should sign up for the Plan through him, not any second party broker.

Adopt NYS Deferred Compensation Plan

RESOLUTION NO. 93 OF 2015 - ADOPT NYS DEFERRED COMPENSATION PLAN

Whereas, the Town of Danby wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees, and

Whereas, the Town of Danby is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law, and

Whereas, the Town of Danby has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York, and

Whereas, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Danby by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement,

Now, Therefore, It Is

Resolved, that the Town of Danby hereby adopts the Plan for the voluntary participation of all eligible employees, and it is

Further Resolved, that the appropriate officials of the Town of Danby are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan, and it is

Further Resolved, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

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

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

Legislator's Report

Dan Klein reported on topics related to the Tompkins County Legislature. He informed the Board about *Community Choice Aggregation*, a NYS program still being drafted, through which communities may be able to purchase energy "in bulk," thereby saving residents' money. This program could be adopted at either the county or municipal level. Adoption of the program would need to be approved by a ballot referendum. If the program is adopted by referendum, residents would still have the choice to opt out. Klein stated that where this has been adopted, 90% of residents opt to stay in.

Klein answered several questions from members of the Board. The lead agency would negotiate rates with the energy provider. Energy rates, where this has been adopted, are an average of 5-10% below the best electric rate available to consumers. There could be options to choose traditional or alternate/green energy sources, and at what percentage of energy would come from which sources.

Planning for this will likely go through the Tompkins County Council of Governments. There is the possibility that a referendum related to this will be on the November 2016 ballot. Klein suggested that the Town Supervisor sign a non-binding letter of support for this project.

Klein reported that the question of whether to support a statewide minimum wage of \$15 per hour is now before the Tompkins County Legislature. He encouraged the Board to express their view on this. Much of the County, including the Town of Danby, have pledged to be "Living Wage Communities" with a minimum wage of \$13 per hour for municipal employees. The current minimum wage, for most workers, is \$8.55 per hour.

Planning Report

CJ Randall reported on activities of the Code and Planning office. Any special use permit requires an "Agricultural Data Statement" which provides information related to special permits and Agricultural Districts. This goes to County Planning as well as the Danby code and planning office. On a related topic, Debbie Teeter from Cooperative Extension will be making a presentation regarding evaluation of one of Danby's two Agricultural Districts to the Danby Planning Board during its meeting on November 19. Randall urged those who have information and concerns to attend the Planning Board meeting. There was a brief discussion regarding this review and the appropriateness of the extensive districts in Danby.

Randall advocated for a Danby Agricultural and Farmland Protection Plan. She stated that such a plan would be useful for the Town in several ways, including identifying which properties are suitable for keeping in an agricultural district and which should be removed. An Ag and Farmland Protection Plan can also inform more appropriate zoning in the Town. Help in drafting such a plan is available through Co-operative Extension.

Randall reported that she expects another draft of the Aquifer Protection Ordinance from Steve Winkley in the next few weeks. Randall has also been working on an updated zoning map, with more accurate data regarding the existing Planned Development Zones. This is not an official map, but rather a working map for a project tracking all of the PDZs in Danby.

Randall gave an update on the Gunderman Road PDZ10 review/process. She informed the Board that a large number of public comments have been received during the Planning Board review and public hearing. The PB has made a preliminary finding. That Board will vote on the exact wording of its recommendation during its Nov. 19 meeting. The formal recommendation to the TB should then be forwarded from the PB soon after. Randall will be presenting a resolution of intent to declare lead agency to the TB for its consideration at a December meeting.

Brenner related concerns she's heard from residents regarding the need to be present and express their views during multiple public hearings, at the Planning and Town Board meetings. These residents hope that their expressions of opposition will be carried along throughout the process. Brenner expressed concern that there be extreme clarity during the process, as multiple interests are at stake.

Miller asked for some clarification of the process that has been followed and whether this is how it should happen. Randall clarified that the legal process requires two public hearings and that it may be valuable and important for residents to continue to respond to changing nuances in the project proposal. This is particularly so because several "allowed uses" have been removed from the proposal, following and in response to concerns expressed by residents.

Brenner related resident concerns and opposition to a change that allows multiple uses at this location, whether there have been changes to the proposal or not. She stated that people are objecting to there being multiple uses for a location that was originally zoned for one specific use. Miller noted that negative comments were heard and put to use.

Brenner expressed further concern regarding the level of spending, for planning and legal fees, for reconsideration of this PDZ and whether this level of spending sets a precedent for future rezoning of Danby PDZs. She asked, "At what point does this become fiscally irresponsible?"

Randall added that she is doing her best to keep the process in line with best practices, and that she has turned away applicants who want to create new PDZs. The Code/Planning office is, instead, directing those applicants to the Board of Zoning Appeals for use variances. She also noted that the TB has the option to request a full Environmental Impact Statement for the PDZ10 proposal under the SEQR review process.

Randall reported that a countywide group of trail partners are meeting and working on a comprehensive map of all of the trail systems in Tompkins County. In addition, work on the South Hill Recreation Way is progressing. All of the required easements have been secured to extend the last sections of that trail system.

Short Reports/Correspondence

Clerk Goddard distributed certificates for training in SEQR to Leslie Connors and CJ Randall. She distributed dog control and municipal shelter reports from the NYS Department of Agriculture and Markets. Tompkins County Animal Control received passing marks in all categories. Preliminary information for the Association of Towns Annual meeting and training sessions was distributed to the Board.

Goddard distributed the October Town Clerk's report. \$2,708.94 was distributed to the Supervisor, including funds for one marriage license, nine days of hunting license sales, four building permits, and 59 dog licenses. \$1,289.71 was paid to the NY DEC for hunting and fishing license sales. \$99 was distributed to the NYS Animal Population Control Program, and \$22.50 to the Dept. of Health for the marriage license.

Laura Shawley reported on new procedures for an internal audit of the municipal court. Shawley has performed an online checklist audit of the court. Shawley reported that the new court clerk and both justices have made improvements in the court's fiscal reporting. Shawley asked permission of the Board to sign this audit and send it to the state. A copy of this report will be filed in the Town Clerk's office. An external audit of other Town offices will be undertaken in March 2016.

Email/Website Discussion

Supervisor Dietrich expressed concerns about recent disruptions to service for the Town Email and web site, as hosted by Digital Towpath. He had lost service several times in October. All outages were unannounced. One of these disruptions lasted a week and coincided with the webmaster/IT assistant and chair of the Communications Committee being out of town and unavailable for assistance. This also coincided with a crucial time during CSEA union negotiations.

Dietrich was able to reach the DT project manager, and was disturbed by information shared: that the Towpath system includes old and out of date hardware, has limited resources for improvements, and is seeking grants for important "fixes." He expressed disappointment and frustration and wondered whether the system is adequate for the Town's needs. Clerk Goddard and Planner Randall confirmed that they have also experienced random and unannounced disruptions during the previous month.

There was discussion regarding these problems with the TB. Holahan noted that some notifications did go out, but that these notifications may not have reached the right people. He acknowledged that there were unannounced disruptions in service. The Town Clerk, Supervisor, and Planner will be added to the notification list. There was discussion as to whether a change to the provider should be considered. This discussion included pursuing research into what other Towns are using for municipal Email and web site. Connors suggested that a representative from Digital Towpath come to speak to the Board. While it was recognized that periodic disruptions are not unusual for any system, it was agreed that an outage of a week is too much.

Adjourn

The meeting was adjourned at 8:45 pm

Pamela Goddard, Town Clerk