

**Danby Town Board  
Minutes of Regular Meeting  
June 3, 2019, 7pm, Danby Town Hall**

**Present:**

Councilpersons: Ric Dietrich (Supervisor), Jim Holahan, Jack Miller, Matt Ulinski

**Not Present:**

Councilperson: Leslie Connors

**Others Present:**

Town Clerk	Pamela Goddard
Bookkeeper	Laura Shawley
Planner	John Czamanske
Public	Ted Crane, Ronda Roaring, Sarah Schnabel, Garry Huddle, Theresa Klinger, Bruce Richards.

**Meeting Opened at 7:06 pm**

**Privilege of the Floor**

There were no comments under privilege of the floor.

**Highway Equipment Proposal**

An amendment to resolution #42 of 2019, for the purchase of a compact excavator, was presented by Shawley. Shawley gave background on the decision to go with a lease-purchase agreement for this piece of equipment, rather than pay approximately \$94,000 cash from the Highway Fund Balance. Budget review revealed concerns about cash flow, the need to cover costs on several projects (with expected overruns related to Bridge NY projects, the construction of highway garage projects, etc.), and the potential of unexpected emergency expenses.

Shawley gave summary info on loan rates, relative to a three-year lease-purchase agreement through the equipment company. The interest rate offered is 3.85%. Research was done through Key Bank (the Town's primary bank) as to whether this rate could be matched or improved upon. Key Bank was not able to match the rate on a short term loan. Research was done into Bonds. Shawley received a recommendation that staff and bond attorney costs would negate any cost benefit of going with a Bond. There would be no penalty, should the Town decide to pay off the entire lease loan in the next calendar year. The first payment, of \$34,000, would be paid when the agreement is signed, leaving a balance of approximately \$60,000 plus interest.

A draft resolution, with language from the Town Attorney, was distributed to the Board and public. There was a discussion of legal process for doing this. Shawley asked whether this resolution should reference and amend resolution #42. The Clerk opined that details included in the official record, through minutes, would suffice.

There were questions from Board members regarding the financial timeline and impact. Shawley clarified the lease-purchase agreement terms and agreements. Payments would be made on an annual basis in 2020 and then 2021.

Ulinski recommended that the Highway Department draft a new five-year plan for equipment purchase, repair, and replacement. Ulinski believes that this would be of benefit for the Town Board and for the public. Shawley agreed. This process will begin this spring.

There were questions and comments from residents. Crane asked for clarification on the financial terms of the lease, the total cost of the equipment lease purchase, and whether the Town would own the equipment at the end. Shawley confirmed that the Town would own the equipment with the final payment. Additional information can be provided, once the final agreement is signed. There was a discussion as to whether other, less expensive sources were researched for this need. Dietrich and Shawley made a case for going with a relatively local and well-known vendor, even at a substantially higher cost. Roaring asked whether there would be benefit to renting, rather than purchasing those types of vehicles? She also the relationship of the interest rate accrued on the money in the Fund Balance as compared to what would be spent on the Lease. Shawley said that the Fund Balance accounts receive 1% interest.

Ulinski asked what the cost would be if the Town spent down the fund balance and then needed to borrow funds in an emergency? He thought that an emergency borrow would be at a higher interest rate than this lease. A discussion regarding balancing expenditures and interest fees followed. Dietrich expressed a concern that there be an adequate amount in accounts for fiscal safety.

Supervisor Dietrich urged residents to trust that the elected officials have done due diligence on this matter. He further expressed his concerns about cash flow, and that these concerns prompted taking another look at whether this was the right time to use the Fund Balance for purchasing new equipment.

**RESOLUTION NO. 44 OF 2019 - APPROVAL FROM THE TOWN BOARD TO ENTER INTO A LEASE PURCHASE AGREEMENT FOR THE PURCHASE OF A MINI EXCAVATOR**

**Whereas**, the Town has examined other financing options and inquired about bond rates for statutory installment bonds, and has determined that the cost of bond resolutions and tax exempt verification processes and filing costs more than offset any adjustments in interest rate and that it is in the best interest of the Town to enter into a lease purchase agreement, particularly for a short term loan (as proposed) and for a small amount; and

**Whereas**, given the public interest to be served by such equipment, the reduced time of acquisition and fulfillment, and the overall lower cost of an installment payment agreement (as authorized by General Municipal Law Section 109-b, the Town has and hereby again expressly finds and declares that it is in the best interests of the Town to execute a lease financing agreement with State Bank, Baystone Government Finance,

**Now therefore be it**

**Resolved**, upon verification of compliance with local and state procurement rules, including GML 103, that the Town Board of the Town of Danby hereby approves this transaction and empowers the Town Supervisor to make the determinations required by GML 109-b and negotiate the final form and terms of such agreement, and further authorizes the Town Supervisor to execute such agreement and each supporting document by, for, and in the name of, and on behalf of the Town of Danby.

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

**In Favor: Holahan, Miller, Ulinski, Dietrich**

## **Warrants**

### **ABSTRACT #7 OF 2019:**

#### **GENERAL FUND**

#230-260 for a total of \$22,085.53

**Moved by Ulinski, Second by Miller. The motion passed.**

**In Favor: Holahan, Miller, Ulinski, Dietrich**

#### **HIGHWAY FUND**

#160-171 for a total \$26,851.07

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

**In Favor: Holahan, Miller, Ulinski, Dietrich**

#### **WEST DANBY WATER DISTRICT FUND**

#13-14 for a total \$438.37

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

**In Favor: Holahan, Miller, Ulinski, Dietrich**

## **Approve Minutes**

### **MOTION - APPROVE MINUTES**

Moved, That the Town Board of the Town of Danby approves the minutes of May 6 and 13, 2019.

**Moved by Ulinski, Second by Dietrich. The motion passed.**

**In Favor: Holahan, Miller, Ulinski, Dietrich**

## **Recreation Partnership Bylaws Changes**

Ulinski presented a proposed resolution for approval of updates to the Recreation Partnership Bylaws. Copies of the old and new Bylaws were distributed to the Board. The primary change is a clause that limits voting by seated members. No proxy votes shall be allowed. Ulinski urged approval of these before the next Recreation Partnership meeting.

### **RESOLUTION NO. 45 OF 2019 - APPROVAL OF RECREATION PARTNERSHIP BY-LAWS**

**Whereas**, the Recreation Partnership Board is a unique inter-municipal compact created to jointly plan, finance, provide, oversee, and coordinate shared recreational services that supplement and complement those offered by municipalities; and

**Whereas**, the Town of Danby is an active member of the Recreation Partnership Board

**Now, therefore be it**

**Resolved**, that the Town Board of the Town of Danby approves changes to the Recreation Partnership Board By-Laws. These changes to the By-Laws were necessary to coincide with the new approved Inter-municipal Agreement of 2018-2022.

**Moved by Ulinski, Second by Dietrich. The motion passed.**

**In Favor: Holahan, Miller, Ulinski, Dietrich**

## **Draft Trail License Agreement**

Dietrich gave an update on the status of negotiations for the proposed South Hill Recreation Way extension Trail agreement. The municipalities involved have agreed to a draft, as distributed to the TB in May. Town Supervisors noted that it is important to include Highway Supervisors in the negotiations, as they will be responsible for infrastructure work. The Danby Highway Department has been included in conversations regarding trail maintenance. The main questions from Highway are, what will be involved in manpower, etc. for trail maintenance and, should someone get hurt on the trail, what is the liability for the Town.

Shawley has consulted with County Planning representative Scott Doyle. The trail agreement and design implementation will take place in stages. The first step is to have support and approval of the municipal boards to negotiate a final agreement with NYSEG, which holds the right of way on the old railroad corridor. NYSEG needs to agree to the general proposal for municipal oversight of the trail, before final agreements are drafted and final plans for the trail created. Doyle advised Shawley that a lot of planning and negotiation is still to take place, prior to final trail plans.

Dietrich stated his understanding of the process. He believes that the three involved municipalities have accepted the agreement template. This has been reviewed and approved by the Town's attorney, Guy Krogh. The primary reason for municipal oversight of the trail is to facilitate potential grant funding.

Discussion will continue, with a possible action item, at the next TB meeting. Clerk Goddard is to contact Scott Doyle for a draft resolution, authorizing negotiation of a final agreement with NYSEG.

## **CDBG Housing Survey Grant update**

Jim Holahan gave an update on the status of the Housing Survey grant. The completed environmental impact forms have been submitted and received by the granting agency. The Town is now waiting for a CDBG approval letter to start incurring costs. Holahan is drafting a Request for Proposals letter, for a consultant to do the survey. This will be in place, so the project can move ahead immediately on receipt of the authorizing letter.

## **Natural Resources Inventory and Conservation Advisory Council changes**

Matt Ulinski distributed copies of the Danby Natural Resources Inventory to the TB. A copy is available at the Clerk's office. Creating a Natural Resources Inventory for Danby was one of the mandated activities included in the paperwork that created the Conservation Advisory Council (CAC). The NRI was created based on support and work by the Danby Planner and Tompkins County Planning Department. It is a digital inventory with information on the hydrology, geology and soils, and land use and protected lands in the Town of Danby. It is designed to be used as a planning tool for zoning and conservation in Danby. The document is also designed to be easily amendable as new information and changes are presented in the Town. County Planning has offered to host the information on the County GIS web site.

There was information and a discussion regarding the processes of adopting the Natural Resources Inventory as a Zoning tool. Ulinski advised the Board that it will need to vote to adopt this, most likely as a Local Law. This LL will be integrated with the current Zoning Ordinance. As with an LL, approval and adoption must follow a public hearing. The Town Attorney will review the document to ensure that it integrates with all other Danby Local Laws. Once adopted (as per NYS municipal recommendations and regulations) the NRI can be used for planning.

Once the NRI is adopted, the Town Board has the option to designate the CAC as a Conservation Board (CB). This would expand the current CAC to a Board with regulatory powers related to development proposals coming before Planning. Bob Beck, currently on the Conservation Board the Town of Dryden, will have a discussion with the CAC on Tuesday June 11, relating the process undertaken by Dryden to move from a CAC to a CB. Some existing CAC members have concerns about the effects of a potential change to a Danby Conservation Board. There will be more discussions regarding the process of changing from a CAC to a CB in the future, including the different roles and responsibilities for each.

The NRI has been reviewed and approved by the Conservation Advisory Board and Planning Board. The next step, sometime in the next few months, will be to enter this into the zoning process by Local Law.

### **Fair Housing LL - consideration of Ulysses model**

Supervisor Dietrich and Planner Czamanske gave a brief overview of an action by the Town of Ulysses, enacting a Local Law providing a tax exemption intended to promote affordable housing. This is based on a change, made by the NYS Legislature, to NYS Real Property Tax Law. Section 467(j) authorizes taxing jurisdictions in certain counties, including Tompkins County, to grant a partial tax exemption, so that owner-occupied affordable homes, subject to a ground lease or deed restriction on the resale of the property for at least 30 years, incur a property tax bill based on the restricted resale value. Supervisor Dietrich presented this as something for the Town of Danby to consider. Several questions related to this potential action need to be researched.

### **Town Hall Renovations**

Supervisor Dietrich advised the Board that various renovations will be taking place on the Town Hall. Wooden benches will be installed around the stone planters at the entrance of the building. Work will begin to replace the two doors, which do not close properly, on the east/street side/front of the building. The door replacement will involve other maintenance and restoration at the same time.

Ulinski asked whether this will make the building ADA compliant? Dietrich answered that this will, in part, improve access.

## **Planning Report**

John Czamanske distributed a short report of activity in the Planning office during the month of May. A site plan visit was conducted with White Hawk for further development. Representatives of White Hawk are scheduled to attend the June Planning Board meeting, to present more information. Czamanske has been working on the storm water district plan for Beardsley Lane. A training session, with municipal attorney Guy Krogh, has been arranged for the Board of Zoning Appeals to take place on Tuesday June 4.

## **Justice's Report**

Justice's reports and financial sheets for May were distributed to the Board. Judges Huddle and Klinger reminded the Board and residents that they will be hosting a court open house on Friday June 7, 6-8pm, to highlight improvements made to the court in recent years.

## **Town Clerk's Report**

Clerk Goddard gave a short report of activity through the Clerk's office in the May. \$1,584.10 was received in May, reflecting four fishing licenses, one marriage license, one certified copy (transcript of marriage), one dog impound fee, 36 dog licenses, and five building permits. \$1,442.02 was distributed to the Town Supervisor, with the remainder distributed to the NY DEC, animal population control program, and NYS Health Department.

Clerk Goddard informed the TB that a petition from residents on Troy Road was received, requesting a 30mph speed limit on Troy Road between Nelson and Miller Roads. The usual process for a speed limit request/review will be submitted to the NYS DoT.

## **Adjournment**

The meeting adjourned at 8:25 pm.

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Pamela Goddard, Town Clerk