

The regular meeting of the DeRuyter Town Board was held at 7:30 p.m. on January 11, 2018 at the Genevieve Staley Civic Center.

Present were Supervisor Degear, Superintendent Cook, Clerk Marshall, Councilmen Coon, Barnes, Hathaway, and Jones. Also present, Michael Salter.

Supervisor Degear began the meeting with the Pledge of Allegiance.

Motion made by Councilman Barnes, Seconded by Councilman Jones to accept the minutes. All in favor and carried. Clerk Marshall stated the Governor of NY issued an executive order to collect taxes early, anyone wanting to pay before the end of 2017 was encouraged to do so. With a great depth of help from Supervisor Degear and the County, we are up and running, collecting taxes.

TOWN CLERK'S REPORT:

- Monthly written report was submitted and discussed.

HIGHWAY SUPERINTENDENT'S REPORT:

- Superintendent Cook stated we have had a lot of winter already. Everyone has been out plowing.
- The salt does not seem to be getting delivered fast enough, it is a Region wide issue.
- The new plow truck has been ordered.
- The new culvert for Carey Road has been ordered.
- Back-hoes and excavators have been up and running. We will be working with the Village to put in all new gas lines. The new lines will be all plastic, as they are all steel right now.

SUPERVISOR'S REPORT:

- Monthly written report was submitted and discussed, including Supervisor's report and statement, highway accounts, and expense report.

CORRESPONDENCES:

- The New York State Department of Environmental Conservation (DEC) has again denied our Consolidated Funding Application (CFA) for Wastewater Infrastructure Engineering Planning Grant for a septic at the lake. We can apply again in the future for CFA funding.

OLD BUSINESS:

- The new plow truck has been ordered. This Spring or Summer the Town will receive it.

NEW BUSINESS:

- The Town Clerk, Supervisor, and Justice Books were all audited by the Town Board. All were reviewed and signed.
- The Procurement Policy, Workplace Violence Policy, and the fund balance were all reviewed, no changes made.
- Motion made by Councilman Barnes, Seconded by Councilman Coon to bundle the organization resolutions and vote on entire bundle. All in favor and carried.

1 RESOLVED: WHEREAS, Public Officers Law, §11(2) provides that in lieu of any individual undertaking as required by law, the town board may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerk and employees of the Town, and

WHEREAS, the Town Board approves the procurement of such coverage

THEREFORE BE IT RESOLVED; That the Town Board approves the blanket undertaking and the undertaking of the Town Clerk as to form, manner of execution, sums and sureties.

2 RESOLVED: That pursuant to Sec. 62 of the Town Law, the regular meetings of the Town Board of the Town of DeRuyter will be held at 7:30 pm on the second Thursday of each month.

Regular meetings of the Town of DeRuyter Planning Board will be held at 7:30 pm on the third Thursday of each month as necessary.

Regular meetings of the Town of DeRuyter Zoning Board of Appeals will be held at 7:30 pm on the fourth Thursday of each month as necessary.

All meetings will be held in the 1st floor conference room of the Genevieve. D Staley Civic Center located at 735 Utica Street, DeRuyter, New York unless otherwise advertised.

The Town Clerk shall provide public notice of the regular meeting dates and times, and special meetings as they occur by posting on the Town's official bulletin board and on the Town's website and providing the same to the official newspapers for publication in accordance with the open meetings law of the State of New York.

3 RESOLVED: That the Cortland Standard is hereby designated as the official newspaper for the Town of DeRuyter, however special notices may be placed in the Hi, Neighbor Pennysaver as determined advisable by the Town Board.

4 **RESOLVED:** That, pursuant to Town of DeRuyter Investment Policy, Sec. 64(1) of the NYS Town Law, Sec. 10 of the NYS General Municipal Law and Sec. 107-A of the NYS Banking Law, Tompkins Trust Company and Citizens Bank are designated as official depositories of all town funds.

5 **RESOLVED:** That the Investment Policy of the Town of DeRuyter approved on November 4, 1993 and as amended January 8, 1998, January 11, 2001, and January 10, 2008 will remain in effect for the year 2018.

6 **RESOLVED:** That the Town of DeRuyter Procurement Policy, having been reviewed will remain in effect for the year 2018.

7 **RESOLVED:** That the Town of DeRuyter Workplace Violence Policy, having been reviewed will remain in effect for the year 2018.

8 **RESOLVED:** That the Town of DeRuyter Fund Balance Policy, having been reviewed will remain in effect for the year 2018.

9 **RESOLVED:** That, pursuant to Sec. 142 of the Highway Law, the Highway Superintendent is hereby empowered to spend up to \$3,000 on equipment without prior approval of the Town Board; however, compliance with the Town Procurement Policy is required.

10 **RESOLVED:** That pursuant to Sec. 118(2) of the Town Law, this Town Board authorizes the Supervisor to pay utilities, payrolls and postage prior to regular meetings.

11 **RESOLVED:** That this Town Board authorizes the Supervisor to hire a bookkeeper/secretary for the Town at that this position be compensated at an annual salary of \$7,431 paid monthly.

12 **RESOLVED:** That this Town Board hereby directs the Supervisor to have a summary of the annual report printed by March 1, 2018.

13 **RESOLVED:** That pursuant to Sec. 29(10) of the Town Law, this Town Board hereby directs the Town Clerk to publish a notice that the annual report has been completed and filed and is available for inspection during regular hours.

14 **RESOLVED:** That the Supervisor is designated as the Budget Officer for the year 2018 and that he be compensated a yearly salary of \$11,275 to be paid bi-weekly.

15 **RESOLVED:** That Ed Coon is hereby appointed Deputy Supervisor for the year 2018 and that he be compensated a yearly salary of \$200.00 to be paid yearly.

16 **RESOLVED:** That the Supervisor or in his/her absence, the Deputy Supervisor, be the sole signer of checks.

17 RESOLVED: Pursuant to Town Law, Section 29 (16), Resolved that the Town Board of the Town of DeRuyter hereby authorizes and delegates to the Town Supervisor powers and duties of day to day administration and supervision of town facilities and employees consistent with and in furtherance of any and all State and Federal laws applicable thereto and with any and all local laws, resolutions or policies heretofore or hereafter adopted by this Town Board

That Town Officials be reimbursed at the current per mile rate published by the Internal Revenue Service (IRS) when using their own vehicle to carry out Town Business.

18 RESOLVED: That the salaries of elected and appointed officials be the same as called for in the annual budget and that the time of payment be the same as follows:

Position	Salary	When Paid
Supervisor	\$11,275	Bi-Weekly
Council Members (4)	\$1,640	Quarterly
Justice	\$6,980	Monthly
Justice	\$5,945	Quarterly
Clerk/Collector	\$29,060	Bi-Weekly
Highway Superintendent	\$57,785	Bi-Weekly
Assessor	\$16,605	Monthly

19 RESOLVED: That in accordance with policies outlined in the employee handbook, vacation time for permanent or probationary full time employees be as follows:

- 40 hours upon completion of 1 full year of service
- 80 hours upon completion of 2 full years of service
- 96 hours upon completion of 5 full years of service
- 120 hours upon completion of 10 full year of service
- 160 hours upon completion of 15 full years of service

Vacation time and pay are not to be accumulated.

BE IT FURTHER RESOLVED; That permanent or probationary full time Town employees shall accrue personal time for permanent or probationary full time employees as per the following:

- 16 hours upon completion of 6 months full time employment
- 24 hours upon completion of 1 full year service
- 32 hours upon completion of 5 full years of service
- 40 hours upon completion of 10 full years of service

Personal time and pay are not to be accumulated

BE IT FURTHER RESOLVED; That permanent or probationary full time Town employees shall accrue sick time for permanent or probationary full time employees as per the following:

- 48 hours per year accrued at a rate of 4 hours per month.
- Sick time and pay may be accumulated to a maximum of 180 hours

20 RESOLVED: That this Town adopts the following wage schedule effective January 1, 2018:

TITLE	STARTING WAGE	FOLLOWING 1 YEAR	MID	MAX
HEO W/HI*	\$14.75	\$15.05	\$17.40	\$20.00
HEO W/O HI	\$16.75	\$17.05	\$19.60	\$22.40
MEO W/HI	\$13.50	\$14.00	\$16.10	\$18.75
MEO W/O HI	\$15.50	\$16.00	\$18.30	\$21.15
LABORER	\$10.50	\$10.50	\$12.75	\$15.00
CLEANER	\$10.50	\$10.50	\$12.75	\$15.00

*HI (Health Insurance Benefits)

- Starting salaries may vary from the above schedule at the discretion of the Town Board upon recommendation of the Highway Superintendent depending on the employees' skills and previous experience.
 - Longevity – to be paid to permanent or probationary full time employees as follows:
 - After 10 years of service an additional \$200.00 per year
 - After 15 years of service an additional \$250.00 per year (\$450 total per year)
 - After 20 years of service an additional \$300.00 per year (\$750 total per year)
 - After 25 years of service an additional \$350.00 per year (\$1,100 total per year)
- **Note: Longevity will not affect overtime pay.

21 RESOLVED: That Rebecca Marshall be appointed to the position of Registrar of Vital Statistics for the Town of DeRuyter and that she be compensated at an annual rate of \$1,850.00 to be paid bi-weekly.

22 RESOLVED: That Rebecca Wightman be appointed to the position of Deputy Registrar of Vital Statistics for the Town of DeRuyter and that she be compensated the hourly salary of \$15.00 to be paid quarterly.

23 RESOLVED: That this Town Board hereby sets the fee for the Second Notice Fee for Town and County Real Property Taxes at \$2.00.

24 RESOLVED: that this Town Board hereby sets the fee for a marriage registration at \$10.00.

25 RESOLVED: That Roger Cook is hereby appointed to the position of Town Codes Enforcement Officer to include NY State Uniform Building and Fire Code Inspection duties and Town Sanitary Enforcement Officer duties effective January 1, 2018 with an annual salary of \$11,585.00 to be paid monthly

26 RESOLVED: That this Town Board hereby approves the following fee schedule to be implemented by the Codes Enforcement Officer in the administration of the Town’s Building Permit Program and Sanitation Ordinance:

Special Permit	\$50.00
Variance Application	\$50.00
Line Changes (per line)	\$50.00
Application for Modification of Existing Septic System	\$35.00
Application for Construction of New Septic System	\$60.00
Building Permit	\$15.00 plus \$3.50 per 100 sq. ft. plus \$35.00 per inspection (for uninhabitable buildings \$15.00 plus \$1.50 per sq. ft.)
Wood Burning Device Permit/Inspection	\$35.00
Swimming Pool Permit/Inspection	\$50.00
Temporary Certificate of Occupancy	\$100.00
Septic System Dye Test	\$60.00
Demolition Permit	\$35.00

- Renewing permits: In the event that a building permit must be renewed, a fee equal to 50% of the original building permit will be charged prior to re-issuance of the permit.
- In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided no work has commenced. If work has commenced and the application is not approved, the fees paid shall not be refunded.

27 RESOLVED: That the Town Board does hereby appoint Janet Toolan to the position of Dog Control Officer for the Town of DeRuyter and she will be compensated a yearly salary of \$3,125.

28 RESOLVED: That pursuant to Local Law #3 of 2010, this Town Board does hereby set dog licensing fees as follows:

Local Fee	\$9.00
County Fee	\$0.00
State Fee	\$1.00
State additional fee for unspayed/unneutered	\$3.00
Town additional fee for unspayed/unneutered	\$3.00

29 RESOLVED: That this Town Board sets the fee for a replacement dog identification tag at \$3.00.

30 RESOLVED: That this Town Board does hereby authorize the Supervisor to enter into an agreement with Madison County for contracted dog shelter for the year 2018.

31 RESOLVED: That this Town Board hereby sets the fee for a summons received for harboring an unlicensed dog at \$25.00.

32 RESOLVED: That this Town Board hereby instructs the Town Clerk to collect a \$40.00 redemption fee for the first pick-up of a dog by the D.C.O.; \$50.00 for the second pick-up (of a dog within a 1-year period) plus \$3.00 per day boarding fee after 24 hours; and \$100.00 for third pick-up (of a dog within a 1-year period) plus \$3.00 per day boarding fee after 24 hours.

33 RESOLVED: That this Town Board has audited the books of the Clerk/Collector, Supervisor, Justice VanNordstrand and Justice Fox.

34 RESOLVED: That this Town Board hereby authorizes retaining Costello, Cooney & Fearon, PLLC (John R. Langey, Esq.) as attorney for the Town of DeRuyter for the year 2018.

35 RESOLVED: That this Town Board does hereby re-appoint T. Michael Salter to the Zoning Board of Appeals with a term of 1/1/2018 – 12/31/2022

36 RESOLVED: That this Town Board does hereby re-appoint Barbara Barnes to the Board of Assessment Review with a term of 10/1/2018 – 9/30/2023

37 RESOLVED: That this Town Board does hereby re-appoint Mark Haws to the Planning Board with a term of 1/1/2018 – 12/31/2022.

38 RESOLVED: That this Town Board does hereby designate Randy Wood as Chairman of the Planning Board and Christopher Coon as Chairman of the Zoning Board of Appeals for the year 2018.

39 RESOLVED: That this Town Board does hereby appoint the Town Supervisor to act as the ADA Coordinator for the year 2018.

40 RESOLVED: that the Town Board will, by contract, ensure the grounds maintenance and mowing in all cemeteries in the Town of DeRuyter as required by the provisions of Article 17 (par. 291) NY State Town Law; and

BE IT FURTHER RESOLVED; that a list of subject cemeteries that fall under the purview of the above stated law will be maintained by the Town Highway Superintendent.

WHEREAS, the Town of DeRuyter and the DeRuyter Free Library have worked in concert for many years in accommodating each other and sharing space to promote the interests of DeRuyter residents; and

WHEREAS, through the gracious efforts of many, a rehabilitated Town Hall and Library Building (The Genevieve D. Staley Civic Center) exists to serve the interests of the Town of DeRuyter and the DeRuyter Free Library; and

WHEREAS, a lease Agreement was entered into between the Town of DeRuyter and the DeRuyter Free Library on January 2, 2013; and

WHEREAS, the January 2, 2013 Lease Agreement outlines that the Town Board of the Town of DeRuyter may extend the term of the Lease in one-year periods by resolution,

NOW, THEREFORE BE IT RESOLVED; that the Town Board of the Town of DeRuyter extends the term of the Lease Agreement between the Town of DeRuyter and the DeRuyter Free Library for the one-year period of January 1, 2018 through December 31, 2018.

- Motion by Councilman Barnes, Seconded by Councilman Coon to adopt Resolutions 1-41. The roll call vote was taken with the following results:

Supervisor Degear	Yes
Councilman Coon	Yes
Councilman Barnes	Yes
Councilman Hathaway	Yes
Councilman Jones	Yes

The clerk declared the foregoing duly carried.

TOWN BOARD RESOLUTION #41

RE-APPOINTING CERTAIN TOWN OFFICIALS

The following resolution was offered by Councilman Barnes, who moved its adoption, seconded by Councilman Coon, to wit:

WHEREAS, the Town Board of the Town of DeRuyter has created a Planning Board and a Zoning Board of Appeals to administer the Town's Land Use Regulations as well as a Board of Assessment Review; and

WHEREAS, members of each board are considered appointed officers of the Town of DeRuyter; and

WHEREAS, pursuant to New York State Public Officer’s Law section 30 (h), officers of the Town must file an oath of office with the Town Clerk; and

WHEREAS, failure to file an oath of office within 30 days of the commencement of an officer’s term renders the position vacant; and

WHEREAS, upon audit, the Town Clerk found that multiple appointed officers have failed to file an oath of office as required by state law.

NOW, THEREFORE BE IT RESOLVED, that this Town Board hereby re-appoints the following officers and directs them to file an oath of office with the Town Clerk no later than January 30, 2018

Name	Office	Term Expiration
Amy Calhoun	Board of Assessment Review	9/30/2022
Fay Sorrells	Board of Assessment Review	9/30/2019
Angelo Costantini	Board of Assessment Review	9/30/2020
Timothy Coon	Zoning Board of Appeals	12/31/2021
Calvin Wood	Planning Board	12/31/2021
Jerry Rice	Planning Board	12/31/2020

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

Prior to tonight’s meeting, oath cards were signed.

- Discussion was made on financial analysis including tax rate comparisons, valuation reviews, sales tax, and library contract with the Town Hall. Supervisor Degear put together charts and graphs to compare and discuss, to which they are on our bulletin board for review.

TOWN BOARD RESOLUTION #42

AUTHORIZING CONTRACT FOR AMBULANCE SERVICES

The following resolution was offered by Councilman Jones, who moved its adoption, seconded by Councilman Hathaway, to wit:

WHEREAS, there is a need for continuous emergency ambulance service at all times within the Town of DeRuyter in order to protect the safety and welfare of DeRuyter citizens; and

WHEREAS, Smith Ambulance Service, Inc. of DeRuyter, New York has been duly engaged for many years in the providing of such services; and

WHEREAS, the Town of DeRuyter, after a thorough investigation of the alternatives and the cost involved in having competent personnel available seven days a week, twenty-four hours a day; and

WHEREAS, the volume of ambulance calls in the Town of DeRuyter areas is not sufficient and adequate to pay the cost of maintaining a Town-owned ambulance and personnel on call at all times.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of DeRuyter finds it to be in the best interest for the safety and welfare of the Town of DeRuyter citizens that the Town Board enter into an agreement with Smith Ambulance Service, Inc. of DeRuyter, New York for ambulance services for the year 2018.

BE IT FURTHER RESOLVED, that Smith Ambulance Services, Inc. of DeRuyter, New York agrees to (1) be on call at all times to man its vehicle(s), and (2) to save harmless the Town of DeRuyter from any claims that may arise as a result of said services. The Town of DeRuyter agrees to pay the sum of \$25,000.00 to Smith Ambulance Services, Inc. of DeRuyter, New York for ambulance services for the year 2018 upon the execution of this agreement. This agreement may be renewable each year at the option of the parties.

BE IT FURTHER RESOLVED, that this Town Board authorizes the Town Supervisor to sign a contract with Smith Ambulance Services, Inc. in accordance to the terms set forth above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Abstain
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

The clerk declared the foregoing duly carried.

NEW BUSINESS:

- It was brought to Supervisor Degear’s attention that the Town Hall has a septic problem. At this time, the septic is backing up. It is believed to be located underneath the parking lot. It does need replacing. Moving forward, we will ask the Insurance Company if they can help and we will look into any grants that may be available.

OTHER BUSINESS:

- None at this time.

PUBLIC COMMENT:

- Michael Salter, “Keep up the good work!”

PAYMENT OF CLAIMS:

- Motion made by Councilman Barnes, Seconded by Councilman Coon to accept the Supervisor’s Statement. All in favor and carried.
- Motion made by Councilman Barnes, Seconded by Councilman Coon to approve payment of the following claims:

Abstract #24	\$35,550.17
Abstract #25	\$18,384.17
Abstract #1	\$33,187.49

All in favor and carried.

Motion made by Councilman Barnes, Seconded by Councilman Coon to Adjourn. All in favor and carried.

Respectfully Submitted,

Rebecca Marshall, Town Clerk